

Item #1
ISHWAR, L.L.C.
Conditional Use Permit
5924 Indian River Road
District 1
Centerville
August 9, 2017

CONSENT

An application of ISHWAR, L.L.C. for a Conditional Use Permit (Motor Vehicle Rentals) on property located at 5924 Indian River Road, District 1, Centerville. GPIN: 1456-62-1646-0000.

CONDITIONS

1. There shall be no vehicle repair performed on the site. There shall be no storage of inoperable, wrecked or dismantled vehicles on the site.
2. There shall be no signs placed within the windows or the doors of the rental vehicles. There shall be no pennants, banners, streamers, or portable signs placed on the site or on the vehicles.
3. No more than a total of four box trucks for rent shall be allowed on the site at any one time. Rental trucks shall be parked in the area on the site that has been designated on the exhibit entitled, "Site Layout" depicted on page 5 of this report.

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

	AYE 11	NAY 0	ABS 0	ABSENT 0
HODGSON	AYE			
HORSLEY	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

By a vote of 11-0, the Commission approved item 1 for consent.

Yikash Chaudhary appeared before the Commission.

Item #2
Normita A. Platten & Randy P. Platten
Conditional Use Permit
Group Home
1319 Hillock Crossing
District 2
Kempsville
August 9, 2017

REGULAR

An application of Normita A. Platten & Randy P. Platten for a Conditional Use Permit (Group Home) on property located at 1319 Hillock Crossing, District 2, Kempsville. GPIN: 1456-62-1646-0000.

CONDITIONS

1. The Conditional Use Permit shall be for a Group Home for adults who are 55 years of age and older. The number of adults provided care in the Group Home shall not exceed eight.
2. The Conditional Use Permit for a Group Home shall be valid for a period of one year, after which the Planning Director may administratively extend the approval on an annual basis.
3. The applicant shall obtain all necessary building permits for all construction activities and shall obtain a Certificate of Occupancy from the Building Official's Office prior to the occupancy of the Group Home.
4. In no case shall the occupancy exceed the number of bedrooms increased beyond what is approved by both the Department of Social Services and the Building Official's Office.
5. The dwelling shall be protected by centrally monitored alarm systems. Bedrooms and bathrooms shall be served by a centrally monitored call-for-aid system.
6. The applicant shall obtain all necessary licensing and meet all regulations set forth by the Department of Social Services for Residential Living Care Facilities.
7. Only one additional employee aide, who does not reside in the home, may be on the site at any one time.
8. The existing single-car driveway must be expanded to accommodate at least four vehicles (two vehicles wide). The proposed driveway must meet Public Works Standards.
9. The design and size of the addition shall be substantially in conformance with the submitted elevation exhibits. Said elevations have been exhibited to the Virginia Beach City Council and are on file with the Planning & Community Development Department.

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

Kay Wilson: Okay. This application is before you because they wanted 10. Actually, if there are eight aged infirmed or disabled individuals with one or more resident counselors, or other staff persons in a

Item #2

Normita A. Platten & Randy P. Platten

Page 2

residential facility or assisted living facility for which the Virginia Department of Social Services is the licensing authority, they are considered a family, and they don't have to get a Conditional Use permit. They are considered a family in a residential district and are permitted. So, even if you reduce this to six, they actually are a family, at least in my reading of this, and in looking, they are doing aged infirmed or disable. They are having staff persons that are residential facility, and Social Services is going to license them. So, they are actually when you get down to six, a permitted Use.

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

By a vote of 9-2, the Commission approved the application of Normita A. Platten & Randy P. Platten.

The applicants appeared before the Commission.

Elaine and Roger Morgan appeared in opposition.

Item #3
IPA Enterprises, L.L.C.
Conditional Use Permit
929 Boughton Way
District 3
Rose Hall
August 9, 2017

CONSENT

An application of IPA Enterprises, L.L.C. for a Conditional Use Permit (Home Occupation – Retail Sales – Firearms) on property located at 929 Boughton Way, District 3, Rose Hall. GPIN: 1496-42-8580-0000.

CONDITIONS

1. The applicant shall obtain and maintain a Federal Firearms License through the Bureau of Alcohol, Tobacco, Firearm and Explosives, as required by law.
2. The Home Occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than would normally be expected in the neighborhood under normal circumstances wherein no home occupation exists.
3. There shall be no sign identifying the business on the exterior of any building on the property or within the yard of the property.
4. There shall be no more than five (5) hand-to-hand transactions per month from the dwelling.
5. Delivery of firearms to the property shall be received on the applicant's property only, secured by the applicant's signature.
6. Not more than twenty (20) percent of the floor area of the dwelling unit and accessory structures shall be used in the conduct of activity with the home occupation.
7. Any firearm or firearm parts kept on the property shall be stored in a locked, secured vault or similar container. The applicant shall contact the Police Department's Crime Prevention Office to arrange for a meeting at the property for the purpose of conducting a security assessment. A report shall be written by the Police Department, a copy provided to the applicant, the Planning Department, and a copy retained by the Police Department.
8. All small arms ammunition, primers, smokeless propellants and black powder propellants stored or awaiting transfer at the residence shall comply with Section 3306 of the Virginia Statewide Fire Prevention Code and NFPA 495.
9. There shall be no more than one (1) employee, other than the home owner, on the property associated with this home-based business.

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

AYE 11

NAY 0

ABS 0

ABSENT 0

Item #3
IPA Enterprises, L.L.C.
Page 2

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

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

Higinio R. Jimenez appeared before the Commission.

Item #4

New Millennium Senior Living Communities, L.L.C.

Modification of Conditions

4225 & 4141 Shore Drive

District 4

Bayside

August 9, 2017

CONSENT

An application of New Millennium Senior Living Communities, L.L.C. for a Modification of Conditions (Housing for Seniors and Disabled Persons) on property located at 4225 & 4141 Shore Drive, District 4, Bayside. GPIN: 1479-87-9740-0000; 147997-4820-0000.

CONDITIONS

1. The site shall be developed substantially as shown on the submitted site layout exhibit entitled, "INDEPENDENT LIVING FACILITY NEW MILLENNIUM SENIOR LIVING CENTERS (NMSLC) SHORE DRIVE AND FIRST COURT ROAD," dated June 12, 2017 and prepared by AES Consulting 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. The architectural style, size and quality of materials used for the proposed Phase 1, Phase 2 and Phase 3 expansions to the facility shall be in substantial conformity with the submitted building elevations entitled "ASSISTED LIVING & INDEPENDENT LIVING FACILITY NEW MILLENNIUM SENIOR LIVING CENTERS (NMSLC) SHORE DRIVE AND FIRST COURT ROAD, VIRGINIA BEACH, VIRGINIA," dated June 29, 2017 and prepared by Moseley Architects. 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. A Landscape Plan reflective of the plant material on the submitted site layout referenced in Condition 1 shall be submitted and approved by the Development Services Center Landscape Architect prior to final site plan approval.
4. There shall be no more than 252 180 independent living units and no more than 24 96 assisted living units on the site.
5. The proposed monument sign shall be as substantially depicted on the submitted freestanding sign exhibit. Said sign shall not be internally lit and be no taller than eight feet as measured from the ground to the top of the sign.
6. As required by the Zoning Ordinance, there shall be only one freestanding sign per parcel.
7. The existing nonconforming billboard along Shore Drive shall be removed.
8. Prior to any occupancy within the proposed expansions, a Certificate of Occupancy shall be obtained.
9. The applicant shall obtain and maintain all applicable licenses required by the Virginia Department of Social Services for operation of the proposed facility.

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

	AYE 11	NAY 0	ABS 0	ABSENT 0
HODGSON	AYE			
HORSLEY	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

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

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

Item #5
Merna Holdings, L.L.C.
Conditional Rezoning
656 Alberthas Drive
District 5
Lynnhaven
August 9, 2017

CONSENT

An application of Merna Holdings, L.L.C. for a Conditional Rezoning (R-7.5 Residential to Conditional O-1 Office) on property located at 656 Alberthas Drive, District 5, Lynnhaven. GPIN: 1487-89-6284-0000.

PROFFERS

Proffer 1:

Any exterior development, improvements, changes, or modification shall be consistent with the existing residential nature of the exterior of the building. Any alteration to the exterior of the building shall be submitted to the Planning Director for review and deemed acceptable as meeting this requirement prior to the issuance of a building permit.

Proffer 2:

In the O-1 Office District, all uses permitted as either a principal use or as a conditional use, with required approval, shall be permitted except the following:

- a. Cemeteries;
- b. Communication towers;
- c. Eating and drinking establishments;
- d. Fiber-optics transmission facilities;
- e. Florists retail;
- f. Funeral homes;
- g. Hair care centers including barber shops and beauty salons;
- h. Home-based and public wildlife rehabilitation facilities;
- i. Television or other broadcasting stations; or
- j. Wind energy conversion systems.

Proffer 3:

When the site is converted to a use permitted in the O-1 Office District, the improvements shall be as substantially shown on the exhibit entitled, "REZONING EXHIBIT, THE MERNA LAW GROUP OFFICE BUILDING, 656 ALBERTHAS DRIVE, VIRGINIA BEACH, VA 23452", including the parking lot and plantings, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development.

Proffer 4:

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 R-7.5 Residential District and Subdivision Regulations 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.

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

Item #5
Merna Holdings, L.L.C.
Page 2

	AYE 11	NAY 0	ABS 0	ABSENT 0
HODGSON	AYE			
HORSLEY	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

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

John Merna appeared before the Commission.

Item #6
Eddrick Corey Cason
Change of Zoning
Seaboard Road
District 7
Princess Anne
August 9, 2017

CONSENT

An application of Eddrick Corey Cason for a Change of Zoning (AG-2 Agricultural to R-10 Residential) on property located West side of Seaboard Road, approximately 1,500 feet south of Nimmo Parkway, District 7, Princess Anne. GPIN: 2404-55-4240-0000.

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

	AYE 11	NAY 0	ABS 0	ABSENT 0
HODGSON	AYE			
HORSLRY	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

By a vote of 11-0, the Commission approved item 6 for consent.

Eddrick Corey Cason appeared before the Commission.

Item #7
Sacred Daggers, L.L.C.
Conditional Use Permit
3972 Holland Road
District 3
Rose Hall
August 9, 2017

CONSENT

An application of Sacred Daggers, L.L.C. for a Conditional use Permit (Tattoo Parlor) on property located at 3972 Holland Road, District 3, Rose Hall. GPIN: 1486-15-7638-0000.

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 on-site signage for the tattoo establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar sign installed on the exterior of the building or in any window, or on the doors. Window signage shall not be permitted. A separate sign permit shall be obtained from the Planning Department for the installation of the signage.

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

	AYE 11	NAY 0	ABS 0	ABSENT 0
HODGSON	AYE			
HORSLEY	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

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

Michael Vasquez appeared before the Commission.

Item #8

City of Virginia Beach

An Ordinance to Amend Section 201 of the City Zoning Ordinance pertaining to fences or walls in setback, fences adjacent to sound walls and replacement of nonconforming fences

August 9, 2017

CONSENT

An Ordinance to Amend Section 201 of the City Zoning Ordinance pertaining to fences or walls in setback, fences adjacent to sound walls and replacement of nonconforming fences.

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

	AYE 11	NAY 0	ABS 0	ABSENT 0
HODGSON	AYE			
HORSLEY	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

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

Kevin Kemp appeared before the Commission.

Item #9

City of Virginia Beach

An Ordinance to Amend Section 1005 of the City Zoning Ordinance pertaining to signs in the Industrial Zoning Districts

August 9, 2017

CONSENT

An Ordinance to Amend Section 1005 of the City Zoning Ordinance pertaining to signs in the Industrial Zoning Districts.

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

	AYE 11	NAY 0	ABS 0	ABSENT 0
HODGSON	AYE			
HORSLEY	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

By a vote of 11-0, the Commission approved item 9 for consent.

Kevin Kemp appeared before the Commission.

Item #10
Outdoor Resorts of Virginia Beach Condominium Association
Modification of Conditions
3665 S. Sandpiper Road
District 7
Princess Anne
August 9, 2017

CONSENT

An application of Outdoor Resorts of Virginia Beach Condominium Association for a Modification of Conditions (Recreational Resort Community) on property located at 3665 S. Sandpiper Road, District 7, Princess Anne. GPINs: 2432-64-3158-0001 through 2432-64-3158-3250; 2432-64-3158-0000 through 2432-64-3158-1004.

CONDITIONS

1. The site shall be developed substantially in conformance with the submitted site plan. A maximum of 250 resort residential units are permitted.
2. Residential units may consist of recreational vehicles and travel [park model] trailers with a maximum length of 45 feet and a maximum width of 14 feet. Maximum height is 18 feet above the City's design flood elevation. No condominium site may have more than 1,200 square feet of impervious cover.
3. Permits are required for any permanent improvements including, but not limited to, parking pads, canopies, and foundations. All permanent structures must meet the City's Floodplain Ordinance.
4. A three-foot wide mulched landscape bed must be installed and maintained for each site along all Back Bay water frontage. Low level plant material must be approved by the Planning Department prior to installation.
5. No additional boat lifts or docks are approved with this application. All conditions attached to previous approvals for boat lifts and docks are still applicable.

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

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

Item #10
Outdoor Resorts of Virginia Beach Condominium Association
Page 2

WEINER **AYE**

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

Ken Kroll appeared before the Commission on behalf of the applicant.

Item #D1
Ocean Bay Homes, Inc.
Subdivision Variance
2422 Baltic Avenue
District 6
Beach
August 9, 2017

CONSENT

An application of Ocean Bay Homes, Inc. for a Subdivision Variance (Section 4.4(b) of the Subdivision Regulations) on property located at 2422 Baltic Avenue, District 6, Beach. GPIN: 2417-99-6690-0000.

CONDITIONS

1. When the site is developed, it shall be in substantial conformance with the submitted site layout exhibit entitled, "Preliminary Exhibit for Resubdivision of Lots 11 & 12 Block 125, Virginia Beach, Development Co., Map No. 6", prepared by WPL, dated March 30, 2017, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
2. The exterior of the proposed building shall substantially adhere in appearance, size and materials to the elevations entitled, "Elevations, 25th Street" prepared by Ocean Bay Homes, which have been exhibited to the Virginia Beach City Council and are on file in the Department of Planning and Community Development.
3. The Landscape Plan shall be in substantial conformance with the submitted site layout exhibit entitled, "Preliminary Planting Exhibit for Resubdivision of Lots 11 & 12 Block 125, Virginia Beach, Development Co., Map No. 6", prepared by WPL, dated March 30, 2017, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.

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

	AYE 11	NAY 0	ABS 0	ABSENT 0
HODGSON	AYE			
HORSLEY	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

Item #D1
Ocean Bay Homes, Inc.
Page 2

By a vote of 11-0, the Commission approved item D1 for consent.

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

Item #D2
SXCW Properties II, L.L.C.
Conditional Use Permit
Car Wash & Automobile Service Station
3264 Holland Road
District 3
Rose Hall
August 9, 2017

REGULAR

Jan Rucinski: Our next applicant is SXCW Properties II, L.L.C., which is an application for Conditional Use Permit (Car Wash & Automobile Service Station) on property located at 3264 Holland Road, District 3, Rose Hall. Would the applicant come forward please?

Eddie Bourdon: Thank you. Mr. Chairman and members of the Commission for the record, Eddie Bourdon, a Virginia Beach attorney representing the applicant and representative Sam's Express is here from Charlotte today. It was on the consent agenda, so I will keep this very brief. We've had very positive, and I think very good dialogue with the Scarborough Square Community representatives and a couple of those folks are here today. Jimmy McNamara has done a fantastic job. I think it has been a cooperative effort and got a lot of conditions that I think very much enhance and restrict the utilization of the property. It is all unconditional B-2 property. To make it a better situation for the community, the conditions that are recommended including the added condition number 12, with the exception of Condition 8, since we are going to hear this, I'm going to go ahead and make the pitch. Condition #8 is the only condition which we object and that is with the staff indication, I believe, the Zoning Administrator has indicated, although I haven't seen anything in writing that they are going to call these synergy elements on the gas pumps signs. We don't believe they are signs. That has not been anything that has been run up the flag pole. Obviously, if that determination is made, we wouldn't have them because we can't have more signs than the Zoning Ordinance allows, but we frankly don't believe that is an accurate assertion. But that is what was made last month, and again, if that determination is made we obviously won't have those synergy elements with the Exxon gas pumps. That is why we object to Condition #8. And as I said this morning, we didn't have any opposition here to speak and I don't want to characterize their comments so I will allow them speak for themselves, we weren't going to fall on our swords on that but we don't believe that they are signs, and again, if the City determines that they are, then obviously we wouldn't have them because we would be in violation of the Sign Ordinance. All the conditions with that exception of #8 are acceptable. We're doing a big beautiful brick wall behind the site, with nothing but landscaping, green space and more landscaping for the homes back here in Scarborough Square. The light across the street, their building, is, I believe, about 30-40 feet off the same street. Our building is all the way up in the front. So, we are screening landscaping, creating an absolute sense of place of arrival when you get past this development into the neighborhood. I have restricted the hours of operation. Nothing but positive dialogue and restricting the uses on the out parcel creating the buffer that Jimmy described this morning in the informal. Cooperatively we were going to put up another fence, but where their fence is inside of their property lines because it has that easement access to their backyards. We don't want to put another fence up and create the alley scenario where there are no eyes on it. So we're proposing a landscape buffer for the out parcel that will grow up and that still has the ability to be seen if they had fencing on their property. Again, I don't want to belabor since it was on the consent agenda. It is a very high quality facility. I'll be happy to answer any questions.

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

Eddie Bourdon: Thank you.

Jan Rucinski: Our first speaker in opposition is Ms. Lyn Henry. As you come to the podium if you can state your name for the record.

Lyn Henry: Sure. Hi, I'm Lyn Henry, I'm a homeowner in Scarborough Square. I don't know how many of you were here in 2010, but I don't know how many days because we have been through this with a place called Raceco. They wanted to do that Raceco in the same exact location, a gas station and a car wash. And, Planning Commission passed it, and we fought it at City Council and they denied the project. Back then we had Captain Lay with the First Precinct behind this and a lawyer to help us. The issues haven't changed. Why do you need a gas station or a car wash literally less than 700 feet to the crosswalk at the corner of Holland and Lynnhaven? You can actually see the crosswalk from the sidewalk in the front of the proposed Sam's. Rio carwash down Lynnhaven is less than ½ mile away. You have an Auto Bell 1.2 miles away down Holland Road near Lowe's and in the other direction, ½ mile away at Shipp's Corner you have three gas stations. Why do we need another gas station car wash? It looks like a beautiful project. Mr. Bourdon has been wonderful about contacting us and keeping in touch but we don't get it. I just don't understand. The amount of traffic that this place is going to generate already with the legal and construction we are going to see a high-end in traffic. It takes sometimes 2 to 3 light cycles to get out of our neighborhood in the morning during the peak traffic. We notice they are beginning a separate left turn lane taking up two lanes from the other side of Holland Road towards Shipp's Corner. We are confused by this because once the outgoing traffic is trying to get to the direction of Lynnhaven not Shipp's Corner. That right lane where people are backing up to get out of our neighborhood is going to be blocking the entrance to the Sam's Express. All of this thought process is the entrance of the projected Sam's is going to be across from a Lidl. Sam's Express is supposed to be destination traffic and we expect people will come onto Warwick with the intent of gassing up, getting their car washed and then going across Warwick to the Lidl Shopping Center and groceries or whatever. This is going to make Warwick a nightmare to navigate. Now you have people coming in and out and then trying to cross it. There are also plans for some kind of division at Court of York Quail. The property, deferred which we think they look great. To conclude, we understand that he owns it, and we know that anything can go on this property. We are pleased about the 7:00 a.m. to 9:00 p.m. the store is going to keep and we do think it is a beautiful project. But we have the same concerns that we did when the Raceco was projected back in 2010. Traffic is not going to get better. If anything it is going to get expeditionary worse. Some of us feel this is a lesser other evils of what could go on this property, and yes it could be but it is a neighborhood trying to deal with issues that have been brought to the neighborhood via surrounding businesses and recent shootings and violence that is occurring is lesser of the evils what we really should strive for? Should we hold out for better? Thank you.

Bob Thornton: Are there any questions of the speaker? Thank you.

Jan Rucinski: Our next speaker is Fred Aldridge. And Mr. Aldridge is speaking on behalf of Scarborough Square.

Fred Aldridge: I have been at Scarborough Square for 21 years, and it is getting worse all the time. I can imagine anyone of you wanting to live in a neighborhood where already now where we have the Lidle Store, a Hardees and garage that is moving in at the corner. As I understand, the gentleman says there is an estimated 1,500 vehicles coming through there. That is 750 in and 750 out. Now they're talking about 700 vehicles coming into the service car wash, right straight across the street with 700, that is 350 in and 350 out. We already have traffic even coming off Shipp's Corner coming along through Old Club House coming out to where this section is. It has been getting worse as the years go by. We have over

500 residences in that neighborhood plus the trailer park. Cardinal Estates and the trailer park, as you go down to Shippo Corner Road. They come out through that area. We're looking at a traffic problem right now. I have sat on the Holland Road Section above Lynnhaven through two lights for them to go one traffic light down so people can turn our section of Scarborough Square. If you come out there some days, especially towards rush hour, you can look to the left and find as far as you see, traffic backed up. Not only is it backed up down the street, but cars have to make a left turn coming from Lynnhaven Parkway into Scarborough Square. And you know what type of ruffians. Pardon the expression. But they general on that intersection so nobody and go anywhere. We can't turn into there through the traffic. They don't leave a space for people. They want to get through that light, but they have to stop. It is ridiculous. And you're going to make it more by approval this service station car wash. Now as Lyn pointed out it may be the lesser of two evils but who wants an evil in your neighborhood. Okay. I don't know who it can be approved if it was in your neighborhood, anyone of you. I appreciate you taking a chance on us and being able to state our situation. And I hope you will think about it especially if it were your neighborhood. Please. Thank you.

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

Fred Aldridge: Thank you.

Jan Rucinski: We have no other speakers.

Eddie Bourdon: Not exactly the tone I was anticipating. Raceco was an application for a convenience store with gas and a car wash, much lower quality and much higher traffic generation. This is actually a substantial reduction in traffic. It is not destination traffic. I tried to explain that, but I guess I didn't do a very good job. Most of it is actually captured traffic because of the large shopping center with a number of out parcels, a Lidl across the street on the south side. The car wash would generate, we hope as many 200 customers a day, which is actually 400 trips, because they count in and out as a trip. If you look on page 3 of the staff evaluation, and I'm sure if you want to ask Mr. Lowman his input, this is a low traffic generating use. If you had a convenience store, that has a whole lot more traffic. There is no convenience store here. This is, as I said, unconditional B-2 property upon which something that can do us across the street where the Lidl is going to going as a matter of right. Any number of uses that would be much more impactful, and wouldn't have to see over all of this extra space on their property with a beautiful brick wall landscaping on the back side that completely buffers and segregates the commercial use on this large piece of unconditional property. Both the speakers alluded to lesser of the evil and that's a characterization. It is a free country. They can make that characterization. I'm not going to argue with them. I know from experience and I think you all know from experience, and I'm sure that Staff understands from experience that this is a far better use of this piece of property with the hours restricted which won't happen with a by-right use, then what would almost certain to go on this piece of property were it not for the need of a Use Permit, which is what we have, in the case, the need for. I give Exxon high quality gas station as well. Linda Russel is here. She offered to speak. She is in favor of what's proposed. She is very active in this area, and active in this community. Again, a convenience store, I understand, it is open late hours. I can understand. But this applicant, high, high quality application and the applicant has, I think have stepped up to the plate. I think Staff would tell you he stepped up to the plate to do a very high quality development that will not be a destination that will create a bunch of traffic. In fact, it solves it. Most of the people that will be going here will already going to the soon, to be open shopping center immediately adjacent to the south. I'll be happy to answer questions any of you have.

Bob Thornton: Any questions of Mr. Bourdon? Jeff.

Jeff Hodgson: I think you just said based on the hours of operation but I don't see any hours of operations?

Eddie Bourdon: Yes. We first restricted the hours.

Jeff Hodgson: I may have overlooked it.

Bob Thornton: Item 3 on the back.

Eddie Bourdon: 7:00 a.m. to 9:00 p.m. Again, those are very restrictive hours of operations.

Bob Thornton: Other questions? Thank you Mr. Bourdon>

Eddie Bourdon: Thank you all.

Jan Rucinski: There are no other speakers.

Bob Thornton: If there are no other speakers or no other questions, we will lose the public hearing. Jeff?

Jeff Hodgson: You guys said it was where?

Carolyn Smith: It is located under the summary. Under the summary of proposal. It is not a condition.

Bob Thornton: It is not a condition.

Eddie Bourdon: I thought it was a condition. We agreed to it as a condition. Please add that as a condition.

Bob Thornton: Now that we go by all of this confusion. Don?

Don Horsley: What did we decide to do about condition 8 about the so called signs? Are we going to leave that in there or take it out?

Bob Thornton: Mr. Bourdon has asked that it not be removed so that is sort of up to us to decide whether we want to leave it or remove. He said he would remove it if the decision is made that it is a sign but if you all decide it is not a sign, he wants to leave it. Is that right from my understanding? He is arguing whether it is a sign or not.

Kevin Kemp: Correct. There is another process beyond this will analyze interpretation of whether or not it is a sign. If it is determined that it is a sign, it would have to get a sign permit and meet the requirements of a sign ordinance, which having that many signs would exceed the number of allowed on site. So, that would be care for there. If it is determined not to be a sign then structured ones that meets the setbacks.

Bob Thornton: So, if we leave it in there, it won't be permitted? He is asking that we remove it and then go through this other process, and if the process determines it is a sign and it is not allowed.

Kevin Kemp: I think we're finding a way because even if it is taken out, and they were able to add those later, if they determined it was not a sign, then that could still be substantial conformance.

Bob Thornton: Okay. So we leave condition 8 as it is written?

Mike Inman: And adding the hours of operation.

Bob Thornton: And adding the hours of operation. Are there any other points? Jack?

Jack Wall: I just want to thank Mr. Aldridge and Ms. Henry for coming out and speaking. I do appreciate their concerns, and I think this will add traffic burden to Warwick Drive, but it should be noted that it is already zoned B-2, and whether it being considered a lesser of two evils, I think that the applicant has worked closely with staff to provide quite a few amenities that probably wouldn't be there if this didn't come through this process. It didn't come through the Planning Commission, which include the screening and the landscaping, the 8 foot wall, and the buffering, as well as, the architecture that prototype architecture for this type of facility could be much different than what it is, so I'm in support of it.

Bob Thornton: Mike?

Mike Inman: I make a motion we approve the application with the addition of the hours of operation being added 7:00 a.m. to 9:00 p.m.

Ronald Ripley: Second.

Bob Thornton: Do we have a second? Okay. We have a motion by Mr. Inman to approve and a second by Mr. Ripley.

Carolyn Smith: The addendum has condition 12 as well. Is that part of your motion?

Bob Thornton: Let's make sure that we know what you're asking? Condition 12, I don't have the summary sheet.

Jan Rucinski: The signs.

Bob Thornton: The signs. Okay. Is that okay with you Mr. Bourdon?

Eddie Bourdon: Yes, that's the sign that we agreed.

Bob Thornton: What we have on the screen we don't have those pieces I front of us. One through 12 and adding hours, so; we have a motion. Thank you.

	AYE 11	NAY 0	ABS 0	ABSENT 0
HODGSON	AYE			
HORSLEY	AYE			
INMAN	AYE			
KWASY	AYE			
OLIVER	AYE			

Item #D2
SXCW Properties II, L.L.C.
Page 6

REDMOND	AYE
RIPLEY	AYE
RUCINSKI	AYE
THORNTON	AYE
WALL	AYE
WEINER	AYE

Ed Weeden: By a vote of 11-0, the Commission has approved the application of SXCW Properties II, L.L.C. with the 12 conditions with the conditions of hours being added.

Bob Thornton: Yes.

Jan Rucinski: That would make it 13.

Bob Thornton: That would make it 13 conditions. The sign has been put on as number 12 and number 13 would be the hours.

Ed Weeden: It has been approved 11-0.

Bob Thornton: Okay. Thank you.

Item #D3

Grace Bible Church of Virginia Beach, Inc.

Conditional Use Permit (Religious Use)

Conditional Rezoning (AG-2 Agricultural to Conditional B-2 Community Business)

2285 London Bridge Road

District 7

Princess Anne

August 9, 2017

REGULAR

Jan Rucinski: Our last item on the agenda today is D3, Grace Bible Church of Virginia Beach, which is an application for a Conditional Use Permit (Religious Use) and Conditional Rezoning (AG-2 Agricultural to Conditional B-2 Community Business) on property located at 2285 London Bridge Rod, District 7, Princess Anne. I guess I don't need to tell you to state your name for the record.

Eddie Bourdon: Thank you Jan. For the record, I'm Eddie Bourdon, a Virginia Beach attorney representing Grace Bible. In addition to myself, Les Watson will have a few comments, along with Pastor Breitenberg of the church. You heard this last month and I am going to go through a lot of information. I apologize, but Herbert Mae Smith bought this farm 50 years. They raised their daughters on this farm, often rode horses and taught countless children to ride horses. Mrs. Smith continued to operate and maintain this horse farm after her husband passed away in 1990. All the while, all the property around her didn't grow crops, didn't grow horses. They grew houses. Pine Ridge Lane, Strawbridge, the shopping center. We almost got lucky. We almost had Churchill Downs on the Taylor Sister farm, just to the north west of Mrs. Smith's horse farm, which the Smiths and many, many other people in our community really, really tried hard to get. It didn't work out at the state level. But hard course farmer been very, very well situated, we would not be here if Churchill Downs. We would have been fortunate to have them here in Virginia Beach. Instead we got a lot of industrial uses on the land where Churchill Downs would have gone plus Prince George Estates. And, another horse farm in the area, the largest, London Taylor Chapels on Dam Neck Road is now predominately a series of industrial parks. Unlike Mrs. Smith, the Navy paid the Taylor family for their residential development rights and put restrictions on their property requiring it to be developed as industrial uses that are compatible with the operations of NAS Oceana. 2005 BRAC, it was a paradigm shift. Instead of the Navy continuing to compensate landowners for the removal of their residential rights consistent with the Comprehensive Plan for decades, the City, at that point, capitulated after a lot of hard work, discussion, and debate, went along with what deemed to be necessary to keep Oceana here, valuing Oceana, and its land use above other folks' land uses and potential land uses. They took away the opportunity Mrs. Smith would have had without compensation. No residential development can occur on this property. That had been the vision in our Comprehensive Plan for decades and that is how the property adjacent to her had developed with 3 to 3½ units per acre. Mrs. Smith is the poster child for the unavoidable impacts of a community decision to value the Oceana Land Use and the jobs it creates above all else. That is not intended to be a criticism. That was a conscience decision that the City made, and I think made the right decision. Up until now, the City has done an excellent job of threading the needle. Most folks who were impacted have been able to see that impact lessen, and or been paid for the impacts through other means. Mrs. Smith to her absolute credit is not going around whining about her fate. She has not made a poster child of herself but make no mistake, had her property had not been so impacted, developers would be standing in line as they were prior to 2005, offering her far more money than she's able to get from my client Grace Bible Church, if she could develop 75-80 homes on her property at 3 to 3½ units per acre like everybody around her did. The property that she is on and has owned all these years, has the misfortune of being in the above 70 noise zone. If we are in the 65 noise zone, then she would be

able to get the rezoning for the 3 to 3½ units per acre. That's where the lines fault. So, what we have is in my view and in your professional Staff's view, an excellent opportunity to thread the needle. This is not an application to put a 20.6 acre industrial park on this piece of property, which is really the only other use that meets the Navy's criteria. Unless you're talking about doing a 20.6 acre shopping center on the property, which also would also be acceptable but would have to eliminate some of the uses that the Navy objects to. So, we have church, which is a fantastic use along with a very limited amount of commercial uses up on a four lane arterial highway, London Bridge Road, not at the entrance of anybody's neighborhood. The first thing that you talked about this morning briefing is access. We talked at length about this last month, and we are prepared to offer voluntarily a revised proffer number one, and I reviewed this with both Ms. Wilson and Ric Lowman, and I will take second to read it. I will be happy to do so but in place of Proffer #1, the church would propose "When the properties are developed they shall have vehicular ingress/egress from London Bridge Road, with turn lanes at the existing median break and at least at one other location to be determined by the grantees, City Manager, and his Staff during site plan review. Based upon the location of the second point of access, the configuration of the parcels that shown on the exhibit and title, that goes to what is in the proffer today, exhibiting title conditional rezoning Exhibit Grace Bible Church, London Bridge Campus, 2285 London bridge Road, GPIN: 2405-70-2584-0000, District 7, Princess Anne, Virginia Beach, Virginia, which has been exhibited to Virginia Beach City Council and is on file in Virginia Beach Department of Planning as a conceptual layout as which may be revised." So, we're saying that four parcels may be revised depending on wherever the other access goes in. I won't belabor the point, but as I mentioned last month, we can have a full turn lane entry to the western entrance, which we think is the safer way to go. What we don't have is the ability to have 120 feet between that entrance and the start of the next turn lane versus putting the turn lane in the far east end in the curve and near the homes that are on County Manor Lane, so; that is something to be determined with Traffic Engineering, City Manager, Planning Director, and City Staff but we are agreeing to have that modification based on what is determined to be the safest, which would include modifying potentially the layout and moving the landscaping as Ric Lowman described this morning. We are not in disagreement with most of what was indicated this morning. While we are on that topic, this is on me as far as the proffers there is one mistake here. I misunderstood that the conditions that we put in here, that are the City's Retail Guidelines, require that a drive-thru be behind the building. We will between here and Council, add another proffer that any drive-thru that is placed on any of the three parcels other than the eastern most parcel would meet the requirement that it would be behind the building. Again, I can't imagine that our guidelines would allow a drive-thru that is not behind the building, but we will add that because it is not the actual verbage. We just took it all out of our Retail Guidelines, put it in the proffered agreement word for word and made it a "shall", a requirement. And the church was very glad to put that in there from day one. They want to make absolutely certain that what is out in front and they are in a position that will happen, is of the highest quality. No one could care more about that. Others would care but no one can possibly care more because it is their front yard. The appearance and quality of what's out there will be at their entrance and their front yard. The church is also going through the trouble, as I discussed last month, we want to be able to have potentially gymnastics training or teaching facility or yoga studio, things that make perfect good sense on this property that aren't allowed in any B-1 or B-1A zoning, so we asked the community, asked Commissioner Beardslee Kwasny to get with the community and give us a list of things they don't want to see on the property. And, we put things on there that weren't their list, and I have that confirmed by Randi Vogel in a conversation I had with her last night. We've gone beyond what's on their list, but we did not exclude all potential for an eating and drinking establishment with a drive-thru. At last months' hearing, we were asked, I think by Commissioner Oliver, or it may have been Commissioner Hodgson, if the church would agree to reduce the potential, which we did. We agreed there would be no more than two and they would not be on the eastern most parcel, if there were any, would be on the two little, or the western parcel as shown. And

Item #D3

Grace Bible Church of Virginia Beach, Inc.

Page 3

that is eating and drinking establishments with a drive-thru where you can have a Tastee Freeze, or a Krispy Kreme any number of uses that I think most people would like. We hear a lot about we don't want McDonald's, Taco Bell, or Burger King, or Wendy's, any of the fast food places. Well the reality of this is this is in a shopping center. They are already out there on General Booth Boulevard, Nimmo Parkway and this is not going to happen here. And we're not looking for that to happen here but we don't have another category of fast food with a drive-thru. We have all eating and drinking establishments being a deli, being an ice cream shop, being a coffee shop. That is what we have to deal with, and that is why we have in the proffers what we have, not that that church isn't looking to put any of the fast food giants out here, and trust me, none of the fast food giants would go out here.

Dee Oliver: Mr. Bourdon.

Eddie Bourdon: That's it.

Dee Oliver: We have a lot of speakers today. I'm sorry.

Eddie Bourdon: I tried to keep this short as possible. I will be happy to answer any questions. I'll let my other folks come up and talk to you. Thank you.

Dee Oliver: Thank you.

Jan Rucinski: Our first speaker in support is Matt Breitenberg.

Eddie Bourdon: Can we get Les Watson to come up first?

Jan Rucinski: They asked me to call them in this order. We can absolutely change that.

Les Watson: Madam Chair and members of the Commission, I'm Les Watson. I'm a local attorney, and I represent the property owner Ms. Mary Smith, who has, as Mr. Bourdon pointed out, owned this property for I think for 47 ½ years. And, as you know from Mr. Bourdon's eloquent presentation of the history of this property is subject to substantial zoning prohibitions that affected uses to which can be put here. And we've looked at this situation as carefully and we've worked with Mr. Bourdon and with the Staff and try to be as cooperative as we could. I think the resolution that Mr. Bourdon has presented is sort of like this. Of all the things that could ultimately happen at this site, we think that the application, the project described in this application is precisely that sort of thing which will have at the same time the least impact, and also allow a fair use of Ms. Smith's property. And, I compliment Mr. Bourdon on his eloquent presentation and his resuscitation of the history and I'll be happy to answer any questions you go for me.

Dee Oliver: Are there any questions? Okay. Thank you.

Les Watson: Thank you.

Jan Rucinski: Our next speaker is Matt Breitenberg. As he is coming to the podium for those who are wondering what has happened to our illustrious Chair, he has recused himself because he has relationship with this, and it would inappropriate for him to sit in on this hearing. Thank you.

Matt Breitenberg: Good afternoon. My name is Matt Breitenberg. I am one of the pastors at Grace Bible Church. I would like to share a little bit about our church and about this project. We're an

Item #D3

Grace Bible Church of Virginia Beach, Inc.

Page 4

independent church founded in 1991. This would be our third campus. We have a campus in Virginia Beach and we have a campus in Norfolk, which we started about two years ago. We care deeply about families. We have over 600 kids in our weekend kids programs every week. That is about the size of a typical elementary school in Virginia Beach. Plus we care deeply about serving our local community. We partner with organizations to care for needy people, Judeo Christian Outreach Center, Union Mission, and ministry nursing homes and others. We have a community garden that produces thousands of pounds of fresh organic produce, which we donate to organizations who feed the poor in our community. We also partner with Public Schools and encourage students and teachers and their families. We're also in partnership with Birdneck Elementary, which is just a few miles from our potential new campus. We are requesting this rezoning simply because we need to sell the front parcels in order to make our financing work for this project. We have multiple conversations with neighbors including hosting a town hall meeting. We have tried to be as responsive as we could be. Our initial submission had restrictions on B-2 uses and since then we have come back with further restrictions. We agreed to nearly all the restrictions that the neighbors have asked for as you have heard but frankly, we can't make any further restrictions in order to make this project work for the church. Whoever buys these parcels will literally be in our front yard. So, for that reason it would be our intention to make sure that it is a quality organization that would be there. It would not interfere with the neighborhood or with the church. We care very much about what's in our front yard, and we will make every effort to find good partners to buy these parcels. Thank you. I'll be happy to answer any questions.

Dee Oliver: Thank you.

Jan Rucinski: Our next speaker in support is Edward Gluckle. Sir, as you come to the podium can state your name for the record?

Edward Gluckle: Okay. My name is Edward Gluckle. I am not only opposed to the church but I have a couple of concerns. Last time we had a storm, I think the water was about two feet deep in the backyard there, which is a lot of flood water for the area. And, if they raise the ground for the church with backfill, what's going to happen to all that water? The other problem that I have is the parking area after the church is closed. I had a business one time and after business hours, people gathered in the parking area, and I'm worried about crime and noise and everything else. So, those are my concerns.

Dee Oliver: Are there any questions?

Edward Gluckle: Have these concerns, have they been addressed by the church? Just curious.

Dee Oliver: We'll get back with those.

Edward Gluckle: Okay, thank you.

Dee Oliver: Thank you very much.

Jan Rucinski: Our first speaker in opposition is George Ingram.

Unidentified voice: Can we change Tom to go first?

Jan Rucinski: Sure. Who would that be?

Jan Rucinski: Tom Hollowa?

Item #D3

Grace Bible Church of Virginia Beach, Inc.

Page 5

Tom Holden: Holden.

Jan Rucinski: Yep, there you are.

Tom Holden: Hi, how are you?

Jan Rucinski: We're good thank you.

Tom Holden: My name is Tom Holden, and it is getting late so I won't try to belabor this too much. I'm a resident of Hunt Club Forest, and I come to you in opposition to the application for rezoning of this property at 2285 London Bridge Road. You are going to hear from a lot of residents who live near this project today and they are all united and in opposition to it. We believe that changing the zoning from AG-2 Agriculture to Conditional B-2 will lead to development that is incompatible with the long-term interests of the neighborhood. We believe that because of the proffers included in the application. The application could lead to the development of four L-parcels fronting London Bridge Road with the church at the back. These proffers indicate a desire for businesses, and some are specifically drive-thrus. The populated area that is apparently occupied by pasture, so; creating and maintaining this stable and sustainable neighborhood is difficult. We understand that. We're fortunate that most of the City neighborhood, and actually is pretty stable even though the City housing is the agent. And we also believe that some of the proffers that have been offered in this proposed project have addressed some of the concerns. But some of their core concerns are not addressed, and it is what is drives us today. I don't want to lecture anyone at this podium or the Staff because I'm not an authority on planning at all. I'm not. But in reading the City's Comprehensive Plan, one of the guiding principles for suburban areas is to create great neighborhoods. And this is made reference to this in this planning document. To support those neighborhoods with complementary non-residential uses in such a way that working together with the stability and sustainability of the suburban area is ensured for now and in the future. So an infill development on small vacant parcels within an existing development or on parcels being redeveloped, it should be compatible to the existing development around it. So, designing a project that in scale in proportion to the surrounding community is often a lot more difficult, and simply using a design that fits the site and meets the zoning regulations. Mr. Bourdon made a lot of statements that I in fact, couldn't follow because I am not a zoning expert like he is. There were changes being discussed that I don't know what the heck are. There was a lot of additional language used that seems kind of confusing to me. But the goal here, as I understand it, is respect land use and design and give the impression to those who pass by a project. That has always been part of the original development. Now, adding a fast food restaurant or a quick service restaurant, with drive-thrus, in a community that is defined by farms and residential areas does not meet the criteria. I see my light blinking here. To create and maintain great neighborhoods, with an emphasis on residential components must be balanced by emphasis on the commercial component. We get that. Each land use is dependent on the other and accordingly the quality and vitality of one affects the other. They are all related. So, please consider our request. Please deny this application. These communities are willing to work with the owners on the legitimate needs to make their property productive. But please, not this one. Thank you.

Dee Oliver: Thank you.

Jan Rucinski: Now let's try George Ingram.

George Ingram: Okay, since I don't have the benefit of visual presentation.

Jan Rucinski: Sir, if you can just state your name for the record?

George Ingram: I'm sorry. George Ingram, I'm the president of Pine Ridge Civic League. I would like to hand out some pictures if that is okay, since I don't have a video presentation. So, I can reference those pictures as I go through. As, I said the name is George Ingram, President of Pine Ridge Civic League and I want to voice our concern and our opposition. As you can see by this property, if you can look at this drawing, most of you are probably somewhat familiar with this, it shows this property truly encompassed within a residential area. The rear of it, and I'll wrap around this side to the west side is the Pine Ridge subdivision, and on the east side is White Pine. And across the street, you have residents. Now, all of us that live in that area are confronted with traffic situation on that road every single day. So, were quite versed in what the problems are being faced by everybody traveling that road. Currently it is AG-2, and again, like I said it is residential all around there. We would like to see it kind of stay in that same zone. We are concerned and questioning about them allowing mixing residential areas with business development. Currently there are a mix of amenities that are designed to enhance our community such as sidewalks, bike paths, parks, farms, and those types of things there. So, that does not seem to blend well with commercial development, and the traffic that would be associated with that. Traffic safety. That is the primary concern here. I want to speak to traffic safety. We would like to express our deep concern over traffic safety and how this proposed development would make the impact the ability to drive through the area. Now, all of us now are confronted with the problem of being out of our neighborhood, coming out into a four-lane highway. You have two lanes in each direction obviously, and if we're coming out of the neighborhood and we want to go, let's say to the west out of Pine Ridge, we have to wait for a line of traffic to come through so we can cross over and then once that clears, we have to hope that the traffic coming the other way is not coming through there that is going to block our ability to exit. So it is kind of uncommon on any given one for traffic to be backed up. There are always people trying to get out of their neighborhoods. And, so if this development is permitted down there at the current Fox Ridge Farm, it is going to add to that traffic flow. Currently there is about 1,000 vehicles traveling this road, that is based on Traffic Engineering, and the proposals, as we will probably get close to 4,000 additional vehicles, and that would raise the number of vehicles traveling down that road to about 25,000 vehicles per day. The maximum capacity for that, based on Traffic Engineering is 28,000, so, were approaching that maximum, so that is getting into an area that is not even concerning any other development that may occur if we permit this type of development to occur. It opens up the door if we put B-2 development here, and it is going to open up the door for it to go down the street. Over the years, there have been numerous accidents along that area. There has been any number of accidents. The people hit the trees, and there have been many light poles taken out. So, you know that Traffic Engineering says it is a relatively safe roadway, but there are still a large number of accidents occurring on that roadway. I'll give you some statistics here. From 2014 to 2017, there were at General Booth intersection 74 accidents. At the Tower Bridge that is going into Castleton, 19 accidents, at Mirror Lake going into Lake Placid, 15, Dam Neck 110 and disbursed at every other intersection where a number of accidents occur. The next leading one was at Pine Ridge subdivision, where there were about 19 accident occurred there, so there is a total of 263 accidents occurred in this one mile radius. To me, that seems like a lot. Unfortunately, two of those accidents resulted in fatalities. One of which is directly in front of that planned development. There is a cross in the median. It sits directly in front of that proposed site. So, it kind of makes the question how hazardous is that location? We have an unusual traffic flow there. Because of so many people coming down the road from I-264, and when they want to get to General Booth Boulevard, so much development in the southern portion of the City, people are merging over to the right lane and that starts beaming before you get to Pine Ridge. So, at any given day, you will see cars backed up along the right lane, and there won't be any one in the left lane. If you look at pictures 2 & 3, it kind of shows you of how this traffic is backed up. If you look at picture 3, all the traffic is in one lane. That occurs way back there because everyone is moving over. So, obviously they are going to be coming over into one lane in front of that proposed development. The other issue is, and let me go back to my drawing here, I

think most of you have been out there. It is a significant curve in that roadway. As you progress around from the west end, you come up around here, that is Pine Ridge right here, there is a little bit of bend here, and that is kind of a blind spot, and as you come around, you're working your way around. And, so you put turn lanes in there that is going to affect how people are going to be able to see down the roadway. If you go to picture four that is in front of that proposed property, you're looking down that curved road. That shows you the curve in the road heading east. The next picture is showing the same area from the opposite end of the property looking westward. You can see that curve. The other picture, number 6, shows you in front of the property on the opposite side of that roadway and you can see the curve in that road. So, whenever anyone is traveling a highway and they are coming around a curve, there is some issues about obstructive view. The church currently is planning on building a facility. They call it a campus, 600 people. If you look how they operate at their other facility, they currently have four sessions on Sunday, two Saturday and some on Friday. I'm not sure how many plus having mention earlier, lots of different activities. So, they are going to have a large number of people coming into this facility every day. If they are going to have 600 people and parking for 350 vehicles, and four sessions on one day on Sunday, we're talking 350 vehicles coming in and 350 vehicles going out. You add it four times that is 2,800 vehicles. To make matters worse, if we permit a drive-thru restaurant in front of that facility, which they want to do, or have the option to do, that is going to add to the problem as well. By definition, drive-thru restaurants are designed to create one thing. Traffic. That is how they operate. They want to create a lot of traffic, so the church itself is going to create a lot of traffic, and the new development in front of us is going to create a lot of traffic. I do want to talk about issue of being able to see where you're going. I'll talk quickly about entering and exiting the facilities. If you look at picture 8 that again, is looking down the road in a westerly direction and that traffic will be coming towards General Booth Boulevard. If you can visualize that sidewalk being a turn lane, and you have cars parked where that sidewalk is, you would not be able to see down that roadway because of the curvature. I think this morning the Traffic Engineering said they want to have a turn lane with about 400 and somewhat feet, so; that is a lot of vehicles stacked down there who don't have any visibility to be able to pull out of that facility because your view would be totally blocked. So, people are going to be trying to get out of that facility and not be able to see where they are going. That didn't help on a straight road. Now, there are no plans for a traffic signal. And even if a traffic signal is there, if I go back to what was mentioned earlier, most accidents occur at traffic signals. And that is a common occurrence. Now, when people do exit, they got one option to get out, and if they want to go west. They got to come out where the median strip is, and then they can turn left. There is no traffic light and if they got to turn left, they have to cross those lanes of traffic or they may try to go to another exit and go down and make a U-turn when they get around there. As you see here, as they come around here, there is the median opening right here, so if they exit here and they want to come here, there is an opening in the median but there is no turn lane there. They would have to go down to the next one at Hunt Club and make a U-turn. So, a lot of vehicles would obviously be forced to make U-turns. You have so many vehicles coming out at one time. A business normally operates 12 hours, 350 vehicles coming over a 12 hour period. That is 25 vehicles per hour. They are going to have 300-350 vehicles exiting that facility at one time, plus the traffic of the businesses. So, for those reasons we are really concerned about our safety and the safety of every traveler on that roadway. So, for that reason, we request that you deny this proposal as it is current presented and not permit rezoning for B-2. Thank you.

Dee Oliver: Thank you.

Jan Rucinski: Our next speaker is Mark Shyrer

Mark Shyrer: Good afternoon. My name is Mark Shyrer. I have been a resident of Virginia Beach since 1987 and I watched our area grow. Our area of the City developed expeditiously. Today I represent subdivision of Mayberry as one of its board members and we ask that you deny the request for rezoning of Fox Ridge Farms from Agriculture to B-2 for the following reasons. As your chairperson pointed out, we have to deal with AICUZ. Okay. With the proximately or area to NAS Oceana, it is a very big concern to us. It is very big concern to us. With the success of our City, we have encroached on Naval Air Station Oceana to the point where that in 2005, the BRAC Commission put the only east coast Master Jet Base fate in the hands of the City of Virginia Beach to prevent further encroachment. I moved to the City because I was stationed at NAS Oceana. Our City thrives in a part due to NAS Oceana with the jobs it provides and the sailors and their families that live there because of where they are stationed. Our schools benefit because of government funds that go into our local schools because of all the children and for military families. The next reason is due in part to light pollution. The amount of light that will be generated from the proposed parking lot will not fit into our farms/subdivision area. The proposed landscape along London Bridge will be inadequate to screen that amount of light. I believe what is proposed is just shrubs along the road front. Okay. Next, as you look at the map, you can see all the subdivisions, they are surrounded on three sides. Across the street is horse pastures. Okay. Your commissioner brought up that Mary Smith bought that farm so her daughter and other children can ride horses. I board two horses across the street from that Fox ridge Farms at Princess Anne Farms. I'm doing what Mary Smith did when she bought it 47 years ago. I want my children to be able to ride. The church and the proposed rezoning of the front parcels are going to put that in jeopardy. A lot of children get a lot of growth training that become better people. They care for horses, being disciplined, having to ride and that may be lost if this goes through. As you can see from the map that the church and this out parcel rezoning isn't going to fit ii our neighborhood. It is like putting as square peg into a round hole. So, for those reasons, we ask you to deny the proposal as written. Yes, this is the parcel right here. Right across the street is Princess Anne Farms where I keep my daughter's horses. I live in his subdivision right here. And as you can see, as the previous speaker, this is the kind of a severe S-curve, and coming out of my neighborhood already you can't see because of all the trees right here, and he has similar issues on his side.

Dee Oliver: Thank you.

Jan Rucinski: Our next speaker is Craig McManus.

Craig McManus: Good afternoon. My name is Craig McManus, and I would like to thank you all members of the Planning Commission. As I was working on my speech, I looked up the word "planning", as a synonym for a forethought. A forethought is defined as careful consideration of what would be necessary or what may happen in the future. I'm here to ask that the rezoning of Grace Bible Church for the approximately six acres of frontage property be denied allowing the B-2 zoning of this property has the potential to create a domino effect along this portion of London bridge Road. There are ten parcels with frontage on the London Bridge Road area in a three quarter mile stretch between Strawbridge Road and Prince George Estates. These neighboring properties total over 20 acres that could be developed into B-2 zone real estate if they want. And I believe that the property owners would have to heavily consider the depreciation of value from the current average land assessment of \$47,000 per acre to a \$250,000 to \$300,000 per acre that the Fox Ridge Farm is currently being marketed today. What effect would this growth of commercial property have on the surrounding neighborhoods? The Staff report, quotes the Comprehensive Plan, which uses phrases like "maintaining great neighborhoods", "protecting open spaces", where it likes stability, culture, historical and it speaks of a transportation systems that provides connectivity and mobility. The neighborhoods surrounding the Fox Ridge Farms are well established with a great sense of community and pride in their surrounding area. They are

Item #D3

Grace Bible Church of Virginia Beach, Inc.

Page 9

supportive of the nearby commercial districts along the General Booth and Red Mill Corridors that have more than enough resources providing their shopping, dining and entertainment needs. They embrace the cultural history of the agricultural land surrounding them with open fields and pastures. London Bridge Road was designed as a connector between General Booth Boulevard and Dam Neck Road allowing traffic to move freely from one major destination to another. What I may see happen in the future, is more commercial creep taking over a primary residential area that is seems to be doing across our City. Allowing the development of B-2 level businesses along this corridor, goes against the Comprehensive Plan as it will reduce the stability of the area eliminate more of the open space and the surrounding neighborhood and put additional traffic on the road structure in this community. It is for these reasons, that I ask you to deny the application for the rezoning out parcels from AG-2 to B-2. I thank you again for your time and your fore thought.

Dee Oliver: Thank you.

Jan Rucinski: Our next speaker Walter George. As you come to the podium if you could state your name for the record please?

Walter George: My name is Walter George. I live in the White Pines subdivision. The first cul-de-sac right there, my house backs up to London Bridge Road. We're back up pretty much in the corner where they are talking about putting the restaurants at, and I'm guessing they want to put an exit leaving the property. When we leave our property trying to turn left when you're coming out of Country Manor, it is pretty busy road. There are a lot of people driving pretty fast on that road and getting across the street. It is already hard enough. We have kids that paly in the cul-de-sac where we live at. And, yet is right there, the middle one (pointing to PowerPoint) right there. That's where we live at. My backdoor of my house is 50-feet from the inside lane heading east. Getting out of the neighborhood is tough. When they did Nimmo Parkway, it has become as a little cut through. And, now there is going to be more traffic coming in and when they leave the church area or whatever is going to be there, they will be turning around in our neighborhood, and our kids play out there on their bikes. That is my biggest concern, and what is it going to do to my property value if they rezone it? We tried to sell the house before, and people come and look at the house and they see the traffic. That is one of the reasons why we couldn't sell the house because when they walk in the backyard you hear cars go by. And if they are going to have more cars going by, what is going to do to my property value, and with rezoning the property? And that's pretty much what I have to say.

Dee Oliver: Thank you very much.

Walter George: Thank you.

Dee Oliver: We appreciate you coming down.

Jan Rucinski: Thank you. Our next speaker is Gina Miller. Good afternoon. Please state your name for the record.

Gina Miller: Hi, I'm Gina Miller. I live in the Lake Placid subdivision up near Dam Neck Road. Whenever I heard about the plans, it seems like there were lots of questions about volume down our corridor for what the rezoning would cost volume in traffic, volume in water from flooding, volume in trash, volume in noise, volume in light. It seems to be there was a lot of volume of a lot of stuff that didn't really fit the neighborhood that is currently there. Volume of the immediate traffic in and out of the proposed area, at any targeted times, is a huge concern of all the neighbors. Dam Neck Road and

London Bridge Road, that light, already backs up several times a day for two or three cycles. So, if you're adding another 4,000 cars to that already, that light could back up more. That is the main artery. And in honor of Oceana, so I can imagine that more military will would to leave work and come through that light. That will change the whole light cycle leaving the Oceana Base. As a matter of fact, if you leave Oceana now, three or four cars can get through that light to the one side of Dam Neck but if more military come that side, and then cross, then a higher light cycle timing will need to change, which will further back up Dam Neck Road and London Bridge towards the east. There is a question of the drive-thru restaurant and whether or not there will one of two drive-thru lanes. Many restaurants now have adapted two drive-thru lanes, so more cars can go through the parking lot faster. So, I question whether the volume turning into those areas would back and cause hindrance to see to make them back out later and how many cars will be in the parking lot at a time. Also, their peak times are breakfast, lunch and dinner. Breakfast, lunch and dinner are also are peak times for our buses. So, the schools that are fed off of that corridor will be affected. Breakfast time, of course, is when Kindergarteners leave out. So, breakfast time is whenever schools enter, Lunch time is kindergarteners afternoon is when the children are getting home. That area happens to be fed by many schools. The other question is activities at the church itself. 300 cars in and 300 cars out at any given time for their activities, which do not include and we have not yet considered Christmas and funerals and weddings that could hinder other times other than traditional Fridays and Sundays. London Bridge corridor, the curve is very difficult to see. And I'm asking you not to make it more difficult for our kids and our community and our animals in the community by adding high traffic businesses with drive-thrus. I respectfully ask that you deny B-2 Zoning.

Dee Oliver: Thank you very much.

Gina Miller: Thank you.

Jan Rucinski Our next speaker is Blair Hollowell.

Todd Hollowell: I'm her husband. She denies. She actually got called into emergency surgery so she is not able to make it.

Jan Rucinski: Okay. Thank you. Then I guess Todd you're next. I just wanted you to get a little more exercise there. State your name for the record.

Todd Hollowell: My name is Todd Hollowell. I got a couple of photos that my wife did prepare and I she did want me to pass them around for you guys. Back in college, they always talked about public speaking class being nervous or would you rather get eaten by a short of do public speaking? I think I which now I would like to do now. I appreciate the time allowing me to talk. My family and I own the Log Cabin Farm which is actually located at 2274 London Bridge Road. We've been there for just over a year and a half. The farm has been a fixture in the community for about 25 years. Actually if you look where London Bridge is, right there where that parcel right across, it is 6.1 acres. Our farm has the largest 484 foot street frontage on London Bridge Road directly across from the proposed B-2.

Mike Inman: There is a pointer right there.

Jan Rucinski: It doesn't work. Jeff is in charge of the pointer. There you go.

Todd Hollowell: So right next to the O-2, that is our spot.

Jeff Hodgson: Right here?

Todd Hollowell: The other side, the larger one. That is Log Cabin Farm. That is 6.1 acres, and like I said, 484-foot street frontage directly across from where the rezoning is looking at for B-2. Our dining room table right there sits 138 feet from London Bridge Road and less than 200 feet from the main entrance that they are proposing to come in to this new proposed commercial property. My wife has purchased a small six-acre farm to bring agriculture into the community and not see this here. We have been voted Strawbridge and Princess Anne Farm community since 2007, as small business people and as property owners. This farm and family community has been home to our family's horses, goats, donkeys, which you have all seen pictures of right now, and other numerous animals for the last ten years, as well as, many other horses as others have stated right up the road, three doors up the road. So my concern today is if these land parcels are rezoned to B-2 commercial properties, they will be a strong possibility there will be marketed and sold to various fast food establishments with drafty windows that make their business successful and how a few seconds it takes to deliver a customer their order. I know you have already had some concerns about the promoted neighbors about these. I would like to focus my concern on the trash and pollution that will surround B-2 zoning on these areas. I understand that the church will do the best they can to try and sell it to the best people, but unfortunately, once the church sells those parcels, they have no control what those owners do to it and what the patrons do to it. And if trash ends up in the street and blows across the street, my horse is actually pregnant right now and due in next Spring, eats it, what does that happen to my horse and my family? It is his mind that the seller could recognize the community support and the need for Grace Bible Church in the community and can come to an agreement that allows Grace Bible Church to continue its mission in Strawbridge Campus without having to rezone to B-2 property. I respectfully ask that you deny the rezoning application presented for the B-2 development. Thank you.

Dee Oliver: Thank you.

Jan Rucinski: Our next speaker Terri Lavenstein.

Terri Lavenstein: Thank you.

Jan Rucinski: Please state your name for the record.

Terry Lavenstein: My name is Terri Lavenstein and I have laryngitis. I will do my best. Thank you. Madam Secretary, again, my name is Terri Lavenstein. I live and raised my family at 2324 London Bridge Road for nearly 35 years. My farm is directly across the street from Fox Ridge Farm the other side of London Bridge Road. I do not support the current application due to the development on the property across the street for several reasons. One of my concerns of this request is the estimated increase of almost 4000 vehicles per day projected on the site of London Bridge Road. Please note as others have said that many of these fast food restaurants have double drive-thru so even though they are proposing one to two fast food restaurants, remember fast food is fast food. They want you to go in and out fast. The road has not been designed to be this type of work. Double drive-thrus will cause traffic. The proposed has a large curve and I believe the additional traffic will greatly increase the number of accidents. Almost 35 years of residency, I have watched London Bridge Road develop from a two lane road into a four lane heavily traveled suburban corridor. During this time, my neighbors and I saw damage injuries and death due to car accidents in our front yard. For example, this year, I had to replace my mailbox on several occasions, and I had to repair my foot pasture fence, relocate my animals to a safe area due to people running through my fence into my yard. And, not to forget the horrible sight on that one evening of a girl, in her mid-20's, lying dead directly in front of my house in my front

yard just past that dangerous blind curve. I am strongly opposed to the B-2 development that the Grace Bible Church is planning because of this traffic increase, and the increase of accidents all on London Bridge Road in front of my house, and where my children drive and many others. As in fast food restaurants now they are going to have double drive thru windows, distracted with their food, their drinks, and their change from ordering and their condiments. That is a 45 MPH connector corridor. Upon many people who eat and drive increase odds of an accident by 80 percent, and it actually is worse than texting while driving. It shows a 60 percent increase in odds of accidents. The National Private Traffic Safety Administration states that you can be driving and it is more dangerous than texting than driving. We're going to need police officers and traffic monitors to help the church in order to exit the property on a regular basis. One of these ingress/egress areas entrance or exits will be directly in front of my property to extend parcel "E". Established trees are there. Those and the one near the wetlands will be destroyed and because of development. My question is if this is approved, what's next? Please consider those points that I raised. In closing, please consider that drivers, their ponies, rescued cats, dogs and more on our little slice of heaven. For this and many reasons mentioned today, I respectfully request for you to deny Grace Bible Churches rezoning application. Thank you for your time.

Dee Oliver: Thank you.

Jan Rucinski: Our next speaker is Sally Walters. Good afternoon, if you could please state your name for the record?

Sally Walters: Good afternoon. My name is Sally Walters and thank you for hearing me today. I am an owner resident in the Strawbridge neighborhood. We haven't heard from anybody else. I'm representing Strawbridge. I've lived there 23 years. I'm the mother of two. My kids attended Strawbridge Elementary, PA middle and Kellam High. My son was in a bus accident on a PA Middle school heading home from school one day. It was a collision with a bus and a cement truck. And, I got a call at work in Norfolk telling me about it, and the drive to the crash site. Let me tell you it was absolutely horrific. The things going through my mind, and, I wouldn't wish that on anyone. Kids were hurt. One pretty badly, and my son was on the many kids that had to go to the emergency room and get checked out. Most parents as would be able to bring their children home that night. There was one little girl that sustained incredible injuries and was in the hospital for many days. I am grateful there were no fatalities. So, my focus appropriately is on the school buses traveling on London Bridge Road corridor. Together, with this B-2 zoning, I'm opposed to this application going forward. It is a residential community that we live in and such there are scores of buses raveling on London Bridge Road with our children. For nine and half months of the year, four times a day, the volume of these restaurants are very high. You've got to remember you have not only the morning runs and the kindergarten runs, but you have the afternoon runs and you've got the activity buses. So, that's a lot of traffic. We seem to be a unique in that we have a number of schools that also use this corridor. There is one elementary school, Strawbridge, three middle schools, three high schools, and there are academies as well. There are eight high schools and three middle schools with buses going on this corridor. And this is all based on what I drew from the Virginia Beach City Public School website. The information what I received from people at the schools, because I did call around to the schools, and it is a number crunches and I came up with a figure that I think is conservative of a 150 times a school bus would pass along this corridor. You see the school start picking at 5:30, at least the high schools and the academies, and then at around 7:00 -8:30 are the elementary schools, 8:00 to 9:00 are the middle schools and special needs. There is a 9:30 bus for speech. The kindergartens start having their bus activities from 10:10 to 12:30.

Item #D3

Grace Bible Church of Virginia Beach, Inc.

Page 13

Dee Oliver: Ms. Walker, I'm sorry to interrupt. You've run out of time.

Sally Walter: Can I summarize please?

Dee Oliver: Real quick. There are lots of people waiting to speak.

Sally Walter: Okay, 150 buses. Buses cannot dodge cars. They can't stop on a dime. Drivers cut them off all the time. I saw what happened first hand, and I just don't think it is worth it to jeopardize our kids, our precious cargo. The numbers that make our families, and the kids that are going to be our future. I respectfully request that you deny the application as it has been submitted.

Dee Oliver: Thank you very much.

Jan Rucinski: Our next speaker is Robert Goodman.

Robert Goodman: My name is Robert Goodman and I live at 2432 London Bridge Road. Madam Chairwoman, and members of the Planning Commission, good afternoon.

Dee Oliver: Good afternoon.

Robert Goodman: Like I said, my name is Robert Goodman. I live at 2432 London Bridge Road which was the original Princess Anne community. I have been a resident here for over 23 years. Today you have heard from the representatives of the individual communities that surround the applicant's site as well as some of the citizens that live in those communities. They have voiced their concerns for the impact on our communities, if this application, as submitted, is approved. Some of the concerns included the lack of a comprehensive study to evaluate the impact of the potentially significant increase of traffic, 3,700 average daily trips in that area of London Bridge Road adjacent to the site based on the plan and projects use of the site by a church as well as that of the use by the potential businesses on the B-2 properties. The flow of traffic along this stretch of road can show a significant increase of U-turns being made in both directions at the existing median openings. They also expressed concerns that the increased traffic in regards to the safety of the school children of all ages that travel by bus at various times throughout the day, and they expressed concerns about the potential traffic traveling through our neighborhoods to avoid congestion on that road. We all know people take shortcuts. There were also serious concerns that allow the rezoning of parts of the site to B-2 is deviating from the intent of the Comprehensive Plan that designed the area as suburban. It is felt that the B-2 commercial rezoning would not enhance the existing neighborhoods to comply equality or attractiveness and would negatively impact the mobility of the citizens that live in these neighborhoods. We are strongly requesting that Planning Commission recommend to the City Council to disapprove the application as submitted by Grace Bible Church. Thanks you for your time and consideration. It has been an honor to be able to address our Planning Commission. Thank you.

Dee Oliver: Thank you for coming down.

Robert Goodman: You're welcome.

Jan Rucinski: Thank you. That was our last speaker.

Eddie Bourdon: Thank everyone for coming down. I made a call on Matt Breitenberg to assist in a couple of points that he may want to speak on in rebuttal. It was nice to see Tom Holden. I haven't

seen him in quite some time. I look forward to talking to him when we are done today because it is our absolute belief, along with the professional Staff that this does fit given the parameters that we are dealing with. Mr. Ingram, we couldn't agree with Mr. Ingram more. Mr. Ingram said he would like to see this property developed residentially. We would too, and we wouldn't be here if that were possible, but that is not possible. Because of an action the City took to maintain NAS Oceana and our community. That was our belief if that's true. The other gentleman, who spoke after him from, I believe, was it Mayberry, talked about the City's desire to maintain Oceana, and this is absolutely, completely consistent with that. That is what we are trying to do. We are not trying to fight City Hall. We are not trying to file a lawsuit saying lets us put houses here where you say we can't because the Navy doesn't want them here. So, we laid it out and you all clearly understand it that the church uses the absolute best possible use for this piece of property and the limited commercial use is just that, limited, and limited use is that due in fact fit from what we are walking into. I would also point that there is existing B-2 zoned property on London Bridge Road to the west of the subject site, two fairly substantial ones, undeveloped. One was cut off when the road realigned and you could pull the map. And you can see it on the one down here. The gentleman who spoke, who spoke last month, who is a leader at Beacon Baptist Church, last month they were okay with B-1A, now they don't want anything in here. We won't get into the fact. They are trying to have their property rezoned commercial and try to buy this piece of property but he suggest they are 10 parcels on London Bridge Road that can be rezoned B-2. That is blatantly untrue. There maybe 10 undeveloped parcels on London Bridge Road, but not that can be zoned B-2 because they either have residential uses restrictions on them that can't be rezoned to anything other than residential or they have Navy restrictions on them that restricted them to industrial use only. There are two B-2 properties that are within 2/10 of a mile east of this piece of property and Mrs. Smith's 20 plus acre farm. I looked at a map and it is not zoned B-2 it could be zoned B-2. It is not developable. There is a lot of reasons why it can't be rezoned B-2 that I can appreciate that he doesn't have an understanding of those things but anyway, so statements were made again that were inadequate by Mr. Ingram. Grace Bible Church does not have any services and will not have any services at this church on any day other than Sunday. They don't have Friday services. They don't have Saturday services. They don't have services at peak rush hour traffic Monday through Friday, morning or evening. On Sunday, they will have people out as most of the larger churches in our community were blessed to have, they will be out there directing traffic when people leave but that is certainly far, far from the peak traffic housed on this road. And this road is, as you heard from Ric Lowman this morning is one of the safest roads in the City, and is well below capacity. And some of the numbers we heard this morning out there, I didn't even follow them all. This is not going to be a 26 acre shopping center, and not it going to be, if approved a 24.8 industrial park with a lot of large vehicles with no restrictions on hours of operation. Because businesses that are industrial do things through the night and those are the only uses on this property. We certainly wish that this property could be developed residential like those that surround it but the best thing for it to be is not industrial park or a 24.6 acre shopping center. Some might think it's a great idea that it be somehow or condemn it to being nothing but a horse farm like that of the Taylor's sister horse farm. They still have part of it that is the largest in this area, and as you all well know, vast majority of that is now industrial park. And there is a lot of industrial lane to be developed to the west of the property on London Bridge Road that is all that can be developed for. The church wants nothing more but then the entrances to be safe that is why we proposed full turn lane for the entrances, a full turn lane, not a short turn lane. We pushed another turn lane there but that is not as safe as doing the full turn lanes and a loop road inside. The individual businesses have no direct access to London Bridge Road. Only the main two entrances where the one will be, which will have a full turn lane, and then we'll have internal circulation, not a bunch of curve cuts along the road. Safe as can possible be, and this is already a very safe road. It is a safer road that will continue to be safe because of the limited nature of what's going to happen. This is all basically be industrial from this point forward that the properties that are not already zoned and this is the one, again, that is a. We realize

that we are in the middle of residential but because Mrs. Smith didn't sell out to subdivision people. She is the one now, who is trying to fit that thread through the eye of the needle. This is, we believe, absolutely. Last month it was try to restrict it more. We've done just that. I didn't hear anybody come here to day and say anything other than they don't want to see a drive-thru. We had a list of all the things that were not going to do on this piece of property. I didn't hear that. We've heard no drive-thru. Now there is no B-2. There is already B-2 out there and, I-1 would bring bigger larger crowd of people who weren't happy. And, this will not impact their property values. It will be absolutely done safely. And the church will, I think will be the best possible neighbor than, again, somebody wants to condemn the property. And somebody wants to come in and pay what the property is worth for a horse farm, and that is not going to happen. So, the church will make sure that the development and it can't change. As one of the gentleman said, this is proffered. Okay. What goes in there can't change without coming back to this entire process. Maintenance, the church is going to care far more than anybody else about how the properties are maintained. The church can have, and probably will have restrictions of their own on the properties to make sure they are well maintained, because, as I've said, it's their front door. These businesses are not at the entrance to anybody else's neighborhood. The wetlands on the west side are being preserved. The trees in that area are preserved. We can't go in there and take those down. We have a wonderful area of a treed buffer on the property and on the west side of the property. We've got a landscape buffer on the east side which is much larger than is required. We buffered the parking lot. There has been a drainage study done. A preliminary study or we wouldn't be here without it. We'll have large BMPs on the property. They are shown on the plan. We will not be putting water on anybody else's property. The church will have security cameras around the church when they are not there, so they will monitor what goes on the site. We haven't had problems at their other campuses and certainly they are going to be good neighbors. There will be someone in the surrounding community they can contact if there is a problem or if there are people on the property that shouldn't be on the property at times. The church is certainly concerned. It is a nice neighborhood, a nice area. Again, my family owns a very large property on London Bridge Road, and has before any of these residential neighborhoods that were developed. So, I don't think there is a better use that this property can be put too. The thought there is going to be these large fast food restaurants with double drive-thrus, it is not realistic. It is not going to happen. We're talking about small businesses, self-service businesses because they are going to be where they are on General Booth Boulevard, and that is the major highway. And down at Upton and Nimmo. That is the major commercial hub in this part of town. I probably forgot a couple of other things I was going mention but I am sure that Matt can fill you in before I forgot and if there was a question that came up what and what you heard and haven't addressed, I'm happy to do so.

Dee Oliver: Eddie, I think was one gentleman was concerned and maybe when I missed it when you said it and it was lighting.

Eddie Bourdon: Oh yes. Thank you. Our Zoning Ordinance is very clear and we have also proffered the lighting on the site must be screened and cannot spill over on to anybody else's adjacent property. Strawbridge is an excellent shopping center in that their lighting is very low level and this would have to be similar to that and it is not going to be bright situation, and with the restricted hours that were asked for by the community, by the commission, nothing is going to be going on the site after 11:00 p.m. That is an ordinance requirement and we proffered it as well. The City has complete control over the lighting on the site to make sure it complies with the ordinance. It's true that there are some older shopping centers in the City where that were built before those restrictions came into play that may have a higher level of lighting. We're not going to have that and the church itself doesn't have much lighting at all. They are not there at night for the most part.

Dee Oliver: Are there any questions?

Eddie Bourdon: We got the two changes to the proffers that we will make between her and City Council. Number one with the access and number 2, we'll make it very clear that any drive-thru that should there be one, that it be placed on the property will be behind the building.

Dee Oliver: Okay. Jeff.

Jeff Hodgson: I've got a question I think you mentioned that you had no intention of not putting McDonald's, Burger King, or Wendy's or anything like that.

Eddie Bourdon: Correct. We know we couldn't do that if we wanted too.

Jeff Hodgson: My questions is, and I've never seen this happen, and just for curiosity's sake, Proffer 2, can you call out a business by name? You can't?

Eddie Bourdon: The commercial real estate can tell you that if were putting a shopping center on this piece of property, you might have some interest but even then, they are not going and they are already out there. We've already got the power center at Red Mill Commons and Strawbridge combined and with the Hickman property coming on line soon, and what Cheryl McClesky has got General Booth and Dam Neck, which already has its amount of retail and all of the big players are already there. That's not what we're trying to get there. We wouldn't succeed if we were. You may have a three different retail spaces in a small building. One of them and it would be a great use in my opinion would be a Krispy Kreme, like we got over on Independence Boulevard, excuse me, on Northampton Boulevard. You don't even know it's there. It's in a little strip shop, something like that. Very high quality, I might add. That's the type of thing that's likely has a shot to happen then but what folks are worried about is not going to go here. It's true we're talking about a commercial real estate. That is not what you're going to get. It's going to be a limited soft retail service type uses, again, that is why I wanted B-2 versus B-1A. We know there is interest from some people for indoor recreation, and more than one type of indoor recreation which is a perfect fit. You can't ride a horse in the winter time. I take that back.

Dee Oliver: Mike?

Mike Inman: Eddie, I am just trying to figure out how you got to Proffer 3 at the end you have agreed not to permit eating and drinking establishments with drive-thru windows on Parcel E. Why not the other parcels?

Eddie Bourdon: We put it on Parcel E along with the restrictions because Parcel E is actually adjacent to residences, even though we're putting a large buffer between this property and the residences. That is the reason why we restricted Parcel E, so they wouldn't have a drive-thru behind the building even being behind the building is going to be next to somebody's house, where on the other parcels. We didn't restrict that because we were concerned about traffic. I understand the concern about traffic but the traffic here is not going to be in anyway be excessive, and it is going to be far better type of traffic because there is going to be more, because most of the traffic is church traffic on Sunday but it is controlled versus if you have industrial use, you got traffic coming all hours do the day, large trucks, having to maneuver out there with the cars, so; the reason why did that is because we didn't want to have somebody's property back in there part because there are homes over here. That is not the case with the other three. The only on back there is the church.

Item #D3

Grace Bible Church of Virginia Beach, Inc.

Page 17

Mike Inman: Not a thorough answer though.

Eddie Bourdon: Not thorough? Not logically either?

Mike Inman: Make logical about widening it selected Parcel E

Eddie Bourdon: Because they are trying to be a good neighbor and trying to do what's best for the people who surround it.

Dee Oliver: Is there anybody else? Thank you. Is there any other questions? I guess we'll close this and open it up amongst the Commissioners. Yes sir.

Donald Horsley: Can I ask Mr. Lowman a question?

Dee Oliver: Yes, that's a good idea.

Donald Horsley: Ric, are you pretty set on this 3700 car increase?

Ric Lowman: We have general rates that we use for different zoning district. It takes averages of the different uses. It doesn't assume the highest use on every single inch of property but it doesn't assume that it is all going to be. It is an industrial average.

Donald Horsley: Is it highly likely that the businesses that end up here will be small in nature and most of the traffic will be drive by traffic that is actually going by anyway and stopped in for some odd reason?

Ric Lowman: I think a lot of it will be by drive by traffic. These sites are not very big so you're not going to get and there are not shopping centers where people are going to be coming from all over the place to get to there. A lot of it would be drive by I'm not in marketing but I would think a lot of it would be drive by or passer-by.

Donald Horsley: I wouldn't think that this quality of commercial would bring a lot of destination traffic. People would drive to get there. I think half of them would be just by drive by people.

Ric Lowman: With fast food, I hate to keep saying because everybody is using them the word drive-thru for fast food but with those type of businesses a lot of those are pass by because you don't go out of your way to go one of these because you're going to pass by one on the way home or wherever you're going as it is.

Donald Horsley: If that be the case, it is not highly likely we would have 4,000 cars more per day.

Ric Lowman: The 3,700 cars per day, doesn't count for pass by.

Donald Horsley: Right. Thank you sir.

Dee Oliver: Ron.

Ronald Ripley: We heard about it. Six major categories before concern, two of which we're traffic and safety. Do you see any reason why this site can't be designed to be safe and why and flow in with the

traffic that's there now? Do you see any problem? Do you believe there will be any kind of problem creating a plan that is safe, and that also blends with the traffic?

Ric Lowman: I don't. We do have the curve issue, which is something we can overcome by keeping landscaping out of the first, like 30-feet. We can make that work. They have smart engineers that can make that work so we can make the entrances safe. The turn lanes are going to make entry it not the site very safe. There are always issues with people and driver error trying to get across two lanes and then cross two more lanes at an un-signalized intersection but like one of the other speakers spoke, the signal is going to bring other problems. Signal brings crashes to begin with so; that wouldn't be our first ideas to put a signal there

Ronald Ripley: Okay. Thank you.

Ric Lowman: The turn lanes will mitigate the effects of cars stopping on London Bridge Road to turn in. They will exit the road very smoothly if we do it by Public Works Standards.

Ronald Ripley: Thank you.

Dee Oliver: I do want to weigh in. When you said the word, if we do them per Public Works standards. That is correct. That's correct Eddie?

Eddie Bourdon: That is absolutely.

Dee Oliver: That is what we are doing.

Ric Lowman: Anything else?

Dee Oliver: Yes, Karen?

Karen Kwasny: So I think there was two separate issues here that the community is concerned about. One is that, that they are concerned about. I didn't see. I didn't hear any opposition to the church itself so I think we have two separate issues. They are opposed to the rezoning. So, I think we need to take out of our discussion any kind of animosity of opposition to the church on that property. I don't think Mr. Ingram was saying he thought it should stay residential. He said I wanted it to say in the zoning it is with the residential community surrounding it. So, I don't believe he was stating that it should go to residential. I know they understand their AICUZ pretty clear. What I heard the residents saying what they were concerned about and I think it was Gina who said this, I may have names wrong. I tried to write them all down was volume of a variety of kind. It wasn't simply volume of traffic. It was volume of regular traffic, volume of school traffic, volume of parishioners, and volume of potential for B-2. The lady said that's minimal, volume of U-turns, volume of loss of mobility. There were a lot of things creating a magnitude of problems for the community that was not just related to the traffic. Ric, said this would be a lot of drive-by. It will also be a lot of drive thru, if we have a drive-thru establishment on that. My sense from the community is that these are two separate issues in their mind. I'm wondering if we could ask, and I know we can ask that we vote on them separately and that we consider the community's concern about the rezoning. They are not opposed to the church on the property, which is the Conditional Use Permit as a separate element. They are in opposition to the rezoning. To me, that is the focus of our discussion.

Item #D3

Grace Bible Church of Virginia Beach, Inc.

Page 19

Kay Wilson: Proffer is separate from the Conditional Use Permit. The only thing you get with a Conditional Use Permit is the conditions and other related issues.

Eddie Bourdon: May I approach?

Dee Oliver: Yes.

Eddie Bourdon: The two applications, they go together. One without the other is not going to happen.

Mike Inman: I'm torn up on this application as I have been since we heard it last time. And I am still am because I have to say, if you view this property in its environment of maybe a mile radius and you see what's surrounding it, what you see is green. And what you see is houses. And what you see is horse farms, and whatever. I agree that this property owner deserves to have some use if it's reasonable but compatible with what is around it. I think that's what the Comprehensive Plan calls for personally. And, the leeway given by the proffers with the imposed restrictions, it just feels far enough. There are 60 plus uses under B-2 different uses you can make a property either by-right or by Conditional Use. And, I am certain there are other uses that could be found besides eating and drinking establishments with drive-thru windows. Why that can't be excluded, I don't know. That is not my sole issue believe me. I just think it could be crafted better to be more restrictive in terms what could go there. Therefore, I won't be able to support it.

Ronald Ripley: I didn't hear whether the church was objectionable either. I didn't think the uses for the church were. But on the other hand, I did hear traffic and safety and I heard that somebody was concerned about losing views and the horse farm, which is not really needed to own the property to have that. But it was fast food and drive-thru. That is what I kept hearing and I keep looking at the site and the site looks to me to be a pretty open site the way it is being proposed to be developed. I think that the restrictions that have been placed on it, probably puts it in a good position to move forward, in my opinion. What else are you going to do with the property? You don't want it industrial? You can't use it residential. What else are you going to do? You don't want a shopping center there. I don't think. And these uses up on front are big parcels, so; they are going to be pretty open uses, and the site itself is going to be more open than typical. So; I'm inclined to support it.

Jeff Hodgson: Like you said, are you required to do anything to it? I mean are we obligated to change zoning on this property?

Ronald Ripley: You can deny it.

Jeff Hodgson: I mean, I understand the economic impact that she didn't sell the property when everybody else did. So, she didn't reap the financial benefit, but I think we, and all say that about things in our lives. I wish I had done a lot of things in the past and could have made me or saved me a lot of money that I didn't do. I can't be expected to now say, "Hey do me a favor, and let me make my off of whatever situation it may be." So; I'm struggling with that aspects one of my issues.

Dee Oliver: Jack.

Jack Wall: It does appear there is not really any opposition to the church. In fact, I am highly encouraged about Grace Bible Church, but my concerns are that it does negatively affect the character of the residential area on London Bridge. And, I think it is kind of in contrast to the recommendations of the Comprehensive Plan for Suburban Area, for creating and maintaining.

Dave Redmond: I agree with Mr. Ripley. And, aside from anybody else's thought about someone's intention or missed opportunities or all of that. So far as I can tell is low intensity use as you're going to get on this site. 2/3 thirds of the site would be the church grounds and it would be in use one day a week. So, I don't know how it gets less intensive than that. I'm not one who opposes eating and drinking establishments with drive-thru because this could be some very attractive places like the ice cream parlor I have to take my daughter to when you come home. I don't view those as bad in some way, even then they are restricted so, I don't know if this will be a horse farm forever. I completely agree that a 21 acre industrial park would be significantly more impactful. This is a highly developed as part of the City which you can see from that zoning map with a whole lot of house, and a big commercial operation across the street, this is perhaps a different kind. It is highly restricted. It's as low impact as you can get. I don't know how you make it any less impacted than that. One day a week, 2/3 thirds of the site, a host of restrictions on there, and Mr. Inman, I understand your concern but it is rare that you see a list of or an applicant has struck as many uses from what you might be able to do. They proffered to as many restrictions on themselves in terms of uses that it strikes me just as restrictive as one can still make it, and it is opposition to the church because these are indivisible. You just can't take a plan and pick out a part here and there. That's a whole application. It can't make it work without those. I don't know what their finances look like but that's how these things work, so if you vote against it, you're voting against the church. It is just that simple. It's up or down.

Dee Oliver: Mike.

Mike Inman: The light you see is Grace Bible Church being on that site, I think the community would be delight Grace Bible Church on that site but I think there are other ways they can be on that site without having the impact whether its cutting it down to commercial sites or whatever. Commercial, is just really not fitting into that community. I think it is not consistent with the Comprehensive Plan, in my opinion. Obviously there is a difference of opinion with the Staff. That is the way I read very much the way Mr. Holden read it. He is quoting from it.

Dee Oliver: Is there anyone else?

Karen Kwasny: I would like to make a motion. I wholeheartedly agree what Mike's comment about the Comprehensive Plan and Mr. Holden's comment in relation to it. I don't think this is compatible with what the shape of the area at the present time, and I don't believe it is what the Comprehensive Plan calls for that area. I also think that we aren't a body that is making a decision on this. We're recommending a decision and so between now and then, the church is claiming to want to be a good neighbor to this community and work with this community, and the one thing that is the most bothersome to the community, the church is holding a strong arm. And also making the promise to the community that they made a good decision about who would go in there, and frankly the market will dictate that. If they can't sell those parcels in any other way, than to a fast food establishment that would be glaringly inappropriate for that area that will be what is sold to, so they can make the money they need for this parcel. That's logical in my mind. So, for this to be a good fit for the church and the community, it seems to me that there is time between now and city Council, if when I make my motion, we recommend denial, then between now and then it is possible for them to really rethink this thing that really bothers the community, which is this commercial development on that property. The rezoning of those parcels to commercial is what bothers the community, and that needs to be something that the church take into consideration to be a good neighbor. Having said that, I would like to make a motion, because we have to deny the entire application, as Mr. Bourdon directed us, I would like to make a motion to recommend denial.

Jan Rucinski: I'll second that.

Dee Oliver: A second by Jan

Ed Weeden: To deny the application.

Dee Oliver: Yes.

	AYE 7	NAY 3	ABS 0	ABSENT 1
HODGSON	AYE			
HORSLEY		NAY		
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
REDMOND		NAY		
RIPLEY		NAY		
RUCINSKI	AYE			
THORNTON				ABSENT
WALL	AYE			
WEINER	AYE			

Ed Weeden: By a vote of 7-3, the Commission has denied the application of Grace Bible Church of Virginia Beach, Inc.

Eddie Bourdon: Thank you all.

Dee Oliver: Thank you all so much for coming down. Is there any other business? If not, this meeting of the Planning Commission is adjourned.