

Item #1  
TMSSR, L.L.C.  
Conditional Use Permit  
620 Village Drive, Suite D  
District 6  
Beach  
October 11, 2017

**CONSENT**

An application of TMSSR, L.L.C. for a Conditional Use Permit (Tattoo Parlor) on property located at 620 Village Drive, Suite D, District 6, Beach. GPIN: 2407-67-3849-0001.

**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 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 any new signs.

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

	<b>AYE 10</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 1</b>
<b>HODGSON</b>				<b>ABSENT</b>
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>RIPLEY</b>	<b>AYE</b>			
<b>RUCINSKI</b>	<b>AYE</b>			
<b>THORNTON</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINIER</b>	<b>AYE</b>			

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

Sarah Fillon appeared before the Commission on behalf of the applicant.

Item #2  
KABP Development, L.L.C.  
Conditional Use Permit  
2033 Fisher Arch  
District 7  
Princess Anne  
October 11, 2017

**CONSENT**

An application of KABP Development, L.L.C. for a Conditional Use Permit (Hair Care Center) on property located at 2033 Fisher Arch, District 7, Princess Anne. GPIN: 2414-11-8775-0000.

**CONDITIONS**

1. All applicable building permits and occupancy permits shall be obtained as required for a personal service use by the Building Official’s Office.
2. Any onsite signage for the hair care center establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon or electronic display signs or accents, installed on any wall area of the exterior of the building, in or on the windows, or on the doors. The building signage shall not be a “box sign.” There shall be no window signage permitted. A separate sign permit shall be obtained from the Department of Planning and Community Development for the installation of the signage.

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

Ronald Ripley: I am a member of the Towne Bank Advisory Board in Chesapeake and this is an application that discloses Towne Bank as their lender. I will be voting on this matter since I have no interest in the application and Towne Bank is not the applicant and since the Planning Commission is advisory and has no control over the final decision, I will be voting on this application.

Mike Inman: I am a member of the Towne Bank Advisory Board. I have no interest in the application and since Towne Bank is not the applicant and since the Planning Commission is advisory and has no control over the final decision, I will be voting on this application.

	<b>AYE 10</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT</b>
<b>HODGSON</b>				<b>ABSENT</b>
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>RIPLEY</b>	<b>AYE</b>			
<b>RUCINSKI</b>	<b>AYE</b>			
<b>THORNTON</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

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

Item #2

KABP Development, L.L.C.

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Kristin Huber appeared before the Commission on behalf of the applicant.

Item #3  
KODU, L.L.C.  
Conditional Use Permit  
1165 Lynnhaven Parkway  
District 3  
Rose Hall  
October 11, 2017

### **CONSENT**

An application of KODU, L.L.C. for a Conditional Use Permit (Motor Vehicle Sales) on property located at 1165 Lynnhaven Parkway, District 3, Rose Hall. GPIN: 1486-90-9402-0000.

### **CONDITIONS**

1. When the property is redeveloped, it shall be in substantial conformance with the exhibit entitled, "Conceptual Site Layout – Prepared by Staff," which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
2. No vehicles for sale shall be parked outside of the designated display area, as depicted on the plan identified in Condition 1 above, including within the 22-foot common easement along Lynnhaven Parkway or within the right-of-way.
3. All vehicles for sale shall be located on a paved surface. No vehicles shall be displayed on raised platforms, earthen berms, landscape islands, or any other structure designated to display a vehicle higher than the elevation of the main parking lot.
4. A Landscape Plan shall be submitted to the Development Services Center of the Planning and Community Development Department for review with and ultimately approval prior to the issuance of a Certificate of Occupancy.
5. There shall be no storage of tires, merchandise, or debris of any kind outside of the building.
6. No outside storage of vehicles in a state of obvious disrepair shall be permitted on the site.
7. There shall be no auto repair or service on the site.
8. There shall be no outside audio speakers for any purpose.
9. There shall be no signs which contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving devices on the site or on the vehicles. There shall be no signs which are painted, pasted or attached to the windows, utility poles, trees, or fences, or in an unauthorized manner to walls or other signs. There shall be no portable or nonstructural signs, or electronic display signs on the site.
10. There shall be no neon or electronic display signs or accents installed on any wall area of the exterior of the building, in or on the windows, or on the doors. No window signage shall be permitted. The building signage shall not be a "box sign," but rather either externally lit or constructed of raceway-mounted channel letters with L.E.D. illumination. A separate sign permit shall be obtained from the Planning Department for the installation of any signage.

11. The existing freestanding sign shall be removed and replaced with a monument style freestanding sign with a brick base and shall be no taller than eight (8) feet in height measured from the ground to the top of the sign.

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

Dave Redmond: I will be abstaining from agenda item 3. I am listing this property for sale around the corner at 3336 Holland Road.

Ronald Ripley: I am a member of the Towne Bank Advisory Board in Chesapeake and this is an application that discloses Towne Bank as their lender. I will be voting on this matter since I have no interest in the application and Towne Bank is not the applicant and since the Planning Commission is advisory and has no control over the final decision, I will be voting on this application.

Mike Inman: I am a member of the Towne Bank Advisory Board. I have no interest in the application and since Towne Bank is not the applicant and since the Planning Commission is advisory and has no control over the final decision, I will be voting on this application.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 1</b>	<b>ABSENT 1</b>
<b>HODGSON</b>				<b>ABSENT</b>
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>			<b>ABS</b>	
<b>RIPLEY</b>	<b>AYE</b>			
<b>RUCINSKI</b>	<b>AYE</b>			
<b>THORNTON</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

By a vote of 9-0-1, with the abstention so noted, the Commission approved item 3 for consent.

William Dudley appeared before the Commission on behalf of the applicant.

Item #4  
William & Christen Hickey  
Change of Zoning  
500 Davis Street  
District 2  
Kempsville  
October 11, 2017

**CONSENT**

An application of William & Christen Hickey for a Change of Zoning (B-2 Community Business to R-20 Residential) on property located at 500 Davis Street, District 2, Kempsville. GPIN: 1467-49-6170-0000.

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

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

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

The applicant William Hickey appeared before the Commission.

Item #5  
McNeel Properties, L.L.C.  
Modification of Conditions  
Conditional Use Permit  
3249 Dam Neck Road  
District 7  
Princess Anne  
October 11, 2017

**DEFERRED**

An application of McNeel Properties, L.L.C. for a Modification of Conditions (Conditional Use Permit approved by City council on May 16, 2017) and an application of McNeel Properties, L.L.C. for a Conditional use Permit (Bulk Storage Yard) on property located at 3249 Dam Neck Road, District 7, Princess Anne. GPIN: 1495-14-6175-0000.

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

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

By a vote of 10-0, the Commission deferred item 5.

R.J. Nutter appeared before the Commission requesting deferral of this application.

Item 6  
Courthouse Area Charity  
Conditional Use Permit  
2849 Princess Anne Road  
District 7  
Princess Anne  
October 11, 2017

**CONSENT**

An application of Courthouse Area Charity for a Conditional Use Permit (Assembly Use) on property located at 2849 Princess Anne Road, District 7, Princess Anne. GPIN: 1494-46-1205-0000.

**CONDITIONS**

1. When the site is developed, it shall be in substantial conformance with the submitted site layout exhibit entitled, "Conceptual Site Plan, CONDITIONAL USE SITE PLAN, PRINCESS ANNE MASONIC LODGE, 2849 PRINCESS ANNE ROAD, VIRGINIA BEACH, VA", prepared by SUSSEX DEVELOPMENT CORPORATION, dated 8/29/17, 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, noting that the skirt may be either brick or EIFS, entitled, "NEW MASONIC LODGE BUILDING, 2849 PRINCESS ANNE ROAD, VIRGINIA BEACH, VA", prepared by WOODARD DESIGN P.C., DATED 8/24/17, which have been exhibited to the Virginia Beach City Council and are on file in the Department of Planning and Community Development.
3. The proposed monument sign shall be no taller than eight feet in height and resemble the likeness of the proposed monument sign on page nine of this report. Submit a permit request for any proposed signage to the Zoning Office for approval.

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

Donald Horsley: I would like it to be known that I am a member of Board of Courthouse Area Charity. I will be abstaining from this vote.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 1</b>	<b>ABSENT 1</b>
<b>HODGSON</b>				<b>ABSENT</b>
<b>HORSLEY</b>			<b>ABS</b>	
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>RIPLEY</b>	<b>AYE</b>			
<b>RUCINSKI</b>	<b>AYE</b>			
<b>THORNTON</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

By a vote of 9-0-1, with the abstention so noted, the Commission approved item 6 for consent.

Les Watson appeared before the Commission on behalf of the applicant.

Item #7  
Tony D, L.L.C.  
Conditional Change of Zoning  
Northwest Corner of Princess Anne Road & Winterberry Lane  
District 7  
Princess Anne  
October 11, 2017

**DEFERRED**

An application of Tony D, L.L.C. for Conditional Change of Zoning (AG-2 Agriculture to Conditional O-2 Office) on property located on the northwest corner of Princess Anne Road & Winterberry Lane, District 7, Princess Anne. GPIN: 1494-09-6364-0000.

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

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

By a vote of 10-0, the Commission deferred item 7.

R.J. Nutter appeared before the Commission requesting an indefinite deferral of this application.

Item #8  
Cavalier Golf & Yacht Club  
Street Closure  
Portion of Cardinal Road  
District 5  
Lynnhaven  
October 11, 2017

**CONSENT**

An application of Cavalier Golf & Yacht Club for a discontinuance, closure and abandonment of a portion of Cardinal Road, District 5, Lynnhaven. GPIN: 2418-24-6584-0000.

**CONSENT**

1. The City Attorney's Office will make the final determination regarding ownership of the underlying fee. The purchase price to be paid to the City shall be determined according to the "Policy regarding Purchase of City's Interest in Streets Pursuant to Street Closures," approved by City Council.
2. The applicant shall resubdivide the property and vacate internal lot lines to incorporate the closed area of Cardinal Road into the applicant's adjoining parcel that the right-of-way would have provided direct access to. The plat must be submitted and approved for recordation prior to the final street closure approval.
3. An appropriately sized public utility easement satisfactory to the Department of Public Utilities shall be dedicated for all public utilities infrastructure located within the portion of the right-of-way to be closed.
4. The applicant shall verify that no private utilities exist within the right-of-way proposed for closure. If private utilities do exist, easements satisfactory to the utility company must be provided.
5. No portion of the closed right-of-way shall be used for the creation of any lot(s) that increase residential density within the 65-70 dB DNL noise zone; Sub-Area 3.
6. Closure of the right-of-way shall be contingent upon compliance with the above stated conditions within 365 days of approval by City Council. If the conditions noted above are not accomplished and the final plat is not approved within one year of the City Council vote to close the right-of-way, this approval shall be considered null and void.

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

Ronald Ripley: I am a member of the Towne Bank Advisory Board in Chesapeake and this is an application that discloses Towne Bank as their lender. I will be voting on this matter since I have no interest in the application and Towne Bank is not the applicant and since the Planning Commission is advisory and has no control over the final decision, I will be voting on this application.

Mike Inman: I am a member of the Towne Bank Advisory Board. I have no interest in the application and since Towne Bank is not the applicant and since the Planning Commission is advisory and has no control over the final decision, I will be voting on this application.

**HODGSON**                      **AYE 10**                      **NAY 0**                      **ABS 0**                      **ABSENT 1**  
**ABSENT**

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Cavalier Golf & Yacht Club  
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<b>HORSLEY</b>	<b>AYE</b>
<b>INMAN</b>	<b>AYE</b>
<b>KWASNY</b>	<b>AYE</b>
<b>OLIVER</b>	<b>AYE</b>
<b>REDMOND</b>	<b>AYE</b>
<b>RIPLEY</b>	<b>AYE</b>
<b>RUCINSKI</b>	<b>AYE</b>
<b>THORNTON</b>	<b>AYE</b>
<b>WALL</b>	<b>AYE</b>
<b>WEINER</b>	<b>AYE</b>

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

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

Item #9  
New Cingular Wireless PCS, L.L.C. c/o Jacobs Telecommunications, Inc.  
Conditional Use Permit  
1800 English Court  
District 6  
Beach  
October 11, 2017

**DEFERRED**

An application of New Cingular Wireless, L.L.C. c/o Jacobs Telecommunications, Inc. for a Conditional Use Permit (Small Cell Wireless) on property located at 1800 English Court, District 6, Beach. GPIN: 2407-57-7184-0000.

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

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

By a vote of 10-0, the Commission deferred item 9.

Item #10  
Baker Villas, L.L.C. & Ocean Rental Properties, L.L.C.  
Conditional Rezoning  
504 Baker Road  
District 2  
Kempsville  
October 11, 2017

**DEFERRED**

An application of Baker Villas, L.L.C. & Ocean Rental Properties, L.L.C., for a Conditional Rezoning (R-7.5 Residential to Conditional A-18 Apartment) on property located at 504 Baker Road, District 2, Kempsville. GPIN: 1468408255; 1468407007; and portions of 1468500209; 1468409386; 1468409432; 1468407370; 1468407461.

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

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

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

Item #11  
Rhett Rebold  
Conditional Use Permit  
Craft Brewery & Open Air Market  
505 18<sup>th</sup> Street  
District 6  
Beach  
October 11, 2017

## **REGULAR**

Bob Thornton: The next order of business we will address the remaining matters on the agenda. I would like to ask the Secretary to call the first item please.

Jan Rucinski: Okay. Thank you Chairman Thornton. The first item is an application of Rhett Rebold for a Conditional Use Permit (Craft Brewery and Open Air Market) on property located at 505 18<sup>th</sup> Street, District 6, Beach. Is the applicant present?

Rhett Rebold: Yes I am.

Jan Rucinski: If you can just state your name for the record and explain your application to us please?

Rhett Rebold: Sure. I'm Rhett Rebold. I am applying for a Conditional Use Permit to purchase the building that is currently Red Flag Athletics into a small craft brewery. That's it. Because there will be up to one food truck present also, an open air market, I guess is what they call it. In order to mitigate any kind of noise from generators, which I understand are a concern, I'm going to install a RV hookup so they won't need to run both generators while the food truck is there. Other than that, I accept the conditions in the write up.

Bob Thornton: Does anybody have any questions of Mr. Rebold? Ron?

Ronald Ripley: During the informal meeting, we talked about the nuisance to the adjacent property owner, and there was a resident that is located to the rear of your property, she opposed the business and she couldn't stay. She had to leave. Have you spoken with everybody that is immediately around you about what you planned to and perhaps you might make the sound and create an environment that everybody can live together?

Rhett Rebold: Yeah. Actually, I have talked to some of the businesses that are around the area but I haven't talked to everyone around there. I've been talking to the Planning Department and we discussed ways to mitigate any kind of noise with outdoor seating, that sort of thing. In fact, I think the planner suggested a visible barrier in the front, to the west? And also in the back to the west and also to the north, hopefully that would mitigate some of the noise that Kathy Owens is concerned about. I just met her and I was sitting next to her in the earlier meeting this morning.

Ronald Ripley: So did you have a chance to talk?

Rhett Rebold: Yeah. Yeah. It is a deeper subject than that but yeah.

Ronald Ripley: It would help you to defer this and talk to her about it and see you can come to some sort of resolution before it goes beyond here?

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Rhett Rebold  
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Rhett Rebold: I mean, within tolerance, I am willing to mitigate it in ways that are mutually acceptable, so; I rather not, for various reasons put this off. I am flexible in ways to mitigate that.

Ronald Ripley: Okay. Thanks.

Rhett Rebold: Are there any other questions? Mike?

Mike Inman: I'm looking at Google maps where you're going to put a new addition on the building, which is going to be on the back.

Rhett Rebold: Right.

Mike Inman: Are you aware there are a number of residences along that you back up to that and you think that the sound attenuation will be sufficient?

Rhett Rebold: Well, they are there. I think we're talking about two visual audio walls and maybe some landscaping being proposed in that area. Right now, I guess it is kind of a paper alley, which is overgrown and actually there is some nice shade trees back there currently. So, maybe that can be enhanced or with mutual kind of agreement with that landowner, with Kathy? I think you guys know each other.

Mike Inman: Yeah. I was just concern. So what are the hours of operation for that rooftop?

Rhett Rebold: It is proposed to be open as late as 10:30 and as late as midnight on Friday and Saturday, and it is consistent with the Craft Burge bar, I think it is open until midnight every night of the week. Esoteric is open until midnight Friday and Saturday night.

Bob Thornton: Are there any other questions? Thank you. There is no one else to speak?

Jan Rucinski: There are no other speakers.

Bob Thornton: We can close the public hearing and discuss it amongst ourselves.

Mike Inman: I'm wondering if we can get some indication of how notices were sent out. Who qualifies as an adjacent land owner that gets notice of this application?

Kristine Gay: Kay, do you want to answer that question about advertising?

Kay Wilson: Go ahead Kristine.

Kristine Gay: I know that Kathy, I just spoke with her in the hallway, and she did receive the adjacent property notification letter. She hadn't been able to access the report. She couldn't find it on the website but we did just go through it outside, and we spoke about how to revise the requirement to have a visible barrier, and she felt comfortable meeting with myself, and Rhett to come to more definite design solution between now and City Council. Beyond that she didn't have any other concerns and she felt comfortable working with us.

Mike Inman: It really didn't totally answer my question. I am sort of concerned about all the residences that I saw from Google earth or map that seem to be easy hearing distance, I would say, of this

proposed new top deck. That is my concern. Not just one property owner.

Kay Wilson: Notification is all those properties that touch this property. I believe we also go across the alley so even there is a small alley, we go across it. You are not going to go down, you're going to go across the alley because that is where you extended it, but you don't go down. You only hit those properties that touch the property.

Bob Thornton: Okay, so the question is for us to consider this application does anybody have a major concern over the extension the expansion on the back is where there is going to be an outdoor patio and a place to have food and beer. Is that correct? That is the way the drawing depicts that. So, the second floor of that addition will be an outdoor venue. So the question to this body is does anybody have a problem with this application, subject to ask staff, and the applicant and the Kathy, the lady behind modifying recommended condition #3. If we're comfortable with the staff and the applicant and one neighbor working this out, are we at a point where we can make a motion and vote for this? If so, somebody make a motion. Dave Redmond?

Dave Redmond: Mr. Chairman, I move approval of the application.

Bob Thornton: Thank you Dave. Do I have a second?

Don Horsley: Second.

Bob Thornton: Mr. Horsley has seconded it. We're ready to vote. Thank you Kristine for catching up with us on that ...

	<b>AYE 9</b>	<b>NAY 1</b>	<b>ABS 0</b>	<b>ABSENT 1</b>
<b>HODGSON</b>				<b>ABSENT</b>
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>		<b>NAY</b>		
<b>KWASNY</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>RIPLEY</b>	<b>AYE</b>			
<b>RUCINSKI</b>	<b>AYE</b>			
<b>THORNTON</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

By a vote of 9-1, the Commission has approved the application of Rhett Rebold.

Bob Thornton: Pardon me. Thank you.

Item #D1

Water Boxes, L.L.C.

Conditional Use Permit (Multi-Family Dwelling & Commercial Marina)

Conditional Rezoning (B-2 Community Business & R-7.5 Residential to Commercial B-4  
Mix Use & P-1 Preservation)

2100 Marina Shores Drive

District 5

Lynnhaven

October 11, 2017

## **REGULAR**

Jan Rucinski: The next item on the agenda is an application of Water Boxes, L.L.C., for a Conditional Use Permit (Multi-Family Dwelling and Commercial Marina) and a Conditional Rezoning (B-2 Community Business and R-7.5 Residential to Conditional B-2 Mixed Use and P-1 Preservation) on property located at 2100 Marina Shore Drive, District 5, Lynnhaven. Will the representative for this application please come forward?

Ronald Ripley: Mr. Chairman?

Bob Thornton: Yes.

Ronald Ripley: I will be abstaining from this particular matter because the applicant has an interest that I have, so; as opposed to sitting here to abstain, and this is the last item, I will vote as absent and I'll leave.

Bob Thornton: Thank you. Enjoy your afternoon. Welcome.

Lisa Murphy: Good afternoon Chairman, Vice Chairman, members of the Planning Commission, for the record my name is Lisa Murphy and I'm a local attorney. I represent the applicant Water Boxes, L.L.C. and the contract purchaser, which is WTZR MS, L.L.C. and Brad Waitzer, the principal is here with us today to answer questions. It is interesting sitting through the last application. This particular application is the result of over three years of collaboration with the community. I've only been in this for two years, but over the course of three years, Brad and the property owner have had close to 30 meetings with folks. I've been involved personally, and I counted up 17 presentations meetings. We've been for the Bayfront Advisory Commission twice, Shore Drive Community Coalition. We've had several meetings with Long Creek Cove and their board, and have had several meetings with Cape Story by the Sea, where we've had general open meetings. What you have before you, the proposal includes a proffered package and a site plan that we feel is very responsive to the concerns that we heard at large from the community. And you can imagine a property that is over 18 ½ acres. There are a lot of people around this property and lot of these folks that we had to communicate with. As it was said in your informal session, it is just over 18 ½ acres combined. The redevelopment parcel, which is the piece that is commercially zoned B-2 now, that will be rezoned to B-4 Conditional is the larger piece where the boat storage and marina and the 30,000 square feet of event space where the surf rider is located, and then you got a preservation parcel, which is the undeveloped marsh land to the east. What is very important to a lot of folks was the exact location of the line demarcating the redeveloped, where the development would be and preservation parcels, so we worked a long time to come up with a location that basically says where the development is now, is where that line is. That is where it stops. No further development. We've included proffers that restrict any further development> They would allow for access at Wake Forest Road to the folks who live at Cape Story by the Sea and Cape Henry Shores but there would be no development, no expanding of the marina and it would protect them very important

preservation area. As was indicated just the overall big picture, the dry storage facility, which is over 55 or so feet tall, is a large facility, that would be going away. The 30,000 square feet of commercial space, which is currently under-utilized now, would be going away. What would remain would be the wet slips, the surf rider, the pool, with the pool house for the marina guest and customers. And then where the dry storage and the 30,000 square feet event facility is now, that is where the 200 high end luxury multi-family apartments would be. The original proffers and this applicant was made at the end of 2015 and then updated in 2016, we reduced the density by 25 percent. So, that was one of the things that we heard from folks, so we dropped it from 261 down to 200 units. This shows you the layout, so in cropping it, we were able to reconfigure the buildings so nobody is really looking at a long flat surface. The original proposal back in 2016, would have had the apartment building. This side would have been flat along the property to the north, which is Long Creek Cove Condominiums, so what we've done by reducing the number of units, we've been able to reconfigure that so not only do you have that southern coastal look and feel, but you actually have a smaller foot print. Originally, we thought that Surf Rider was going to want to expand. They are not interested in expanding, so; we left open a spot here for 4,500 square feet, indoor/outdoor, a nice outdoor oyster bar type facility. So, it really would be a mixed use marina community, and it will be a high-end apartments. We're anticipating this will be age restricted but we're anticipating older folks in the Great Neck Shore Drive corridor, who want to retire and don't want to pay property taxes any more. They want to downsize. This would be a nice alternative for them. It is a great alternative if you don't want to pay real property taxes to be on the water but you want to keep your boat in a slip on the water. So, that is the general of the application. A gain, the southern coastal look and feel is an upgrade obviously over what's there now. Any additional buildings that would be put on the property would also have that same southern coastal look and feel, high quality design. If you go back, you can see the courtyard, sort of the serpentine shape of the building. There will be courtyards, one will have a pool. There will be other outdoor amenities as well as 5,000 square feet of indoor amenities. We've agreed to a proffer for the individual HVAC equipment on the roof and a well. There were folks that were concerned about the noise and aesthetics. Aesthetically, it will be very pleasing and better than what's there now. I wanted to go over what we consider some of the benefits and frankly, and interestingly, one of those is a reduction in traffic generation. Some of you may have been around during the Kokomos days but the event space that Ric described in the meeting is 3,000 square feet of commercial. At one time, it was almost 3,000 square feet of restaurant, office, retail. It is underutilized at this point. There is an event space in there, and they discounted that. In fact, they don't think they've given a traffic generation number for the event space. So, the property as it is used today, is underutilized based on the square footage of space, how it has been used in the past. It is zoned B-2, and such as what staff was trying to say that the existing uses support in the 3,000 trip generation average daily trips, our use looking at the number of slips in the marina, looking at the number of apartments would get you just over 3,000 square feet. Not a huge difference but obviously the property isn't being fully utilized. They could have and the property owner has an application for Kokomos to come back and take up another 15,000 square feet, so right there, you increase the traffic over what we're proposing. The importance there is this rezoning requires a public hearing and a public input process. Any other B-2 uses whether they repurpose the 30,000 square feet or they go with the site plan that I think staff eluded to that's 200,000 square feet of commercial. All of those uses wouldn't have any input from the public. They wouldn't come with any of the proffers that we're proposing, and they would have many times the number of traffic or trip generations, so; we feel that this overall project with the proffers with the reduction in trips, it is actually a benefit. It improves the traffic composition. You won't have loud, unsightly commercial traffic, tankers burning the fuel, multiple times a week especially in the summer time. The fuel tanks will go away. You won't have the tractor trailers bringing the boats in and out to boat storage. You won't have the outdoor repair facilities. Really, if you think about it, it is quite an industrial intense use of that particular portion of the property. As I mention, it eliminates the noxious activities. The boat repair, etc., it improves life

safety. Many of us were around when the Lynnhaven Boatel caught fire unfortunately. You got 500-600 boats, all made out of mostly a fiberglass or gasoline. That is a health issue. If we take away the dry storage, you eliminate that. Take away the three 10,000 gallon fuel tanks. We're eliminating that as an issue as well. It improves the aesthetics. What's there is almost a 60-foot big metal building. What we're proposing will be much more attractive both for the apartments and any future development. We've also improved the rig racks that' from Cape Story by the Sea and Cape Henry Shores. Folks will be able to do, as Carolyn mentioned they will be able to legally, what they sort of have been doing all along but without making any additions to that property. So, we feel that this proposal. No one likes change and in this case change is certain. The properties that are underutilized, it's got commercial zoning. It could be repurposed with its existing square footage right now. The traffic would be up in the 7,000 average trips a day. What we feel is that we've been able to put together a proposal and we've gotten the support of Broad Bay Island, and others that we've talked to that helps reduce traffic. There is no certainly about what could happen. We know what this would propose as it increases safety. It improves and protects the valuable estuary and the environment. It enhances the surrounding property values. We think it promotes recreational use of Long Creek and it enhances the aesthetics far more than any other alternative that is out there. As the staff report indicates the proposal is consistent with the Comprehensive Plan's vision for the suburban area because it leads to this residential infill development and a preservation of the environmental amenities that se there now. This is prime real estate. And this really helps us to preserve a fairly large portion of it. For all of these reasons, we respectfully request that you recommend approval. I will be happy to answer any questions that you have about this application.

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

Dave Redmond: Ms. Murphy can you speak a little bit the alternative? There was some discussion this morning that there is an improved site plan with the Planning Department already for an alternative. I don't know that much about it, but I would like to hear a little about that.

Lisa Murphy: So, the current property owner Water Boxes, Gale Higgs, has an approved site plan that Carolyn's got copies of it. It is 20,000 square feet of mixed office retail and restaurant. The applicant at that time, retained a variance, so, there is very little setback tween where the building would be and Long Creek Cove, the residential properties to the north. It consists of boat storage incidentally, in that site plan remain, so the large metal building would stay. What would be replaced is the 30,000 square feet. I'm sorry, 200,000 square feet, so it is two structures. You got a five story structure with parking underneath and a seven story structure with parking underneath. So, it is 200,000 square feet. And that is an improved site plan that's been now as a result to the change in the statute until July 1, 2020.

Dave Redmond: I think this morning and if you could help confirm this and the staff will happy you as well, or at least help me, is that the alternative that is reflected in this approved site plan traffic generation number of 9,214?

Carolyn Smith: Yes sire that is correct.

Dave Redmond: Okay, so the applicant has an approved site plan for a development that at 200,000 square feet and seven stories that would generate 9,000 trips a day as opposed to this plan, which generates 3,000. Is that correct?

Carolyn Smith: Yes sir, that is correct.

Dave Redmond: Okay, I just making sure I got that right. Okay. Thank you.

Lisa Murphy: You're welcome

Bob Thornton: Are there any questions for Ms. Murphy? Thank you.

Lisa Murphy: Thank you.

Bob Thornton: Call the next speaker please?

Jan Rucinski: We have quite a few speakers in regard to that. Our first speaker in support is C.B. Drake III, as you come to the lectern, if you could please make sure you state your name for the record.

C.B. Drake III: I'm C.B. Drake III, and I'm in favor of the project.

Jan Rucinski: That was quick. The next speaker in support is Henry Bule.

Henry Bule: Bule.

Jan Rucinski: Okay. Thank you sir. If you can state your name for the record when you get to the microphone please?

Henry Bule: My name is Henry Bule.

Jan Rucinski: Can you give us why you're supporting the application?

Henry Bule: I hope I don't take too much of your time.

Jan Rucinski: You only have as long until that little red light comes one.

Henry Bule: I've been a member of the community down there since 1999 when it was built. I watched the marina get built. I watched the community get built and I've gone through all the pain and agonies that anyone has had. I've been the president and vice president and board of directors for 15, almost 16 years. I just resigned here a couple of months ago due to I travel to Florida. I inherited a place down there. And do to my being away, I did not find it efficient enough for me to be here and maintain the president's spot. So I relinquished it and now I'm doing my own thing. But I have been through every situation that is possible over the last 15 years with the marina. Our community and with the Kokomos was always a big issue, and I can say that to my knowledge, no one has ever been hurt. No one has ever been damaged. We've had people walk through the neighborhood that the neighborhood people didn't like. We had people parking the neighborhood that they didn't like. It seems that all of that has been solved. So, to see what has been there and what's there, I can see the difference, and to bring back what was there before versus what the owner wants to build now, I can definitely see the difference of where, as a homeowner there, would like to see the new project completed. The part that could be completed as the lady or someone just said, if you go back to the homes along the fence line case you all didn't notice but about 200-300 lined fence, and they have homes there up that fence. For me to bench is going to be broken 20-30 feet. With the old situation going up, so if you have a home there arranging from 300,000-400,000 dollars, and you look out your window, you're going to see a building right there versus seeing a marina and whatever else or some new buildings. So, those people are not going to be happy. I've been down in Florida by the way, and I just got back Monday, so I am not totally prepared for what I wanted to say but I'm personally going to go through every one of them homes and explain to them what's going to happen. I don't know if I'm going to make any changes or whatever but those

people really need to know that with the new situation they are going to much better off as a homeowner there versus not. You're going to have some homeowners coming up and they don't want to see the school kids get hurt. I go to that school practically every morning. Not one kid has been hurt. Ten family members are there to see their kids get on a school bus, see them get off the school bus. Not one kid in 15 years has been hurt. So, seeing the new one versus the old one is much better for the community.

Jan Rucinski: Thank you.

Bob Thornton: Are there any questions of the speaker? Dave

Dave Weiner: Mr. Bule, are you planning on keeping your residence at this place.

Henry Bule: Yes sir. I have it for sale. But it has been for sale for a year and I have a price on it but I won't budge. So, there are 400,000 people in this country, I'm looking for one that's got a suitcase full. When they give me my price I'll move, just like you would move if I came by and give you the price for your house.

Bob Thornton: Thank you

Henry Bule: Are there any other questions? When I was across the street and tow down from me, they both came down \$30,000 or \$65,000 to give a way heir house. I'm not doing it. I like it too much.

Bob Thornton: Okay, Thank you.

Jan Rucinski: Our next speaker Bradley Waitzer.

Bradley Waitzer: Thank you. My name is Brad Waitzer. My address is 242 Mustang Trail in Virginia Beach. And I am the developer, contract purchaser of the property to develop the apartments. And to me, as I, first of all, have been doing this for 30 years now. I have never had such a collaborative process with homeowners in the area. We made something like 12 substantive changes to the plan based on the input. I understand that we will never make everybody happy because certain people in the neighborhood want one thing and certain people in the neighborhood want something else. And, so inaudibly, you will be choosing between two in perfect plans that will make some people unhappy. To me, there are two main issues aside from aesthetics, aside from preserving the environment, aside from doing away with oil spills, that makes this particular development particularly attractive to the City of Virginia Beach as well as the neighbors. The first, it has been mentioned that the site plan that has been approved generates approximately three times the traffic as currently exists and as development exists or as development would. I want to point out that the current condition includes zero trip generation from the boatel dry storage building. We know that is not the case because there are back to back weddings there every weekend. As Lisa said, there is also an offer on the table from the operator of Kokomos to operate a 15,000 square foot restaurant taking over half the existing building. The dry storage would remain. The traffic generated by all the other uses would remain. This would be in addition to that. The important ratio as far as I can tell is that the ITE Traffic Generation Manual says that the traffic generated by 200 apartments is almost the same within a percentage point or two, as a 10,500 square foot restaurant. So, that one restaurant alone would produce more traffic, roughly 50 percent more traffic as the apartments and you would still have the traffic from the dry storage plus a reduced sized special events base or it could be rented to another restaurant. The point is that we don't know exactly what will happen to that piece of property because of its current zoning. I feel very

confident that it will be far more intense than what is there now. But our plan is the only way that the public and you and the City Council would have a say on what goes on that piece of property because of its current B-2 zoning. And no matter what happens, if there are 9,000 trips per day generated, it would go on that same road. It will go by the same houses. The question is whether you want roughly 3,000 or you want some multiple of 3,000.

Bob Thornton: Brad?

Brad Waitzer: Yes sir.

Bob Thornton: I want to remind you that your time is up.

Brad Waitzer: May I have a few more minutes.

Bob Thornton: Yes. Keep it down to one, in fairness, to the other 8 or 9 people speaking.

Brad Waitzer: Okay. The second issue for me is that I eye witnessed the Lynnhaven Fire. It was a three alarm fire in 1999. These boats are full of gasoline besides being made of a flammable product. They are full of gasoline. And if you just do the math, 50 gals on average per boat, and in the winter they are generally stored full so you can minimize condensation. You're looking at multiple explosions over a long period of time within about 100 feet of homes, and that is exactly what was experienced at Lynnhaven, however, the homes weren't so close. Thank you. I can answer any questions.

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

Jan Rucinski: Our next speaker in support is Chris Wood.

Chris Wood: Good afternoon MR. Chairman, members of the Commission, my name is Chris Wood, and I am a lifelong resident of Virginia Beach. I've lived in the Cape Story/Cape Henry area for going on 20 years. Not only is my home in the area, but also my business is there. I have a couple of rental homes there as well, as well as a commercial building with a successful real estate business and a boxing gym. So this is very important to me. I live there> I work there. And tom me this is one the most important land claiming items that has come before you all in our area since perhaps Pleasure House Point. When I was writing my comments last night, I was thinking what if we did this in reverse. If we had a high end residential complex and someone wanted to come in tear it down and put in an industrial use with fork lifts and boats and multiple bars and restaurants, what would the outcome be? Clearly there would be an out roar against that. So, what is currently there and what is currently the property is being used. It is just not the highest and best use for the property and for the community. I likely had a whole lot to what the staff wrote up. It was great write up. I agree with everything they said. I want to thank Mr. Waizter. He met with us many times, me with the community many times. I see no reason for the opposition. You will hear something about a petition today. If you look at the petition, it was very well intentioned, I'm sure, but it was misleading. It mentioned about the traffic. Clearly there is less traffic. It mentioned public safety as Mr. Waizter said, this is a much safer proposal and so I think that is a big issue there. And finally, I think the most important thing for me being a member of Cape Henry Shores and cape Story is having the five acres of environmental wetlands and the beach protected. I've taken my kids and dogs there for 15 years illegally, right past the No trespassing signs would have been there, as have everybody else. So, having that preserved and donated to Lynnhaven River NOW to protect it forever is really important me. And that is all my comments.

Bob Thornton: Thank you Mr. Wood. Are there any questions of Mr. Wood? Seeing none. Thank you

sir.

Chris Wood: Thank you.

Jan Rucinski: Our next speaker in support is J.R. Maas. Please state your name for the record.

J.B. Maas: It is JB Maas. It was close. I will be brief. I was born and raised in Virginia Beach. And I am here in support of the Marina Shores rezoning request. As a father of young children, the wetland donation protection as promised and the new public access that is going to be provided is major motive for supporting the project.

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

Jan Rucinski: Our next speaking in support is Doug DeVito.

Doug DeVito: Thank you for all your time today. My name is Doug DeVito. I am a small business owner in the Shore Drive Corridor, also formerly a resident of Long Creek Cove actually. I lived there for 13 years. I recently sold my home there two years ago and still live in the Great Neck Road area and frequent that area regularly. My family still lives in the neighborhood. I would like to show my support for approval of the Water Boxes Marina Shores area. The biggest thing for me is the wetlands as previously stated from many people. It is a huge asset to the community, the access to waterways most from non-motorized vehicles, kayaks, canoes, and just recreational use, and the benefits that the community will receive from that has been my drive and motivation for it, and that is what I have to say today. Thank you.

Bob Thornton: I have a question for you.

J.B. Maas: Yes sir.

Bob Thornton: In the list of vote "no" to rezoning, you happen to show up on here. Was your name place on here with your approval? Or did you not know anything about it?

J.B. Maas: I believe that is from a Facebook posting that went probably when this discussion first started.

Bob Thornton: Okay.

J.B. Maas: From that I do not know how that works. That was passed along to me through that applicant.

Bob Thornton: We just wanted you know that you're on here but you're in favor of this application.

J.B. Maas: Yes sir.

Bob Thornton: Thank you.

Jan Rucinski: That is the end of the speakers in support. Our first speaker in opposition is Laura Maxson. If you can just make sure you state your name for the record?

Laura Maxson: My name is Laura Maxson. And I'm a resident of Long Creek Cove Condominiums, which is the neighborhood that is directly affected by this project. It doesn't show on the screen is the ingress/egress that goes to the apartments. It is a 24-foot wide street with no sidewalks and no shoulder. Entrance to our neighborhood also doesn't have sidewalks. Our children walk to school in the dark. My daughter walked this morning in the dark to Great Neck Road, and then walk in the street. And, you have to get in the other side of the road to go around these children. With the commute will be raised in the morning. The traffic will be higher at rush hour in the morning when our kids are going to school. Also the density is an issue. These are 200 apartment units. Our entire neighborhood is only 87 houses. So, that is more than double the amount. I believe the traffic study for the marina is flawed because it is a seasonal. And the restaurants only open during the summertime, so not everybody gets to visit their boat every day. My dad didn't when he had his there. It was there for five years and he never went to see it. And, and so it's this traffic, the safety and the density. And, I think it will decrease the value of our homes if we have this. We have been threatened with the Kokomos and ooh it is going to be so bad and scary. I lived there during the Kokomos time. Kokomos was only open Wednesday through Saturday. So, how can you say there is going to be that many trips generated to a facility that is closed during the week. But like I said it is the safety of the road. It already has a sink hole in it. I don't think it will be able to stand up to the avail of traffic, and the amount of vehicles that will be going through there to build the apartments. You will still have commercial vendors for the restaurants as well as, staff members and the people who live in the condos. So this is why our neighborhood, well. I wrote that petition and I passed out the petition, and I got 792. I do not know Mr. DeVito but the people in Cape Henry/Cape Story. All they really cared about was their kayak launch. I care about the safety of our children, the traffic. The intersection that is there is very hazardous. And so, there is a result to be backed up down Lynnhaven Drive in the morning when our children are out there standing. And for the parents who park along Lynnhaven Drive to pick up their children. And that is all that I have to say.

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

Jan Rucinsk: Our next speaker in opposition is Rex Wiltshire.

Rex Wiltshire: I'm against this and the reason for this is basically the ingress/egress area. You got one road leading into it. They threatened us with the back of houses, which they couldn't do. And you got apartments. I'm sorry. You're going to have more than. You're selling them high price apartments you're selling this but you're going to have roommates. You're going to have more roommates. There is no way to able to police that. They come in and say this is going to be a 60 and above or 50 and above age group with a whole list of that. That might have been a different story. It might have been a different story. But they are apartments. And I see we got apartments across from us and you can see them going down. There is no way. They don't work for condominiums. Thank you.

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

Jan Rucinski: Our next speaker is Joan Ryan.

Joan Ryan: Good afternoon. My name is Joan Ryan. And I live at 2164 Marina Shores Drive, which is right where the traffic goes through to the marina. I am opposed to this unless there is a second road that can be built. I think the traffic, the density of the traffic, the safety of the children should be considered. Right now, the traffic is seasonal, and also it is probably weather permitting. So, it is not a constant 365 day year round traffic, and I would like to see a second road if possible, otherwise I oppose

it. Thank you very much for your time.

Bob Thornton: Are there any questions for Ms. Ryan?

Jan Rucinski: Our next speaker is it Jay Leach.

Jay Leach: Good afternoon. My name is Jay Leach. I currently live in Long Creek Cove since February 2016. Prior to moving to the Marina Shores area, I lived either in the North End or Bay Colony for the previous 23 years, commuting along Shore Drive on a daily basis. I am a volunteer public safety professional for a combined total of 37 years either as a firefighter or as an EMS provider. Aside from continuing to volunteer for our city as a paramedic, I am avid cyclist and owner and operator a charter boat service, so I navigate along Great Neck Road all hours of the day. I support Mr. Waizter's Water Boxes proposal providing the following safety measures are mandated. One the speed limit along Great Neck Road from Thomas Bishop Lane to Shore Drive, be reduced from 45 mph to 35 mph, in order to slow down the traffic on both sides of the Great Neck Bridge. Two, a traffic light and cross walk will be placed on the Marina Shores Long Creek Cove side of Great Neck Road to the Marina Shores Shoppes side along Lynnhaven. These items will mandate that drivers must give sway to pedestrian traffic and the crosswalk. Our rationale is as follows. I agree with Mr. Waizter's letter to you all with the following exception and all due respect to the hard working City engineers with methodology and coming up with the supposed average daily trips along Marina Shores Drive is inherently flawed and grossly inflated regardless of the issue with the dry sub calculation. Using this traffic engineering methodology there will be a car coming through there every 2½ to 3½ minutes. I can tell you inequitably this does not currently happen. Residents have been making complaints over a year and disappointed that the City did not install an actual counter months in order to come up with a definitive measure. In my years of experience, driving along Great Neck Road and living in Long Creek Cove, this corridor continues to become more dense, and thus more active. I cross Great Neck Road multiple times each day and to say it is like playing Frogger is an understatement. Recent traffic statistics from Thomas Bishop to Shore Drive from January 1, 2014 to October 5, 2017, last week, there are 85 multi vehicle accidents, 15 with injuries. At the intersection of Great Neck Road and Lynnhaven Drive, there were 17 motor vehicle accidents, two of them with injuries. And most notable from September 7 to October, within the last month of this year, there have been five motor vehicle accidents, three of them involving injuries. When you look at the population density and driving behaviors and come competent upon this party to treat this corridor as an extension of the Shore Drive Corridor, it should be reduced from 45mph to 35mph in 2010, due to increased population density and community out cry, which contradicted Traffic Engineering analysis. As the old adage goes, policy is often written in blood. Why must we have another tragedy like Whitney Hall see the school teacher or the cypress dingle hearse to occur in or to do what's prudent. The time is now for the City to pro-active and instead of it being reactive. I understand why Traffic Engineering threshold assist, however, common sense and compromise should always prevail, the safety of our neighbors, our children, our state. This body should mandate the speed limit be lowered and a stop sign and pertinent crosswalk be installed prior to any construction starting if this body and City Council deems appropriate. Thank you for your time and most important as a volunteer for the City, I appreciate each of the time and hard work that you all put in on behalf of all of us. Thank you.

Bob Thornton: Are there any questions of Mr. Leach. I have one.

Jay Leach: Yes sir.

Bob Thornton: The light that you are recommending is at the intersection of Great Neck and

Lynnhaven?

Jay Leach: yes sir.

Bob Thornton: Thank you.

Dee Oliver: I got one. Jay, is there no crosswalk on that corner where the last speaker was talking where that bus stop is, there is no crosswalk?

Jay Leach: There is a crosswalk across Lynnhaven Drive and what I'm saying there needs to be a crosswalk across Great Neck Road to get over to the Shoppes. There is a crosswalk at the Cape Henry Trail and there is a crosswalk

Dee Oliver: A crosswalk further down? Right, to get into the running trails.

Jay Leach: On Shore Drive. Correct ma'am. But there is not one for the people who live at Marina Shores area, to get to the Marina Shore Shoppes.

Dee Oliver: Okay.

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

Jan Rucinski: Our next speaker has not indicated either and that is Andrew Baan.

Andrew Baan: Hi Andy Baan. I live at Cape Story. And I don't know if I'm for or against. I have no object to what the applicant is proposing. I really like the applicant's representative's presentation. No development. We're going to protect the preservation area. Mr. Wood emphasis was on the protection of the area P-1. What concerns me is the City, so that is why I say I don't know if I am for or against. The application I don't have any problem with but even in the write up, it says to ensure protection from future development. But, there is always a but, and, this is the concern that I have providing however, those activities like the dredge site. I don't remember. I don't know how many of you participated in the concerns about the dredging. But there is absolutely no benefit to any dredging program that is given to Cape Story but in this proposal, the City has reserved the ability to do that. Well, we have been promised all along the P-1 is inconsistent with a dredge site, so I ask you to view the wool working against the City maintaining that ability to construct a dredge site there and just say okay, it's P-1, that's it. That would be my concern, my comment and my request. Thank you very much.

Bob Thornton: Before you leave. You are not opposed to the project pro-se but your issue is with the dredged access to the river to use for dredge spoil.

Andrew Baan: Yes sir. Because in the proffer provides that the City with the opportunity to do that.

Bob Thornton: To have an easement through this property.

Andrew Baan: Yeah. You can say well, P-1 is P-1, which is completely inconsistent with the City's desire to do that, if it ever comes up again.

Bob Thornton: Are there any questions for Mr. Baan:

Andrew Baan: Thank you Commission.

Jan Rucinski: Our last speaker is Brett Kassir. I believe he changed his position.

Brett Kassir: Good afternoon. My name is Brett Kassir. I am small business in the Shore Drive neighborhood for over 25 years. I've also been a wrestling coach at Cox High School and Great Neck Middle School for over 20 years, and have children who attend school nearby this development. I wanted to mention this because I'm familiar with the neighborhood and both the impact of the residential community, as well as, the business community. Our neighborhood was inundated with traffic, DUIs, traffic back up from Kokomos all the way out to Great Neck Road for many years. If we had a choice between high end residential development and another late night nightclub, not necessarily a food and beverage establishment, but a late night nightclub, which they already have approval from my vote is for the new development. I am competent that the Marina Shores Apartment complex, my kids or my teens that live in the complex. If you drive Great Neck Road, the bus stops, they get off, they go to the apartment complex. I would shop being the only athletes that live right there. There is nothing wrong with living in an apartment. Sometimes is a good stopping point for families in transition. So, I think a high end apartment complex in our neighborhood would be an awesome benefit and I'm available for any questions.

Bob Thornton: Are there any questions for Mr. Kassir? Thank you sir.

Jan Rucinski: We have no more speakers on this application.

Bob Thornton: Ms. Murphy, would you like some time for rebuttal?

Lisa Murphy: Sure. Again for the record Lisa Murphy. I wanted to mention to you that we were on the agenda last month and we said we wanted to meet with a couple of more folks and we made some changes. One of the things that were in the version of the proffers that Kay asked us to take out was this walkway or sidewalk along Marina Shore Drive. And the reason why we had to take it out of the proffers and it is not in the version that you have now, is that it would be considered an offsite improvement. And, not something per state law we could proffer. We have offered an agreement to Long Creek Cove that would have included a walkway because we would need an assessment from them in order to build some sort of walkway along Marina Shores Drive. That is something that Brad has offered and again it was original version of the proffers and were willing to do that. As far as the sink hole in the road, there is a road maintenance agreement that is a part of the underlying easement and the road maintenance agreement, I think it is a 15 percent, 85 percent split. We had also offered that as a part of the redevelopment that we would take over 100 percent of that it would just be a matter of that agreement, again, that I mentioned. There were a couple of offsite improvement items that could not be in the proffers, but were things that we had offered to Long Creek Cove by way of an agreement where Brad would have committed to do those things. And he is willing to do those things. As far as the management of the apartments, I know we talked about these being kind of luxury. Brad's management company is called Signature Property Management. They've won awards recently. Commonwealth at York Berry. They are an excellent property management team. They win awards all over the area for their ability to management properties to keep them looking nice, to prevent some of the situations that were described where you have four and five people and nobody is actually on the lease. They do a credit check on every single person who is going to be living in that apartment, so they avoid all of that. I think the other issue that came up was the speed on Great Neck Road, which I don't think we can affect. We had talked originally two years ago about a light coming at the intersection. As far as I know, the electric is there. It is ready for light and it is really up to Traffic Engineering to say

whether or not it is warranted. Our understanding is that even with this proposal it would not be warranted. Ric can speak to this. My understanding again, is if you put in a light that is not warranted that actually creates more problems that it would fix. Again, I think we can address the kids walking to school with the walkway, the road maintenance. We can address that in a separate agreement. Again, they were original proffered and we had to take those out of the proffers. I'm happy to answer any other questions.

Bob Thornton: Jan?

Jan Rucinski: I have a question and I'm not sure if you can answer it or Kay needs to. So, these offsite improvements that they are indicating they can do but can't be included in the proffers, how can the community be assured that they would do those?

Kay Wilson: An agreement. A private agreement between the neighbors, the applicant, and the community.

Jan Rucinski: Okay.

Lisa Murphy: And we have just for the record saying that the current president is a lay name Laurie Frye. We had submitted to her and the board a formal agreement that would address several of those issues.

Jan Rucinski: Do you know if the members of the community are aware of that?

Lisa Murphy: I would assume that they are. My understanding from the board and you got a couple of members here that there is a real split in the community so in order to get a consensus to sign the agreement they would have to get some kind of consensus. So, that is my understanding. But we have offered it and again, Brad is very willing to put that walkway in there.

Bob Thornton: IN addition to that you're agreeable to maintain 100 percent of the road.

Lisa Murphy: Correct.

Bob Thornton: Instead of the 85/15 split.

Lisa Murphy: Exactly.

Bob Thornton: Dave Weiner.

Dave Weiner: Ms. Murphy, are these one, tow three bedroom apartment?

Lisa Murphy: it would be a mix of one, two and three bedrooms, so; about a fourth would be a one bedroom, a fourth would be three and in the middle would be two.

Dave Weiner: Any idea what the price range would be?

Lisa Murphy: I'm going to ask Brad to come up for that. I know they are looking at the market but I think the bottom it would be the \$1,500.00 for the one bedroom and then depending on the view and depending on the size of the unit.

Brad Waizter: Lisa is correct. We would start at \$1,500.00. Obviously we would charge as much as traffic will bear. We are designing some units for people like my wife and myself, who are looking to move down from our house. We travel and we're in our mid 50s and we tired of our house practically. Those particular units are likely to be over \$5,000.00 with new premiums. And, high premiums and things like that. The majority of units will be \$1,500.00 to \$3,000.00 but we have some reaching far by that.

Davie Weidner: Okay. Thank you.

Bob Thornton: Thank you. Are there any other questions of Ms. Murphy before we close the hearing? Thank you.

Lisa Murphy: Thank you.

Bob Thornton: With that, we'll close the public hearing and have discussion amongst ourselves. Dee.

Dee Oliver: I have a question for Ric. Since Mr. Waizter is extremely generous in taking over the road and improvement for that and maintaining that 100% and putting in sidewalks for the community, and across walk across that road, I know that it doesn't warrant a signal light. Crosswalks. Can you speak on that?

Ric Lowman: Ric Lowman, Traffic engineering. We really can't put a crosswalk across Great Neck Road because of the speed limit. Federal guidelines and I know there is a couple out there. I didn't put them there. I can tell you that Federal Guidelines tell you not to put crosswalks excepted at signalized intersections when the speed limit is greater than 40 mph. Because less than 45 mph puts the burden on the motor vehicle to yield to pedestrians already in the crosswalk but greater than 40 mph that is not the case. So, Federal guidelines caution you not to put a crosswalk unsignalized across a 45 mph road. That is where that comes in.

Dee Oliver: Okay.

Bob Thornton: I've got a question. What do you think in your professional opinion would it take to potentially get a stop light there? If 200 apartments go in and let's say there is 400 people or more that live in that neighborhood, and they want to get across Great Neck Road to the shops and to the things on the other side of the street. It seems like at some point there will be warrant to put a stoplight there if nothing else but for safety based on what Mr. Leach in his statistics, if they are correct, and I believe and it sound s like it is a pretty dangerous intersection today.

Ric Lowman: Well, I have not seen the crash reports that Mr. Leach put together. What I do know is what our department, where the City has put together, which is from 2013 to 2015. We do three year crash studies and it showed that North Great Neck through the section was ranked 265<sup>th</sup> out of 289 segments as far as safety goes, so it is up there. It is one of the arterial segments in the City. I'll be happy to look at his numbers, his crash reports but that is data that we have. There is crash warrant when you talk about traffic signals. There is a crash warrant but the last time that intersection that I found was studied, was back in 2010, where we had request a study for a signal and it was not warranted by the crash warrant or the other warrants, either the volume the shared number of vehicles. In traffic on Great Neck has not increased. It stayed very constant from 2010 until now. So, it would have to be so growth from the side streets and in my opinion, I don't know if the 200 apartments

is going to do it.

Bob Thornton: Okay. Are there any other questions of Ric?

Dee Oliver: I don't want to keep harping on this. I guess I'm guessing on Mr. Leach being an EMT probably, up to date on these crashes, not that you're not but since our traffic study is 2010. You said on that. If that is in fact, it just seems a shame since with our Comprehensive Plan we're always trying to do walk ability and things like that neighborhood. That is where are aiming.

Ric Lowman: Right.

Dee Oliver: To be. And here we have this really nice shopping center across the street and we have all of these residences on the other side of the four lane highway that is 45 mph it seems there's got to be some sort of solution to get those residents across the street without everybody having to get in their car and sort of try to figure that out.

Ric Lowman: Right. Or go to Shore Drive across there and come back.

Dee Oliver: It just seems like there is an easier way to get here to where we are. Hoping you can help us with that.

Ric Lowman: Again, we haven't studied since 2010 but we would study it again after this whole development is built, whatever the complete build out. Whatever the change that is done, we would study it again. We certainly don't want to study it if nothing changes but if something does change, we will study it again. The speed limit issue is not, if you ask Traffic Engineering, we're going to do a speed study out there and if we see the speeds are prevailing speed is 45mph, we're going to recommend keeping the speed limit. The Shore Drive issue is a completely different animal. And that was not changed by Traffic Engineering. That was changed by City Council.

Bob Thornton If you think about having 500-600 boat slips over there and most everybody comes and goes to those boat slips by car, if you put 200 apartments, you're going to have 400 or more people that can walk and like to walk and what Dee says is walk ability, and connectivity is something you're pushing all over the City, so; pretty soon you're going to have a good part of those 400 people wanting to walk across the street if there is a reason to go across the street. And right now, I think you're restaurants and their gyms and their workout places and things of that nature, so I would hope you all would look past a stop light where there is technically needed and not to be practical about it because 400 or more people living in that neighborhood wanting to get across Great Neck Road. You don't want to do that after somebody is run over. That would be a stop light that doesn't cost that much and it is pretty simple that someone might get hurt there. It sounds like Mr. Leach is saying is that have been a whole lot of people hurt there already. So, anyway.

Ric Lowman: We have made improvements to that intersection. A couple of years ago, there was an issue with crashes, I think it was an angle crashes because the left turn lanes were kind of lined up and you couldn't see around the cars that were already sitting to make a left turn in the other direction, so we cut into the median and we offset the left turn lanes, so; if you look at it now, you'll see that we did make an improvement.

Bob Thornton: Those were cars on cars.

Ric Lowman: Right. And what Mr. Leach. I don't know if Mr. Leach provided you any statistics that said that any pedestrians were involved in any of the crashes that we're talking about so, that's what we did that improvement for was for cars on cars.

Bob Thornton: Any other questions.

Barry Frankenfield: Mr. Chairman?

Bob Thornton: Yes.

Barry Frankenfield: It is against my better judgment. I want to have a couple of comments. Here. I actually worked on Shor Drive Improvements Plan and over implications to City Council reduced the speed limit to 35 mph, which allowed us to put the pedestrian crossings at key intersections. So, I will be glad to see how we can pursue that because I'm looking at the map right where and it would make total sense but it can't happen unless you reduce the speed limit. But I think it is worth considering and we need to and we will do what we can in the Planning Department to run that forward.

Bob Thornton: Thank you. Dave Redmond.

Dave Redmond: You can't tell me for a minute that will make a difference.

Dave Redmond: I travel all the time. I don't care what the sign says. Cars move faster than 35 mph. We've gotten off on top that are both off site. Our folk on the application has to do with a parcel on the water that is impasses a neighborhood, shopping center across the street to me doesn't seem quite the road. Thank you Mr. Leach.

Bob Thornton: Mike has a question a question or you Ric.

Mike Inman: What I am understanding is theoretically if you reduce the speed limit to 40 mph, then it would meet the federal guidelines in terms in putting in a cross walk.

Ric Lowman: Yes sir.

Mike Inman: I echo what Dee and Mr. Thornton have said about the desirability of connectivity in the already existent. I think it would be important to do, and it has nothing to do with approval of this project. I mean, it is a factor that we need to deal with for safety and of children and adults.

Bob Thornton: And while I agree with what you're saying, it is evident of cause that to be better to fix or remedied. It think it is good dialogue to have now because Barry is going to take time to look into lowering the speed limit and that was one of Mr. Leach's concerns is to lower the speed limit. Well the triggers a across walk at least some improvement to that intersection is going to happen as a result of this project. And that is the best we can hope for. Are there any other comments or questions of Mr. Lowman? Thank you.

Ric Lowman: Thank you.

Bob Thornton: Jan.

Jan Rucinski: I have a question with regards to the dredging and the gentleman's comment about that being done over the preservation parcel. Can somebody try to clear that up for me?

Carolyn Smith: Sure. The dredge operations have been determined to be a public use and that is permitted in that zoning district.

Jan Rucinski: So going across the preserve piece of property. I see on here there is a city easement from the City owned property, which that is where the dredging is coming from the City owned property into the water across that easement area. Am I correct?

Carolyn Smith: Its moving from Long Creek through the easement to the north and then placed on the City property shown on the map.

Bob Thornton: So part of the easement is on the preservation piece and part of the easement is on the development parcel. Is the correct?

Carolyn Smith: Correct. They are the dashed lines somewhat difficult to see on the screen but you have them.

Bob Thornton: We have them here. So it appears that the demarcation line between these two pieces runs through the middle of that easement, and the city uses that easement on a regular ongoing basis for dredging. Is that correct?

Carolyn Smith: From time to time. Yes.

Bob Thornton: From time to time. Okay. Thank you. Is there any other questions? Well, we're out of questions.

Jan Rucinski: So, I just want to share there is no other option for a road or an ingress/egress into this particular parcel. The only thing we have is that little tiny road on the side. There is no other option for ingress/egress?

Carolyn Smith: There is no option without literally an act of Congress to amend the easement that the City has with the United States Corp of Engineers to provide an access through that City property on the east side.

Jan Rucinski: A literal act of Congress?

Bob Thornton: Would you like to approach the bench.

Brad Waizter: I would Mr. Thornton.

Bob Thornton: Just keep it short.

Brad Waitzer: There is also some environmental situations back there where the easement is, and if the easement is for public use, you can get a waiver on the Chesapeake Bay Act so in addition to Federal law, you also have state and local law that would prevent it. So, the answer is that from a practical standpoint, there is no other access.

Bob Thornton: Thank you Mr. Waizter. Do I have a motion? We are finish with our discussion. Mr. Redmond.

Dave Redmond: I move approval of the application.

Bob Thornton: A second by Ms. Oliver.

	<b>AYE 8</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 3</b>
<b>HODGSON</b>				<b>ABSENT</b>
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>				<b>ABSENT</b>
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>RIPLEY</b>				<b>ABSENT</b>
<b>RUCINSK</b>	<b>AYE</b>			
<b>THORNTON</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

Ed Weeden: By a vote of 8-0, the Commission has approved the application of Water Boxes, L.L.C.

Bob Thornton: Thank you. Is there any further business of the Commission? If none, on behalf of my fellow Commissioners, I would like to thank everyone for attending today and thank the Planning Director and his staff for their excellent work on preparing today's agenda. The meeting is adjourned.