

Item #1  
Elite Therapies, Inc.  
Conditional Use Permit  
3101 Virginia Beach Boulevard, Suite 108  
District 6  
Beach  
November 8, 2017

**CONSENT**

An application of Elite Therapies, Inc. for a Conditional Use Permit for a Tattoo Parlor on property located at 3101 Virginia Beach Boulevard, Suite 108, District 6. GPIN: 1497-15-3397-0000.

**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. The Tattoo Parlor shall be limited to only microblading services, as the site is located within a historic and cultural district.
4. Any modification to the signage with regard to the Tattoo Parlor shall require a modification to this Conditional Use Permit.

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

	<b>AYE 10</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 1</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>				<b>ABSENT</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 1 for consent.

Lucy Huttinger appeared before the Commission on behalf of the applicant.

Item #2  
Goodwill of Central and Coastal Virginia, Inc.  
Conditional Rezoning  
1124 First Colonial Road  
District 5  
Lynnhaven  
November 8, 2017

## **CONSENT**

An application of Goodwill of Central Coastal Virginia, Inc. for a Conditional Rezoning (O-2 Office to Conditional B-2 Community Business) on property located at 1124 First Colonial Road, District 5, Lynnhaven. GPIN: 2408-54-6615-0000.

## **PROFFERS**

### **PROFFER 1:**

Use of the Property shall be restricted to the following uses: non-profit donation drop-off centers, offices, medical and dental offices and clinics, and financial institutions.

### **PROFFER 2:**

Freestanding signage located on the Property (other than directional signage permitted under the City Zoning Ordinance) will be limited to the one (1) existing freestanding sign (the "Existing Freestanding Sign"), which shall be in substantial conformance with that depicted on the signage exhibit entitled "SIGN A: FREESTANDING SIGN EMBOSSED FACE CHANGE", dated July 25, 2017, and prepared by Cardinal Sign Corporation (the "Freestanding Signage Exhibit"), a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning. Notwithstanding the prior sentence, the Existing Freestanding Sign may be replaced with a new freestanding sign (the "New Freestanding Sign") that is not in substantial conformity with that depicted on the Freestanding Signage Exhibit to the extent that the New Freestanding Sign (a) does not exceed eight feet (8') in height, (b) is monument style, (c) has a brick or stone base, and (d) is otherwise in compliance with applicable provisions of the City Zoning Ordinance (as modified by any variance approved by the appropriate authority).

### **PROFFER 3:**

Signage on the primary structure located on the Property shall be in substantial conformance with that shown on the exhibit entitled "SIGN C: CHANNEL LETTERS ON RACEWAY", August 23, 2017, and prepared by Cardinal Sign Corporation (the "Building Signage Exhibit"), a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning.

### **PROFFER 4:**

Landscaping shall be installed on the Property in substantial conformance with that shown on the landscaping plan entitled "Goodwill First Colonial Landscape Plan," dated August 23, 2017, and prepared by Balzer and Associates, Inc. (the "Landscaping Plan"), a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning.

### **PROFFER 5:**

Outdoor storage shall not be permitted on the property.

**PROFFER 6:**

The Property shall be developed in substantial conformance with the conceptual site plan entitled "Physical Survey of #1124 First Colonial Road, Lot 2, Parcel A, Virginia Beach, Virginia for Southern Bank," dated December 14, 2011, and prepared by R.L. Galloway, L.S. (the "Concept Plan"), a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning.

**PROFFER 7:**

During periods when the Property is used as a non-profit donation drop-off center, a drop box for after-hours donations shall be located to the rear of the front façade of the primary structure on the Property in a location approved by the Planning Department, which drop box shall be appropriately screened from adjacent public rights-of-way.

**PROFFER 8:**

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

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

	<b>AYE 10</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 1</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>				<b>ABSENT</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.

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

Item #3  
Stephen L. Rohring  
Subdivision Variance  
Section 4.4(b) of the Subdivision Regulations  
359 Lake Drive  
District 6  
Beach  
November 8, 2017

**WITHDRAWN**

An application of Stephen L. Rohring for a Subdivision Variance (Section 4.4(b) of the Subdivision Regulations) on property located at 359 Lake Drive, District 6, Beach. GPIN: 2427-14-4827-0000.

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

	<b>AYE 10</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 1</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>				<b>ABSENT</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 has withdrawn item 3.

Items #4 & 5  
Spence Crossing Properties, L.C.  
Conditional Rezoning  
Modification of Proffers  
Southwest side of Princess Anne Road  
District 1  
Centerville  
November 8, 2017

## **CONSENT**

An application of Spence Crossing Properties, L.C. for a Conditional Rezoning (Conditional B-4 Mixed Use to Conditional PD-H2 (A-12 Overlay) and a Modification of Proffers on property located on the Southwest side of Princess Anne Road, District 1, Centerville. GPIN: 1485-15-2560-0000.

## **PROFFERS**

### **PROFFER 1:**

Proffer numbered 1 in the 2007 Proffers is hereby modified by deleting the words “including a Hotel” from the proffer.

### **PROFFER 2:**

Proffer numbered 2 in the 2007 Proffers is hereby deleted and replaced with the new following “NEW PROFFER # 19”:

19. When the Commercial Village is developed on the Property it will be a community serving commercial center with a mixture of retail, service, restaurant and office uses, with pedestrian connectivity, laid out generally in keeping with the exhibit entitled “Spence Crossing at Princess Anne, Conceptual Site Plan”, dated August 25, 2017, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning (the “Commercial Plan”). The final siting, dimensions and orientation of the buildings, drive aisles and parking areas may differ from that depicted in the Commercial Plan, so long as the changes are consistent with the proffered Design Guidelines and design standards.

### **PROFFER 3:**

Proffers numbered 11, 12, 21, and 29 as contained in the 2007 Proffers are hereby deleted.

### **PROFFER 4:**

Except as hereby modified or expressly deleted, the remainder of the 2007 Proffers are affirmed and remain unchanged.

## **Proffers (Conditional B-4 to Conditional PD-H2 (A-12 Overlay)**

### **PROFFER 1:**

When the Property is developed, it shall be as an additional phase of the existing residential condominium community under development by the Grantor, with no more than 144 residential units, substantially in accordance with the three (3) exhibits entitled, “Spence Crossing at Princess Anne, Conceptual Site Plan”, dated August 25, 2017; “Rezoning Exhibit Development Plan Modification, SPENCE CROSSING at Princess Anne,” dated August 30, 2017 and “Typical Streetscape Section, Development Plan Modification SPENCE CROSSING at Princess Anne”, dated August 30, 2017 which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning (the “Conceptual Plan(s) For Spence Crossing Phase II”).

**PROFFER 2:**

When the Property is developed, vehicular Ingress and Egress to the Property shall be limited to the access depicted on the Concept Plan for Spence Crossing Phase II.

**PROFFER 3:**

The existing Residential Village within Spence Crossing at Princess Anne is subject to a declaration of protective covenants, conditions and restrictions (the "Restrictions") which are administered by the Spence Crossing Homeowners Association, Inc., a mandatory membership association, which is responsible for maintaining all common areas including but not limited to, clubhouses, pools, open space areas, landscape buffers and stormwater management facilities. An amendment to the Declaration shall be recorded to subject the Property to the declaration. In addition, the Property will be added to and developed as a part of the Spence Crossing Condominium which shall be responsible for maintaining all of the common areas and amenities depicted on the Concept Plan for Spence Crossing Phase II.

**PROFFER 4:**

When the property is developed, the total number of residential units thereon shall not exceed 144 and the total number of residential units within the entire PD-H2 (A-12) Zoning District (Residential Village) within the Spence Crossing community shall not exceed 787.

**PROFFER 5:**

When the property is developed, the architectural design of the new residential dwellings depicted on the "Concept Plan For Spence Crossing Phase II" will be substantially as depicted on the exhibits entitled "Architectural Elevation, Luxury Villas" and "Architectural Elevations, Villas", dated August 25, 2017, which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning ("Elevations"). The exterior building materials shall match those on the buildings in the existing villages of the Spence Crossing Condominium designated "Crofton Luxury Villas" and "Fernhill Villas".

**PROFFER 6:**

The dimensional requirements applicable to development of the Property, which are consistent with the existing development of the adjacent property shall be as follows:

- Minimum front yard setback from Property Line: 10 feet
- Minimum side yard setback from Property Line: 10 feet
- Minimum rear yard setback from Property Line: 10 feet
- Minimum Building setback from Princess Anne Road: 30 feet
- Minimum Front Building setback from Street or Parking (back of curb): 12 feet to principal structure
- Minimum Side Building setback from Street and Parking (back of curb): 10 feet
- Minimum distance between buildings
  - Principal structures: 15 feet
  - Attached storage sheds: 10 feet
- Maximum Building Height: 38 feet

**PROFFER 7:**

Further conditions may be required by the Grantee during detailed Site Plan review and administration of applicable City Codes by all cognizant City agencies and departments to meet all applicable City Code requirements.

A motion was made by Commissioner Oliver and seconded by Commissioner Ripley to approve item 4 & 5.

	<b>AYE 10</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 1</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>				<b>ABSENT</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 & 5 for consent.

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

Item #6  
 City of Virginia Beach  
 Department of Aquariums & Museums  
 Major Entertainment Venue Signage Permit  
 717 General Booth Boulevard & 927 S. Birdneck Road  
 District 6  
 Beach  
 November 8, 2017

**CONSENT**

An application of City of Virginia Beach, Department of Aquariums and Museums for a Major Entertainment Venue Signage Permit on property located at 717 General Booth Boulevard and 927 S. Birdneck Road, District 6, Beach. GPIN: 2416-98-7653-0000.

**CONDITIONS**

1. When installed, all signage shall be in substantial conformance to the submitted sign package entitled, "VIRGINIA AQUARIUM, VAQ-057-EXTERIOR SIGNAGE," dated July 26, 2017 and prepared by Otto Design + Marketing. This sign package is included in this report and will remain on file in the Department of Planning and Community Development.
2. Landscaping, with a minimum area of seventy-five (75) square feet of area shall be planted around the base of the free-standing signs located at each entrance and all parking signs. Landscaping shall be maintained and replaced if dead or dying.
3. The temporary banner or inflatable located on the main aquarium building must be related to an exhibit or event located on the aquarium site.
4. Permits must be obtained from the Department of Planning, Zoning Division prior to the installation of any permanent signage.
5. Temporary signs and banners shall be maintained in good condition, absent of any rips, tears, fading or other aesthetic deformities.

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

	<b>AYE 10</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 1</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>				<b>ABSENT</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>			

Item #6

City of Virginia Beach, Department of Aquariums & Museums

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

Kevin Kemp appeared before the Commission.

William Macali was also in support of the application.

Item #7  
City of Virginia Beach  
Conditional Rezoning  
I-1 Light Industrial & R-2.5 Residential to Conditional I-1 Light Industrial  
373 & 411 S. Birdneck Road  
District 6  
Beach  
November 8, 2017

## **REGULAR**

Bob Thornton: The next order of business, we will call items that will be on our main agenda.

Jan Rucinski: Okay. Thank you. Our first item to be heard today is the City of Virginia Beach. An application of the City of Virginia Beach for a Conditional Rezoning (I-1 Light Industrial and R-2.5 Residential to Conditional I-1 Light Industrial) on property located at 373 & 411 S. Birdneck Road, District 6, Beach. Do we have a representative? If you could please, state your name for the record?

Randy Royal: Certainly. Randy Royal, Kimley Horn, and, I am representing the City of Virginia Beach, Economic Development Department. This was the old Owl's Creek Golf Course and we're looking to rezone. It is currently zoned I-1 Light Industrial and part of it is R-2.5 Residential. We would like to rezone it to Conditional I-1, for a use that we have in mind, an environmentally friendly high tech and unnamed, at this portion manufacturer that is going to revitalize the property. It is unnamed because it is confidential. It's the Governor's initiative and we're anticipating him announcing it probably next week or so, but we don't have a date, but for now that is all that I can tell you as far as the developer. But I am representing the City on this. What is proposed is a 500,000 square-foot manufacturing facility that will create 1,100 jobs with an average salary of \$70,000. The owner has met with, in addition to Economic Development, met with the Seatack community Leadership and committed to a program to help train folks in that neighborhood, so they can qualify for some of these over 1,000 jobs that are going to be created right just south, immediately adjacent to Seatack. Obviously it creates a tax base for Virginia Beach. The property will be sold to this manufacturer as opposed to being a tax exempt property, so a tax base and jobs are going to be created. The property itself is encumbered by a Navy air right easement, which severely limits to what can be done on it. This particular use has been fully vetted with the Navy. The Navy has provided us with letter saying this is an acceptable use. I think you got a couple of people from Seatack like Gary McCullum and George Minns that are going to speak to you this afternoon after me. But again, I believe you're going to hear they are fully in support of this project. Traffic has been a concern for some people. We've done a traffic study. We've gone over it with Staff. The concern being 1,100 workers all coming out at once and that could be a huge problem. There are three shifts, and even with three shifts, they are divided into three separate shifts within them such that you don't have all of those people coming out at once. It really is more like 9 shifts based upon that. We do not have a need for a traffic signal. We do not anticipate a problem. What we did derive from the traffic study was we need a right turn lane and that is one of the things that we proffered so that we don't slow down traffic or hinder it in any way on Birdneck Road. Birdneck Road by the way is about 50 percent capacity, which is very, very good, a Level of Service C. So, there is plenty of capacity there. We do not anticipate a problem. I've heard the noise might be an issue. This is very quiet use. The other industrial uses and, I believe there are, about 75 companies on the west side of Birdneck Road. The east side has got some residents. The west side has got some industrial, but there are a lot of users there. They are all fairly closer to the road. I can't say whether they are noisy or not, but they are closer to the road. We're about 300 feet, about a football field away from the road, and in addition to that distance, it is a very quiet use. I don't anticipate the neighbors hearing anything from this use. The building, we've proffered renderings. We've shown you that. The owner is committed. I

mean, yes, it is a half-million square foot facility in the back. The front though is the office space. It is a two story building. It's got a lot of architecture features. The manufacturer, the guy that is doing the development is committed. I mean he and his wife would very much like for this to have a very nice looking building. It's not just a box. So between that and heavily landscaping the front, the parking lot, the front of the building, it is going to be a nice looking building across from it as opposed to, and I don't want to call out the other users, but there are a lot of boxes. They are just plain metal buildings along Birdneck Road. This is going to be a very attractive building. It will be a big one. We're going to do what we've propose to do. We've proffered conditions to assure you of that. If there are other concerns from the neighbors, I'll stand by to address them. A representative of my client, Economic Development, is here to speak. As I said, I think the Seatack folks are here to speak. And thank you for your time.

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

Randy Royal: Yes sir.

Jan Rucinski: Okay. Our first speaker in support is Gary McCollum.

Gary McCollum: Good afternoon. I think most of you know I'm Gary McCollum. I've been in their community here in Virginia Beach for about a dozen years. I was asked about a year ago by the Seatack Civic league to be a representative for the community to work with Economic Development on the use of this property. And, over that year, Warren Harris and that team looked at several different opportunities that might come to Owl's Creek and I can tell you that none of those matched what's on the table today. As was mentioned, we have been meeting with the proposed owner of this facility, even though the name is not being talked about now, but we had a meeting with community leaders in Seatack on October 9, 2017. That meeting went extremely well, obviously, the idea of having an entity that is going to create that kind of economic vitality for that community with a promise that the citizens of that community could participate in some of the hiring and the training. That's currently something that resonated while in that meeting. There were some concerns about the traffic obviously, but at the same time we believe that because of the number of shifts that we will have in this facility that those issues can be worked out. There was also some concern about just the aesthetics of the building and how it would fit within that historic community, but as you can see from the proffers, we believe that those issues can also be worked out. So, I'm delighted to be here and say that based on what we've seen and based on the meetings that were there with the leadership within Seatack, while there are still a couple of issues, we feel that we can support this initiative. Thank you very much.

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

Jan Rucinski: Okay. Our next speaker in support is E. George Minns.

George Minns: Good evening members of the Planning Commission. It's been a while. And I'm pleased today to be here in good spirit. As Mr. McCollum has indicated, I'm E. George Minns. Let me say that for the record. The board of Directors of Seatack Community Civic league, 190 year old Civic League, I recommended to the Board that they appointment Mr. Gary McCollum as the Economic Development Representative because he is more familiar with that. That has worked very well for the community. Yes, October 9, 2017, we had a meeting at New Jerusalem Church with all the pastors there, Pastor of sister churches, even as far as Mt. Zion were there as well because they have parishioners in the community. The meeting went very well. We met with the owners, and we are very in favor of this. Yes, there is a concern over traffic, but I think the long right turn lane will serve well, and of course, with

Mr. Gary McCollum's leadership, I believe whatever other concerns they can be worked through. So, we would ask your approval of this today.

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

Jan Rucinski: Our next speaker Curt Clarke.

Curt Clarke: Good afternoon.

Jan Rucinski: Could you state your name for the record?

Curt Clarke: Curt Clarke. I reside at 1000 Clarissa Court. I live directly across the street from this property in question. I'm a retired Marine, served 26 years. My family has been there since 2008 so it is coming up on 10 years. So, I'm definitely tentatively in support of this with some of the same concerns that were address earlier with regards to the traffic ensuring that the things that are being proposed are actually going to come to fruition. When it comes to the environmental concerns that were already addressed, saying that is nothing that we should be concerned about, those are some of the reservations that I would have in regard to being concerned. I am definitely for the job opportunities that would be afforded to Virginia Beach along with the Seatack residents. I think it is definitely something that is positive, and it is my strong point in regards to supporting this but with those other items, making sure those things are addressed, and taken care of, so; we as continue to work with Mr. McCollum to ensure that everything is on the up and up, for a lack of better words. That's all that I have.

Bob Thornton: Any questions of the speaker? Thank you sir

Curt Clarke: Thank you.

Jan Rucinski: Our next speaker is Eddie Bourdon.

Eddie Bourdon: Mr. Chairman, for the record, Eddie Bourdon, a Virginia Beach attorney. I represent both Nancy Braithwaite, who owns the balance of what was the Owl's Creek Golf Course. The Owl's Creek Golf Course is not all on the City's property. And her property is to the south. And, so; Mr. Jim Sykes, who owns adjoining property to the north, and I'm speaking on both of their behalves on this one point, they totally support and applaud the opportunity that this rezoning reflects and represents. I had the opportunity long with Ms. Braithwaite to meet with the perspective purchaser of the city property quite a number of weeks ago, and it is an exciting project. Having said that, and being totally in support of the application, because my client's property was a part of the golf course, and when the developer closed, we had agreements with Economic Development that they would put a RFP and we went through the process, and there cooperation but we don't have any access to Birdneck Road, and we want to make it very clear that because we didn't know anything about this application until two weeks ago. We found out from a third party. No one met with us to tell us that an application had been filed. We met with the perspective purchaser. There were no plans. He was just talking about that his vision was, so we are kind of in the dark and caught off guard when we found there was an application. So, the subject project property that my client owns to the south, is not zoned industrial and we will more likely be coming in to seek to rezone that to industrial. It may be that some arrangement is made. The individual already indicated an interest in possibly leasing some of my client's property. That may come to fruition. We don't know. We are here not in opposition, but to make it very clear that we will have impacts to have access to Birdneck Road if something doesn't turn out that he desires, and he wants to

acquire some of Ms. Braithwaite's property, and that is an industrial use with another access. And typically in the private sector, we have to go and meet with the neighbors and people want to have shared access and city wants to encourage that, so I just want to make it very clear that is potential. Again it will have a second access to Birdneck Road. The other thing there is a lot of interconnected drainage for which there are no drainage easements. There is a nice picture on the big pond on the exhibits that you have that is on property on the property of the City's privately owned. My client's property and that's for a golf course and not for industrial development. And lastly, we appreciate the request that this application hooked into the HRSD Forest Main. The Braithwaite property which is 90 acres within the HRSD easement, and was put in years and years ago. Mr. Braithwaite was alive at the time had made a deal with HRSD as far as the easement was concerned to have it tap on our property. I presume that exists on the City's property, but obviously you aren't going to imposition to use the tap water on the Braithwaite property. But we appreciate the efforts, and think this is a great project. I just wanted to make sure that everything was on the record with regard to the property chase.

Bob Thornton: Any questions for Mr. Bourdon? Thank you sir.

Eddie Bourdon: Thank you.

Jan Rucinski: Our next speaker is Rob Hudome?

Rob Hudome: I'm with Economic Development. I'm here just for any questions. I'm not going to speak unless anybody has any questions.

Jan Rucinski: Thank you. Our first speaker in opposition is Robert Bautista. I apologize if I pronounced it incorrectly.

Robert Bautista: You didn't hurt it at all. I'm used to it. Thank you guys for letting me come up here. To be honest....

Jan Rucinski: State your name for the record.

Robert Bautista: Robert Bautista. I'm a resident on Owl's Creek Lane. I want to thank you guys for letting me come up here. I actually just found out about this last night, so I wasn't able to really find much about this in a short period of time. But I'm just going to tell you what Owl's Creek is to me. First, of all, the Virginia Beach Beautification Program, it seems like you guys are doing a great job especially in that area. That is one of the last areas of wilderness. In my backyard, there is every type of animal that you can believe. You would not think there was a wilderness here in Virginia Beach. When I moved in to there, I was amazed, and as I build my house, there were baby foxes playing in my backyard, and as I leave my house every day, there is a big Osprey nest that sites over top of Owl's Creek Golf Course and I've watched multiple Osprey have babies in that nest over the last couple of years. And as I sat there and listened to this, I see they want to make this an industrial area. When we have many industrial areas already here in Virginia Beach, we have many empty warehouses off of International parkway that could really handle a type of business like this, and still keep the 1,100 jobs in Virginia Beach. But also, there is a ditch that leads directly from this area, and this ditch goes directly into Owl's Creek. This ditch goes right down the back of my house. I can't see how putting in a big manufacturing plant, bringing in 1,100 cars per day. I hear traffic is going to be fine. Nine shifts, 1,100 more cars per day. With those cars, comes environmental impacts, as well, I just think that, you know, Virginia Beach has less and less wilderness, and this is an area where there is truly wilderness. The big picture, it looks great up there, but this is the picture we see of Owl's Creek. Every day and every afternoon, as the sun sets, that is the

picture. This and the wildlife that's there on Owl's Creek Lane. I just think there is a better place to be industrial. And what we just learned from the last speaker is, once this spot is rezoned for industrial use, it seems like the rest of it is going to have to be as well. So, we're not just voting on this spot. It seems like we're voting on the whole plat of land. I don't know if anybody has ever walked back there but there are memorial benches around that lake back there. There is a beautiful trail where the people from the animal center walk the dogs around the lake and people go back there and fish. It's really one of the last wildernesses right in the center of Virginia Beach. That's my point and thank you guys.

Bob Thornton: Any questions for Mr. Bautista?

Karen Kwasny: Can I ask him a question?

Bob Thornton: Sure.

Karen Kwasny: Where are you looking in relation to subject sites? There is a pointer there.

Bob Thornton: There is a laser pointer right there.

Robert Bautista: I think the battery is dead. Probably right here. I will say also that it was mentioned that the actual plant will be about 300 feet from the road. Well, that makes it probably around 360 feet from people's homes. Thank you.

Jan Rucinski: Our next speaker in opposition is Cheryl Walsh. Please state your name for the record.

Cheryl Walsh: Hi. My name is Cheryl Walsh. I live at 1008 Carissa Court, which is directly across the street from the proposed area. I'm also a certified residential appraiser, so I appraise real estate, so, one of my main concerns is to my property value. I am concerned about the traffic as well. Now, earlier it was stated that Birdneck Road is only at 50% capacity but when I was looking at this sheet here, its agenda item 7, page 4, it says "the existing land use, the generated traffic as is 643 ADT. Proposed land use would be 2,343 ADT. Now that's quadruple of what it is now. So, 50% capacity but the proposed land use is going to quadruple then that puts this at 200% capacity by these numbers. So; traffic is a major concern to me. As is, where I live, I have to make a U-turn at Owl's Creek Road to get to my house. It is really difficult at rush hour already as is, so I can't even imagine we're adding this additional traffic how I'm going to U-turn without traffic signal to my home. Noise, they said they don't anticipate noise being a factor. I mean, they don't anticipate it, but I would really like more of a guarantee than that. I'm directly across the street. The additional traffic will, of course, create noise. When I purchased it, I purchased it because there was a golf course across the street. I have a part to my backyard whenever it is really pretty. Its green lined. I believe Mr. Bautista. I love just the nature around it. I would really have loved to see that property developed to be more cohesive with what it is now. More nature oriented. I'm a big fan of nature and natural beauty, and I wouldn't have bought there if I had known this was going to happen. I mean, I didn't expect a golf course to go out of business. I am worried about the precedent that it sets. We allow this manufacturing facility to go up. There are other areas on Birdneck Road that are for sale, so; are we going to allow another warehouse, another factory to go up. I mean, is Birdneck Road going to become International parkway. That also definitely negatively impacted property values. So, those are my concerns and thank you for hearing me.

Bob Thornton: Any questions of Ms. Walsh? Thank you.

Bob Thornton: Can you show us where you live?

Cheryl Walsh: Yes. Is this the pointer? I live right here. And, I also have another neighbor who basically has the same reservations that I do. He just couldn't be here. I have two of them that couldn't be here because of their jobs.

Bob Thornton: Thank you.

Cheryl Walsh: Thank you.

Jan Rucinski: Our next speaker in opposition is Adam Dobbins.

Adam Dobbins: Thank you for all of your time. I appreciate it. And thank you all for the community show up and share our concerns for this project.

Ed Weeden: State your name for the record.

Adam Dobbins: Oh sorry, I'm Adam Dobbins. I live a 1008 Carissa Court. That was my wife. We live a stone's throw away from this. It is going to be a huge impact for us as homeowners, and community, no matter what. There is a big concern for me as there was not much disclosure on this. It seems a little bit of exclusivity that it happened so fast and we're already at this juncture to have not much more say than what we have now. So, I appreciate your time on this. As for Mr. Bautista and the nature aspect, and the traffic, obviously these are concern for us, and not many in the community that are homeowners are here are representing the homeowners and I guess the Beach. He said that the number one attraction is the aquarium. It's right down the road. We have all this natural beauty here already. We could use this property for maybe hiking or have a Botanical garden, something that we could just intertwine with if we are going to go with the precedent of selling the Beach and going to Birdneck International Parkway. If we do decide to do that, but we could have something intertwined with that because there are already trails. We're going to have problems with the water runoff. Mr. Clarke has a retention pond in his backyard where we live right there, so; we have these things we have to deal with, and Carissa Court like, my wife, was saying, there is no left hand turn coming from Birdneck Road. So, you're coming around the corner. We have the medians with the bushes and trees. People are not going 35 miles per hour down Birdneck Road. Everyone goes 40 miles per hour. There will be more traffic and everything. It is just a danger for us going into our houses. Our neighborhood, Mr. Clarke is a former marine. I'm a former Navy Seal. We have a lot of respect for the community and the direction that it has been taken, but as my wife said, we have to worry about the precedent this sets, as to moving forward. I guess I'm about out of time. I am just trying to cover all of my things. I thank you for your time. I appreciate it.

Bob Thornton: Are there any question of Mr. Dobbins? Thank you.

Jan Rucinski: Our next speaker is Amy Marino.

Amy Marino: Thank you. I'll point out where I live first.

Jan Rucinski: State your name for the record first.

Amy Marino: Yes, I'm Amy Marino. Right here. Good afternoon. I've been a Virginia Beach resident for almost 10 years now, and my fiancé for almost 15. And we recently to move to the Seatack area, now surrounding the Owl's Creek location, in question just last week in fact, as we found we were pregnant with twins. And, we are standing, and one of the place between the two of us, we have four kids, so we wanted a place to for our children to grow and have space to use the beach, the parks, the walkways,

and places for hikes. And, the Virginia Beach Public Schools, which have been ranked some of the best, and, since moving to our current neighborhood, we've been overwhelmed with the hospitality and friendliness of some of our new neighbors. We're really excited to be a part of the Seatack community. However, we recently heard about the proposed manufacturing plant and with 9 shifts and potentially 1,100 employees, we immediately became concerned about the substantial increase in traffic, noise, pollution, accidents, crime, a toll on our water and electricity resources, and a resulting decrease in property value as you heard from some of our residents. Our neighbors also showed these concerns and in fact we were surprised when most of our neighbors didn't even know about this proposed rezoning, so; I single handedly printed out a bunch of forms and passed them out around the neighborhood hoping that people would be here today. I briefly would like to cover each of our concerns by the proposed used. First the traffic. Of course, you heard some concerns already voiced about this. It appears it would double the current daily traffic although some are saying it could potentially quadruple the current daily traffic. What a potential for, I understand, a 24-hour shift or 24-hour operation. Although the road, as a whole, has capacity for more traffic, that traffic would be concentrated in that one area single ingress/egress to the new location. And it is directly across from some of these residential neighborhoods for some of the residents who you already heard from too close to 100 homes in that area, single-family homes. The hours of operation will contain nine shifts meaning that traffic would be nearly constant. Every two hours and 40 minutes we will hear ambient noise all through the night which is normally peaceful except for some occasional jets and maybe some babies crying through the night. Of course, environment resources such as water and electricity as for example there is a power outage that could affect the entire neighborhood. There is also safety with more traffic comes the potential for more accidents, potential crime with more people, and of course the beauty. You've heard about the love of the Owl's Creek area with the natural beauty, and Virginia Beach has been ranked as one of the best places to live for families and to raise families, places where we have natural resources. The exact location has been especially been favored and eco-tourism has been large industry, agriculture industry has brought in 80 million dollars. I see that my time is up and in conclusion I would like to say that a 9 shift 24-hour manufacturing plant on our street right next to Beautiful Street, which is right above. It will not create a beautiful Virginia Beach. It will not serve our community rather it could cause traffic noise, crime deterioration drops and probably lower the aesthetics of an area devoted to eco-tourism and agriculture. I ask you respectfully consider another use of the area to conserve our natural resources. Thank you.

Bob Thornton: Thank you. Are there any questions of Mrs. Marino? Thank you.

Amy Marino: Thank you.

Jan Rucinski: Our last speaker in opposition is Chad Burns.

Chad Burns: Hello and thank you. My name is Chad Burns. I'm here to support everybody that is in opposition for the opening up of this golf course and keeping the natural beauty around this area. I am extremely nervous I don't even know how to speak right now. But, I think there is a lot of good that can be done with that area in keeping all the beautiful things that are there, and a lot of ways that can change. We have a petition out that has 747 signatures as of right now and just a lot of support and backing. This golf course has a lot of history of behind everything. I just thinking that would be a better utilization of the land in a way to grow our sport as much as I care about it and some of the people behind me. Keep everything the way it is and make the city a little bit better. Thank you.

Bob Thornton: Any questions of Mr. Burns? Thank you sir, for coming down.

Chad burns: I appreciate it.

Jan Rucinski: There are no other speakers on this agenda item.

Bob Thornton: Mr. Royal, would you like to have a word of rebuttal?

Randy Royal: I would. Thank you. Again, Randy Royal, Kimley-Horn and Associates. Nature? I was just meeting with the client, the developer a couple of hours ago. At his office and he was asking if we could put more Osprey nests up on this site in the natural areas. Yes, there is going to be a big building. Yes. There is going to be parking, but there is going to be residual land. It is absolutely environmentally friendly use. What I'm hearing about Owl's Creek, which if I'm not mistaken is on the east side of Birdneck Road. We're on the west. Granted there is a lake over the, which also the developer here is quite fond of also. I'm not sure I quite understand the impact to the Owl's Creek side on the east side of Birdneck Road. But, again, it is absolutely committed to being very environmentally friendly on the site. They did look all over the city for industrial sites. There is not a whole lot industrial places. There certainly is not 500,000 square feet of industrial space. And in fact, the developer started talking to Economic Development about, I guess, I'm going to have to look in another city. I can't find what I need here. That's when they came upon this site. So, they did look at other places. As I stated earlier, the west side of Birdneck Road has got industrial buildings right now, 75 uses just north and south of this. That's kind of how it was intended, and Birdneck Road itself, you got a four lane divided arterial that is met to be a collector. I think they misinterpret. I know they are misinterpreting the traffic there. Yes, we did quadruple the exiting use, which was a golf course but the capacity is still there. Your Traffic Engineers will tell you there is a ton of capacity in Birdneck Road The right turn lane we're proposing is just to slow folk down when they are coming in so they don't slow down to make the turn to come in there. Getting people in and out should not be an issue because it is spread out. I don't think there is going to be that much noise just coming to and leaving work. It is not like they are honking their horns or anything. I don't know if that is going to be an issue either. It just appears. I understand it's an impact. There are folks that are across the street and they would like to see it remain natural but this appears to be the best use for this property, as I said, it is creating jobs and tax base for the City of Virginia Beach. I see that my time is out but I will stay by for questions.

Bob Thornton: Thank you. I saw Ron hand's first.

Ronald Ripley: Could we look at the site plan? And also go to the elevation that shows the view from the neighborhood towards. There! The plan looks like a good plan but I'm curious. It seems to avoid Randy of any kind of landscape buffers along the front, any kind for the street that you can do there that could help mitigate the issue with the neighborhood. You got to put yourself in their shoes.

Randy Royal: I understand

Ronald Ripley: They are looking at a recreational use and this is changing to industrial use. It looks like a very passive use. It's still a change. It seems like that would be an easy buffer from the developers to do to help mitigate the issue.

Randy Royal: It absolutely is Ron. And, the planners are helping me out here. The front there is going to be (go back to the bottom guys) heavily landscaped. Because what we have is an aluminum fence, that looks like wrought iron fence and we're heavily landscaping in front of that. Back to the rendering if

you will please. There is going to be a whole lot more landscaping. He didn't show anything along the frontage here, which the view we just showed you with all the trees up front that is not showing. It is not going to be, the parking lot is going to have a lot more again. These owners have told me quite frankly they want more landscaping than is required. That doesn't reflect it. I agree with you. That looks and maybe we amend that to show more what it is going to look like because that is not what it is going to look like. It will have much more greenery than that.

Ronald Ripley: I would like to see almost a forestry to give it real heavy impact.

Randy Royal: Along the front there, that was the idea with that it was going to be heavily forested along there so the average view from a person's height, you're going to see that. You will see the second story of the building behind it but with that with the parking lot landscaping, you're not going to see a whole lot of that first floor through there.

Ronald Ripley: It would have been very helpful to see that better. I see the exhibit you have there, but they don't tie together very well.

Randy Royal: I agree.

Ronald Ripley: That is my comment.

Bob Thornton: Jack.

Jack Wall: Could you describe the fence a little bit that is in the front? It shows it at 6 feet as opposed to 4 feet, which is the typical fence height. It is not solid fence?

Randy Royal: No. A very good example. Do you know the fence around Stihl looks like on Lynnhaven Parkway? That is pretty much the same thing we need here. We need the height for security so people are not just wandering in there. But yea, we didn't want to put an opaque fence up there and quite frankly, I hope the planners would agree that would be kind of ugly, so we're trying to do an attractive fence but likewise, just the fence in general, we're putting heavy landscaping in front of it just to make it look nice. I think Stihl's got the fence and then the landscaping behind it but it still is pretty nice.

Jack Wall: I think they also shave some berming. But they got berms in certain areas.

Randy Royal: They might have it in some and that's somethings we could consider. Honestly, have had sites before where the police were complaining about the berms and landscaping such as they could not see into the property. We're trying to balance. We want to buffer. We want to have a nice look there but for the police to be able to drive by, look in and see that is not an issue here. You do a berm, then you do heavy landscaping on top of it, then you create a bit of a wall. So, there has got to be some view corridor. But we certainly can put berms in, and there is an area, if you go by the site plan, behind it. The big green area there that we can potentially put berms back there, back behind the landscaping such as they don't see that. That will further hide the cars back behind it. You can still see the second story of the building for sure, but again, that's a nice facet.

Jack Wall: Okay.

Randy Royal: Okay.

Bob Thornton: Jan?

Jan Rucinski: I heard a couple of people address that fact that they feel like they didn't hear about this until last night or just this week. Can you address what you did to reach out to the community?

Randy Royal: There has been sign posted since, I think the day of the meeting with Seatack. So, October 9, so about a month, there has been sign posted out at the site. Planning Department is going to have to help me. You guys send out letters?

Barry Frankenfield: Only adjacent property owners.

Randy Royal: Adjacent property owners. And of course, it is advertised.

Barry Frankenfield: It's advertised for 21 days, so we advertise twice. And we also put it on the website.

Randy Royal: So of course, we reached out the Seatack Community because that's the vast majority of the folks that are out there. It is an organized civic league. It's very difficult if you got a house here and house here and maybe one street with some houses on it to contact everybody. That's the purpose of the signage and legal advertisements that are in the paper for the folks to see.

Jan Rucinski: And I know that it would be nice for those people who didn't hear about it how it occurred.

Randy Royal: Right.

Bob Thornton: Dee.

Dee Oliver: I think one of the other concerns that they had was the drainage. So, when they're talking about Owl's Creek, they are concerned.

Randy Royall: Thanks for asking that because I ran out of time.

Deed Oliver: I think they're concerned of the runoff going in their direction versus what, I guess. Explain, what you plan is for stormwater management?

Randy Royal: It is actually going in the opposite direction. It's primarily going into that big existing pond, well, it all actually going in to that big existing pond in the back. We are going to create four bays. We're doing things with the pond to make it a type one pond which removes more pollutants but the water will be collected. It will go through that big lake on site. So, all the stormwater goes this way into this pond, it goes out right over here and heads north. But we have the various necessary things to again, help the pollutants. It's not going, that is what I was trying to point out before, no impact on Owl's Creek per say, which is over on this side, and goes behind the neighborhood. Nothing is going that way. Birdneck Road serves somewhat as a divider and a natural divider for stormwater.

Dee Oliver: And, I think the other concern and I know in the informal, it was about is that you are going to keep the rest of the land that's not developed as far as building and parking lot in its natural state as it is? Correct?

Randy Royal: That's the plan right now. I'm not going to tell you that they might not look at expansion

and they have actually had discussions with Ms. Braithwaite to look at that piece of property and one of the ideas was to keep it somewhat natural. Again, they really want an environmentally friendly. They want that as part of this project not just let's put a building up is as many square as we can. And, certainly the area you see, the excess area there, nothing will be done with that. Other than it will be maintained. Right now there is a lot of weeds and stuff. To answer the question, that maybe nobody has asked yet they are not going to cut down street. Just want to do the land and have a big field.

Bob Thornton: Jeff.

Jeff Hodgson: I guess it's been at least a year and probably more than that. We spent a lot of time with civic league and Mr. Minns came down. I feel like this is doing what we asked to be done and not put this type of development the east side of Birdneck Road, and, in trying to keep all the industrial to the west side. And, I think that's one of the reason I think Mr. Minns came down to support because I think we're trying to hear some of the guidelines we set forth, but my biggest concern right now is exactly what Ron said, is that landscaping buffer. I have a good friend that lives across the street and he was promised that was going to get a lot of buffering between industrial use and his property, and it just never happened. This is a large development. I think it's a great development to create a lot of jobs but I would really like to see.

Randy Royal: And we are absolutely fully committed to that. I'm turning to you again, Barry because we really need to move this forward. This is a fact tracked project. Is there a way we can show more landscaping, condition more landscaping. I mean I can certainly have the rendering changed. What I can afford to do is too come back next month. I can assure you up here that we will absolutely show more. That's not a good rendering.

Barry Frankenfield: Let staff work with you and come up with an acceptable robust buffer. And, we will make that available to you but once you let it go from here, you don't have anything to say about it. So, we will make sure that gets to Council and that's explained.

Randy Royal: Please send it to these folks. I'm committing to them and we're absolutely going to do that. It's not just me talking. The owner wants it. This is an easy sell to him. I'm kind of surprised he didn't look at it and say, gosh that doesn't look like what we want.

Bob Thornton: Jan

Jan Rucinski: One more thing that you can address that I've heard a lot of the speakers in position talk about was traffic.

Randy Royal: Yes ma'am.

Jan Rucinski: Have you done any traffic studies?

Randy Royal: Absolutely.

Jan Rucinski: There isn't anyone from Traffic is there? Can you just speak to that for a minute to provide some assurance to them those are things that have also been looked at?

Randy Royal: Yes. They have. That is why I keep going back to capacity. You look at the capacity the brief report and there and you guys have probably seen a whole lot of "E"s and "F"s and things like that.

This is level service "C". That's hardly heard of in any of the City's around here so there is plenty of capacity. This 1,100 vehicles spread out over 24 hours is not going to have much of an impact on us at all. I understand their concern with making u-turns. We can't get another median break in there, and Traffic Engineers are not going to allow that but they will still be able to make u-turns. Quite frankly, the u-turns, there shouldn't really be opposing movements that are increased. The increase traffic from the south on Birdneck Road from this property is making a left turn in, not going through, which would cause them a problem to make the u-turn. The people coming from the north are going to take that right turn to the center lane and go in that way. There is already an existing long left turn lane at this median break here. We're highly confident and I wish Traffic Engineering was here because they would echo my statements that there is plenty of capacity. We don't need a traffic signal. Birdneck Road was built to handle this type of development.

Jan Rucinski: And we see a lot of that in here. When the people opposing that bring something up they would like to know that their concerns were being addressed.

Randy Royal: Yes ma'am. We absolutely looked at that.

Bob Thornton: Jack and then Karen.

Jack Wall: I have one quick one. When the property is conveyed is it going to be the entire property who owned up there?

Randy Royal: Yes sir. That line and you're seeing it running through the golf course. Eddie Bourdon was up here earlier. Ms. Braithwaite owns the southern portion here. That line right there and north of it is what the city owns.

Jack Wall: Okay. Thank you.

Bob Thornton: You got a question Karen?

Karen Kwasny: I do. Can you clarify again for me what's going to happen with the residual parcel and the possibility you said of picking up the property that is outside of the line. You had briefly mentioned that. For a moment, you're going to keep it as open space, but there is a possibility of expansion of the building. We were provided a figure during the informal, the amount of square footage that might be added later. That is a possibility as well.

Randy Royal: Certainly.

Karen Kwasny: One of the possibilities it will remain open space for a short period of time but there is a long term goal of an expansion of the building. Correct?

Randy Royal: Not necessarily a goal. It could happen. But again, ideally maybe they would make a deal with the Braithwaite's to have the additional green space. I'm telling you honestly they don't want to fill up this site just with building. They want to have green around them, so, it's going to be and they actually talked at one point about maybe recreating a couple of those golf holes for his employees there. That's the kind of guy we're dealing with here.

Karen Kwasny: A park for the neighborhood?

Randy Royal: The only problem with that it's going to be security. That is part of why we have the fence around the property. We just can't have folks wandering around.

Karen Kwasny: Right. I knew that was going to be your answer. It was just like a pie in the sky way to consider some of the concerns with the neighborhood, which I think that we're addressing traffic and those other items that they mention but typically what happened when a community goes forward they feel like they were not heard and their issue isn't just a matter of these logistic, its' actually a matter of losing an aesthetic in a neighborhood that's been pretty important to the neighborhood and it affects people across the street simply because they're across the street doesn't mean they are not affected by a 500,000 square foot building, and how many employees did you say?

Randy Royal: 1,100.

Karen Kwasny: 1,100. That's a significant impact to an existing neighborhood. I drive down that road almost every day. To me, that quite a change, so I'm just trying to figure out how long they might have that little bit of open space remaining for them after this building goes in before there is more changing coming down the line the same kind.

Randy Royal: Like I said I am not sure what will happen with the Braithwaite's property. I will be difficult to develop just because of the existing ponds scattered throughout it. It can end up being a natural area, a park, and if was something like that, perhaps that wouldn't need the security around the building here. I can't tell you for sure. I understand what you're saying. They kind of got an impromptu to part that they drawn in distance now over here and now it's going away, or at least the city portion is. The Braithwaite property is still there but Eddie could property correct me, that we don't want people trespassing on the property but I am sure people will probably walk over there anyway. So, that's kind of what you got, and yes, I understand. I've been doing it a long time and people get used to something but we've been working and as you said, the civic league tasks us, and by us, I'm talking about Economic Development to find a better use for the Owl's Creek property, so; we're trying to balance it the best we can.

Karen Kwasny: I see that.

Bob Thornton: Jeff.

Jeff Hodgson: Two more quick questions, and I'm sorry if I missed that. The fence around the front is that also going around the entire perimeter of the facility?

Randy Royal: No. A couple of hours ago when I was meeting with them, so; coming along here. We were debating on far it may go back to somewhere in here. It's not going to be like we're got to run this thing all the way around and complete enclose this. We want it difficult for people to get in there. It's not going to be a prison camp that we got completely enclosed.

Jeff Hodgson: You're open 24 hours a day. The chance of them breaking in is a lot less.

Randy Royal: There are always people there. You just don't want make it easy for people to walk in to the facility.

Jeff Hodgson: And last thing, I know you said it before but just state it again. You said "up to 1,100 jobs with an average salary of?"

Randy Royal: \$70,000. That's significant. Again, and meeting with the Seatack folks, we got a community right there that I'm sure lot so of those folks would like those jobs. We're committed to training them up front. It's a high tech type thing but we feel like we can train anybody to come in and do that work, and it's over 1,000 jobs.

Jeff Hodgson: Thank you.

Bob Thornton: Are there any other questions. I've got two questions. One, the front appears to be gated. Is that going to be open and closed as employees come in or will that gate be open all the time?

Randy Royal: it's going to be open all the time.

Bob Thornton: To help cueing the traffic out on Birdneck.

Randy Royal: Right. We looked at that and that is also a good point. We have the same discussion and they talked about the gate and we said that is going to be a problem with people trying to get in use their pass card an having backing up on the roads. When everybody is in, there will be times when it closes when a shift is leaving or coming in, open the gate let them all in.

Bob Thornton: I mean if you're a vendor or you wanting to go in there between shifts as a security person lets you in. The other questions I had was did you all give any consideration to Corporate Landing. It seems like the city, and somebody brought it up this morning. There is a fairly large amount of land out there. Is there site not workable? Is there not enough out there?

Randy Royal: You certainly can squeeze that in somewhere out there. It didn't quite work. We're actually looking for a little higher type use Corporate Landing then manufacturing. It's more of an office park that we're looking for out there and hopefully it will spin off from the Transatlantic Cable, and things like but it just didn't work.

Bob Thornton: There is nobody out there to this day with 1,100 people art ether? Does GEICO have anywhere near that many?

Randy Royal: I don't know there is a heck of lot of cars out there. It's probably close. Beyond that?

Bob Thornton: It's been owned by the city for 25 years or 30 years and its mostly empty.

Randy Royal: I think that's coming with the Transatlantic Cable. I think that is what' going to change that and we're going to get that higher type uses in there. Hopefully.

Bob Thornton: Okay. Those are my questions. Is there any other questions? Dave?

Dave Redmond: Quick question. Do you know Randy, or can anybody tell me if we have an approximate value on the investment when buildings probably the pictures in manufacturing equipment is probably a little tough to tell right now. What kind of numbers are we talking here?

Randy Royal: I'm looking at my Economic Development guys.

Unknown voice: Somewhere in the neighborhood of 50 – 55 million.

Dave Redmond: I will just add one point. For 50 -50 million dollar investment on that kind of land, you can assume extensive security, maybe more than a guy in uniform standing out front. Other than that you're going to need extensive security. You won't see it necessarily but they will see you.

Randy Royal: A lot cameras.

Dave Redmond: Right, exactly. They will see you. Thank you.

Bob Thornton: Jeff?

Jeff Hodgson: I know this is an impossible to answer to answer. Perfect scenario, if this goes through, when do they hope to be open by?

Randy Royal: It is not an impossible question. I got to scratch my head little bit because we're fast tracking it, and looking at starting now, part of the question is how long does it take to build a building this big. I think the target, I'm thinking early next year. I'm sorry that's wrong. Early 2019.

Bob Thornton: Barry?

Barry Frankenfield: I have an additional piece of information that we we're just talking about that was not represented in your report. This is in a Special Economic Growth Area, in addition to the Seatack Focus area, and as such, the light industrial is compatible, it is what the Comprehensive Plan calls for, just to be clear and that is the point is because this relationship to Oceana and the noise zones, these are the type of uses that we are thinking is appropriate. It's unfortunate that it was a golf course and now it's becoming this use but this area from a land use perspective is what is called by the Comprehensive Plan.

Bob Thornton: Thank you. Anybody else? Thank you Randy. If there are no other questions of any other speakers we can close the public hearing and have a debate among ourselves or someone could make a motion. Dave.

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

Karen Kwasny: I actually wanted to ask Ron a question if I can?

Bob Thornton: Sure.

Karen Kwasny: The buffering that you were talking about, can you tell me a little more about what your expectations were for that? What you would like to see?

Ronald Ripley: I would like to see a combination of trees and other planting to see a setback. I would really, you, mentioned verb and a good example from the developer in here with the Helen Dragas. She is the signature buffer where she put berms in it, landscapes it. It looked really nice. That's a pretty heavy landscaping bar to meet but.

Karen Kwasny: I think that's really essential in trying to find a compromise between economic development and bringing vitality in that way to a community and also trying to find a way to stick in the community so, if you provide a buffer like that, substantial that has that kind of berming you're referencing because I've seen those in my green view, they are always a template to what can be done

to really shield something from the roadway. You won't know it's there. We do this lot with just flat outright development in apartment and things like that. Where you want to keep the view shed, you have a lot behind that but you would never know you had. And, so there is still a natural aesthetic to the area that is a part of the expectation of the community. I would love for that residual property to remain that way for the long haul, but we can guarantee that. At least we know for now it will be. You will be doing a much better job of providing a site that is more memorable to the community surrounding it.

Jan Rucinski: Even application four that we heard today has got more substantial buffer.

Bob Thornton: Now that you all have brought this up. I will take a slightly contrary view of this. These people are going to spend 50 plus million dollars to building this in our community. And I think landscaping is important but I think it would be a shame to expect him to hide this building. That is not an unattractive building and if you go places around the country that have parks, industrial parks and industry they show it off. They don't hide it because this attracts other business. So if we expect them to spend 50 million dollars, I did some math. That is \$100.00 square foot for the building. That doesn't count one piece of equipment. So, this could be \$100 million dollars, and I think landscaping, my point is, I think it ought to be beautiful and landscaped, but I don't think we ought to expect these people to hide this building at all. I think that would be a disservice to the community. Anyway, that's just my opinion.

Karen Kwasny: I don't think hiding the intent of but protecting the view shed. I think they are two different things. You can do one well without doing the other.

Bob Thornton: I will speak no more. I just want to get on the record that I'm all for economic development. Dave made a motion.

Dave Redmond: I just want to point out. I found Mr. Royal very convincing when he and the application is absolutely committed to doing this in the most environmentally sensitive way to screening it to a very intensive to a great extent. I think we're there. We can talk about how exactly berms versus trees and all that stuff but I think we're there. So, I will renew my motion to approve agenda item 7.

Bob Thornton: Okay, thank you. We do have second right? A second by Dave Weiner

Ronald Ripley: I agree with you and I think Mr. Royal made it loud and clear. I'm sure they will do a good job.

Bob Thornton: We'll call for the question.

Ed Weeden: Who seconded it?

Bob Thornton: Mr. Weiner.

	<b>AYE 10</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>				<b>ABSENT</b>
<b>KWASNY</b>	<b>AYE</b>			

Item #7  
City of Virginia Beach  
Page 17

<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 the application of the City of Virginia Beach for a Conditional Rezoning.

Bob Thornton: Okay. Thank you.

Item #8

City of Virginia Beach

An Ordinance to Amend and Reorganize Appendix 1, Oceanfront Resort District Form-Based Code, of the City Zoning Ordinance pertaining to Definitions (Chapters 1 and 8); Frontage and Building Types (Chapter 2); Setbacks (Chapter 3); Height (Chapter 4); Uses (Chapter 5); Site Development (Chapter 6); Optional Forms of Development and Alternative Compliance (Chapter 7); and Signs (Chapter 8).

November 8, 2017

**CONSENT**

An Ordinance to Amend and Reorganize Appendix 1, Oceanfront Resort District Form-Based Code, of the City Zoning Ordinance pertaining to Definitions (Chapters 1 and 8); Frontage and Building Types (Chapter 2); Setbacks (Chapter 3); Height (Chapter 4); Uses (Chapter 5); Site Development (Chapter 6); Optional Forms of Development and Alternative Compliance (Chapter 7); and Signs (Chapter 8).

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

	<b>AYE 10</b>	<b>NAY0</b>	<b>ABS 0</b>	<b>ABSENT 1</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>				<b>ABSENT</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.

Ashby Moss appeared before the Commission.

Item #9

City of Virginia Beach

An Ordinance to Adopt and Incorporate into the Virginia Beach Comprehensive Plan 2016, the “ViBe Creative District Connectivity Plan,” dated October 2017 and the “Oceanfront Resort District Connector Park Design Guidelines,” dated April 2017 and to Amend the “Oceanfront Resort District Design Guidelines,” dated October 2017

November 8, 2017

**CONSENT**

An Ordinance to Adopt and Incorporate into the Virginia Beach Comprehensive Plan 2016, the “ViBe Creative District Connectivity Plan,” dated October 2017 and the “Oceanfront Resort District Connector Park Design Guidelines,” dated April 2017 and to Amend the “Oceanfront Resort District Design Guidelines,” dated October 2017.

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

	<b>AYE 10</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 1</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>				<b>ABSENT</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 9 for consent.

Ashby Moss appeared before the Commission.

Item #10

City of Virginia Beach

An Ordinance to Adopt and Incorporate the “Interfacility Traffic Area and Vicinity Master Plan,” dated September 2017, into the Virginia Beach Comprehensive Plan 2016, and to Amend and Revise the following Sections of the Policy Document of the Virginia Beach Comprehensive Plan 2016: Planned Land Use Map (pertaining to Special Economic Growth Areas); Executive Summary; Section 1.3 (Suburban Area); Section 1.4 (Princess Anne & Transition Area); Section 1.6 (Military Installations and Support); and Section 2.4 (Economic Vitality)

November 8, 2017

**CONSENT**

An Ordinance to Adopt and Incorporate the “Interfacility Traffic Area and Vicinity Master Plan,” dated September 2017, into the Virginia Beach Comprehensive Plan 2016, and to Amend and Revise the following Sections of the Policy Document of the Virginia Beach Comprehensive Plan 2016: Planned Land Use Map (pertaining to Special Economic Growth Areas); Executive Summary; Section 1.3 (Suburban Area); Section 1.4 (Princess Anne & Transition Area); Section 1.6 (Military Installations and Support); and Section 2.4 (Economic Vitality).

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

	<b>AYE 10</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 1</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>				<b>ABSENT</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 10 for consent.

Stephen White presented this item.

Item #11

City of Virginia Beach

An Ordinance to Amend Sections 111 and 501 of the City Zoning Ordinance pertaining to the Deletion of the Definition of Servants Quarters and the Addition of the Definition for Limited Use Accessory Dwelling Unit

November 8, 2017

**CONSENT**

An Ordinance to Amend Sections 111 and 501 of the City Zoning Ordinance pertaining to the Deletion of the Definition of Servants Quarters and the Addition of the Definition for Limited Use Accessory Dwelling Unit.

A motion was made by Commissioner Oliver and seconded by Commissioner Ripley to approve item 11.

	<b>AYE 10</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 1</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>				<b>ABSENT</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 11 for consent.

Kevin Kemp appeared before the Commission.

Item #12

An Ordinance to Amend Sections 801, 901, and 2203 of the City Zoning Ordinance Pertaining to Business and Vocational Schools in the Office, Business and the Central Business Core Districts  
November 8, 2017

**CONSENT**

An Ordinance to Amend Sections 801, 901, and 2203 of the City Zoning Ordinance Pertaining to Business and Vocational Schools in the Office, Business and the Central Business Core Districts.

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

	<b>AYE 10</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 1</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>				<b>ABSENT</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 approve item 12 for consent.

Kevin Kemp appeared before the Commission.

Item #13

City of Virginia Beach

An Ordinance to Amend Sections 111 and 203 of the City Zoning Ordinance pertaining to the Definition of Municipal Oceanfront Entertainment Venue and the Deletion of the requirement of Ten Year Shared Parking Agreements

November 8, 2017

**CONSENT**

An Ordinance to Amend Sections 111 and 203 of the City Zoning Ordinance pertaining to the Definition of Municipal Oceanfront Entertainment Venue and the Deletion of the requirement of Ten Year Shared Parking Agreements.

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

	<b>AYE 10</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 1</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>				<b>ABSENT</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 13 for consent.

Kevin Kemp appeared before the Commission.

Item #14 & 15

Bonney Road VB, L.L.C.

Discontinuance, closure and abandonment of an unimproved portion on the  
Southside of Avenue "H"

Modification of Conditions

3825 Bonney Road

District 5

Lynnhaven

November 8, 2017

## **CONSENT**

An application of Bonney Road VB, L.L.C. for a Discontinuance, closure and abandonment of a portion of unimproved portion of Avenue "H" and an application of Bonney Road, VB, L.L.C. for a Modification of Conditions on property located at 3825 Bonney Road, District 5, Lynnhaven. GPIN: 1487-33-0781-0000.

## **CONDITIONS**

### **MODIFICATION OF CONDITIONS (Motor Vehicle Sales & Service; Automobile Repair Garage)**

1. The subject site shall be developed and landscaped substantially as depicted on the site exhibit titled, "CONDITIONAL USE PERMIT EXHIBIT FOR JOYNT ENTERPRISES, INC. AUTOMOTIVE SALES," dated September 9, 2017 and prepared by Gallup Surveyors & Engineers. Additional site improvement requirements may also be determined during detailed site plan review.
2. The building façade shall substantially conform to the elevation titled, "PEMBROKE AUTO SALES FRONT ELEVATION," dated 6-28-16 and prepared by RBA, with the exception of the image of the car shall not permitted.
3. The building sign shall be composed of individual letters as shown on the elevation, and any freestanding sign shall be monument-style. A separate sign permit from the Planning Department shall be required for the installation of any new signs.
4. Motor vehicles on display shall be parked only within the display areas shown on the site exhibit referenced in Condition 1 above.
5. No vehicles shall be parked in areas striped for fire lanes, nor shall any vehicle impede or block access to the site. The ingress/egress shall remain open for vehicular access at all times, as depicted on the site exhibit referenced in Condition 1 above. Physical markings shall be added to designate the required 30-foot throat length.
6. No outside paging or amplified music system shall be permitted.
7. There shall be no decorative pennants, feather flags, streamers, air dancers, inflatables or other similar advertising items located on the site.
8. All vehicle repair shall only take place inside the building.
9. No motor vehicles in disrepair or waiting to be repaired shall be stored outside.

10. No outside storage of equipment, parts, or materials shall be permitted.
11. All junk, debris, and other discarded items must be removed from the site.
12. All customers and employees shall park on-site unless a parking agreement is arranged with adjacent properties.

**STREET CLOSURE**

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 Avenue H 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. 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 Ripley to approve item 14 & 15

Ronald Ripley: I am a member of the Towne Bank Advisory Board in Chesapeake, and the application has disclosed 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. There is also a disclosure letter on file with the clerk as additional disclosure.

	<b>AYE 10</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 1</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>				<b>ABSENT</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>			

Item #14 & 15  
Bonney Road VB, L.L.C.  
Page 3

<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 14 & 15 for consent.

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

Item #16  
Reed Enterprises, Inc.  
Modification of Conditions  
West Side of Holland Road  
District 7  
Princess Anne  
November 8, 2017

**CONSENT**

An application of Reed Enterprises, Inc. for a Modification of Conditions on property located on the west side of Holland Road, District 7, Princess Anne. GPIN: 1495-13-8628-0000.

**CONDITIONS**

1. All conditions attached to the Conditional Use Permit for an Automobile Repair Garage approved on this site on December 8, 2015 are deleted, as no Automobile Repair Garage use shall be permitted on this site.
2. No outside storage of equipment, parts or materials shall be permitted unless located within the fenced Bulk Storage Yard.
3. The Bulk Storage Yard shall be enclosed with Category VI screening, as specified in the Landscape, Screening, and Buffering Specifications and Standards for the City of Virginia Beach.
4. Any lighting for the Bulk Storage Yard shall be limited to light packs installed on the building and fence, as well as pole lighting not to exceed a maximum height of 15 feet. All lighting shall be shielded and directed downward to limit the amount of light overspill outside the property boundary.
5. A photometric plan shall be submitted at the time of final site plan review.
6. A landscape plan shall be submitted at the time of final site plan review.

A motion was made by Commissioner Oliver and seconded by Commissioner Ripley to approve item 16.

	<b>AYE 10</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 1</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>				<b>ABSENT</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>			

Item #16  
Reed Enterprises, Inc.  
Page 2

By a vote of 10-0, the Commission approved item 16 for consent.

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

Item #D1  
McNeel Properties, L.L.C.  
Modification of Conditions  
Conditional Use Permit  
3249 Dam Neck Road  
District 7  
Princess Anne  
November 8, 2017

**CONSENT**

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

**CONDITIONS**

1. The development of the site shall substantially conform to the submitted layout entitled “Modifications of Conditions Plan Dam Neck Car Care Service Center, S. W. Intersection of Dam Neck & Holland Road for McNeel Properties, LLC, Virginia Beach, Virginia” prepared by Land Design and Development, Inc., dated 07/27/17 and as depicted on page 6 of this report, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development.
2. Architectural design and colors shall conform with the exhibit entitled, “Neal Reed Project – Auto Service Center Holland Road & Dam Neck Road Virginia Beach, Virginia” prepared by Neil E. Bristow Architect, dated 06/21/05 and as depicted on page 7 of this report. Said elevations have been exhibited to the Virginia Beach City Council and are on file with the Department of Planning and Community Development.
3. No outside storage of equipment, parts, tires, merchandise or materials shall be permitted on the site.
4. Vehicles in a state of obvious disrepair shall only be stored inside the building or within the Bulk Storage Yard.
5. All motor vehicle repairs and painting shall only take place inside the building.
6. Vehicles in the Bulk Storage Yard shall be parked in an orderly fashion.
7. The deviation to the required Category VI is approved for the Bulk Storage Yard, as described herein. Existing plant material and fencing along the southern property line shall be maintained where it exists in order to provide an equal or greater amount of screening required by a Category VI buffer.

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

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

**HODGSON                      AYE**  
**HORSLEY                      AYE**

Item #D1  
McNeel Properties, L.L.C.  
Page 2

<b>INMAN</b>		<b>ABSENT</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 D1 for consent.

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

Item #D2  
New Cingular Wireless PCS, L.L.C. C/O Jacobs Telecommunications, Inc.  
Conditional Use Permit  
1800 English Court  
District 6  
Beach  
November 8, 2017

**CONSENT**

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

**CONDITIONS**

1. The design and installation of the small cell wireless facility shall be in substantial conformance with Sheet T-1 and Sheets C1 through C-6 of the plan set titled "CHESIRE CT M, VIRGINIA BEACH, VA, 23454, LIGHT POLE, NODE ID: ZONE 9\_NODE, 19\_BEACH\_181188," and dated 09.14.17.
2. No additional antennas or equipment beyond that shown on the plan set referenced above shall be installed.

A motion was made by Commissioner Oliver and seconded by Commissioner Ripley to approve item D2.

	<b>AYE 10</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 1</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>				<b>ABSENT</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 D2 for consent.

Evan Paner appeared before the Commission on behalf of the applicant.

Item #D3  
Baker Villas, L.L.C. & Ocean Rental Homes  
Conditional Rezoning  
R-7.5 Residential to Conditional A-18 Apartment  
504 Baker Road  
District 2  
Kempsville  
November 8, 2017

## **REGULAR**

Bob Thornton: Please call the next item.

Jan Rucinski: Okay. Our last item on the agenda today is Baker Villas, L.L.C. & Ocean Rental Properties, L.L.C., which is an application for a Conditional Rezoning (R-7.5 Residential to Conditional A-18 Apartment on property located at 504 Baker Road, District 2, Kempsville.

Eddie Bourdon: Thank you. Ms. Rucinsk, Mr. Chairman. For the record, Eddie Bourdon, a Virginia Beach Attorney. If I could, Ed, are you certain there is no one signed up to speak against?

Ed Weeden: One in support.

Eddie Bourdon: I have a letter of support from Mr. Sollner, whose property adjoins the subject property and also from the Newsome Farms Civic League in support of the application. And, being present this morning for the informal, I was able to green some things from the conversation. I'm going to try and shorten this a little bit. It was recommended for approval. My clients have taken a great deal of time and effort and over a quite long period of time, to assemble the seven pieces of property. And, the issues that I heard you all discuss, and recommended for approval. I'll start with stormwater drainage, because I think that's important one that we're all sort of wrestling with. We have the ability to drain this project into Witchduck Lake. That does not, however, eliminate the need to treat stormwater. The clients recognize and fully accept the fact that if they are not able to meet the threshold as far as treatment is concerned, elsewhere through expanding the existing pipes between here and Witchduck Lake, or more likely, the adjacent city property, which as you well know, is soon to be a park but there is no funding, no time table. My client has entered into discussions with the City with the regard for the potential that they develop the park for the City, and in return there might be a shared BMP. But that is very preliminary discussions that may or may not happen but that is something that is going to take some time to determine, and because they need to move forward because the assemblage of these properties with the application, they can, and this thing has been and as Mr. Frankenfield had said this morning, it's been beat around, beat around. We absolutely can be developed this way and meet the stormwater requirements. We are convinced of that. Staff is telling you that's the case. Whether that makes economic sense is another question. Whether just keep beating our heads up against the wall because this is not what you normally would be involved in. We want to go ahead and move this forward but with absolute understanding that if necessary, they will lose units in order to put necessary BMP on the site, if that is the only way that this can be done. But, we think there are some other options that may work out for everyone's benefit. So, that's the reason why it is a little bit of unique situation in that regard. The two houses on Connie Lane, that is part of this is not of the 3.6 acres that we are rezoning but it is part of the 4.18 acres that is n total. Those will be nice new attractive homes. There is currently a 10-foot ingress/egress easement where we are showing to satisfy the Fire Department, the Fire Marshal's Office. We're showing emergency access that will be grass paver, the fence will have a gate. The Fire Department will have the only way to get in, but that is something that

the Fire marshal asked us to do. The other things that are in write up, and I'll mention briefly. If you look at the composite map where we were asking for the 8 foot landscape buffers that attend where it is wooded, is an area that. Do you have a larger view of this? In your staff report, there is a copy of your zoning map on page 3. It shows the adjacent apartments. Here we go. These properties here, the back of these properties, A-12 with a dead end street, we anticipate. This is all wooded. We surely anticipate at some point in time the same circumstance will likely take place, and this will be an addition to this existing community, and thus, there will no longer with the A-12, which we think will probably extend there at one point, be the need for the ten. And over the 8 foot is along the City owned property that will be (inaudible) will one way or the other be a park site. That's that. Now, the other issue that was raised this morning, the applicants are absolutely committed to use the premium vinyl, which is a thick and more expensive but a thicker and more durable vinyl than your typical vinyl that you discussed this morning, and actually is lighter and looks more hardi-plank than your typical vinyl. So that is an absolute and it will be the premium vinyl that will be utilized. We have provided the enhance rear elevation for the building that is adjacent to Bake Road but it set back more than you more than typical find in a neighborhood like this, a little wider area up front which will be heavily landscaped but we absolutely upgraded the elevations that backs up to the road. We had meeting with the community < Newsome Farm. They totally support what we're proposing to do with the application. It certain is consistent with the density of what's out there and the units should sell just under \$300,000 a unit. And with that, I'll be happy to answer any questions. I know you put this on the consent agenda.

Bob Thornton: Any questions for Mr. Bourdon? David.

David Weiner: It is not really a question is more like a statement. We talked this morning, you asked my thoughts on it. My terminology, on that, I don't really say gotta, sorta, kinda. And, after listening to the staff, and having a briefing this morning on stormwater and not seeing enough stormwater on here, of course things are going to start spinning. After listening to the staff, I know were not stormwater expert at all but we do need to look at it in some kind of way. But I'm talking about being consistent. We need to be consistent with every application that comes through and being consistent means that we don't look at the stormwater. So, saying that, I not concerned as I was before.

Eddie Bourdon: One thing I'll echo with what Mr. Frankenfield said this morning, at this juncture and I've been doing this for quite some time and I hate to think about how long, and it is night and day compared to how it used to be. When this wasn't even a part of the lexicon, At this point, where we don't have flooding problems and flooding issues, we're going through and it really hasn't been any official notice of the policy change. Down on the southern part, it has been clear for a couple of years now, but now we're up in the in another part here the public, not just planning but Public Works are looking at these things, so before we can even get on the agenda. So, I can assure and it's a substantial additional expense that the development community is already having to adhere to, so and this one is unique and it is unique because for the fact that we believe there is an opportunity and we want to try to produce a win, win with that opportunity. It may not happen, and we're perfectly understanding that if it doesn't happen, and there needs to be a BMP on the site, which more likely is going to be the answer if it doesn't happen, then were going to lose units and that's the absolute given. It don't think that changes the quality for the development one bit but if we have a beautiful city park that gets open a lot sooner, because they are able to work an agreement to develop a park or the city, and at the same time, there is an agreement. Who knows what could be involved in such an agreement financially as well. So, that is what we're exploring. That is what we're hoping to achieve, and when we spend a lot of time to getting to this point, you see that is really the best option but if it doesn't work then it will be fewer units.

Bob Thornton: Any other? Jack and then Don.

Jack Wall: There looks like there is a parcel on Connie Lane that is kind of surrounded by the community development. They are new homes. I am just curious is that the case.

Eddie Bourdon: I'm sorry Jack.

Jack Wall: What we're working at typically is just this community. There is part of the development, the two homes that are on Connie Lane.

Eddie Bourdon: That is part of the subject property that is not being rezoned.

Jack Will: Not being rezoned,

Eddie Bourdon: That my clients own and will be developing by right on those lots to be created on R-7.5 single family home on each one.

Jack Wall: There is another parcel to the farther right.

Jan Rucinski: Page 7.

Jack Wall: that is shown on page 7.

Eddie Bourdon: This property, the owner is fully aware. It is not Mr. Sollner's property is it. They are for the application and have no objection to the application.

Jan Rucinski: So three of them are green, so are there going to be three new single-family houses? On page 7, on Connie Lane, three of those parcels are shaded green and there is the one.

Eddie Bourdon: Actually it is a combination. There are two small pieces here that is going to be new homes. This is the emergency access, which will be a part of the lot but it will just be subject to an easement and it will be restricted and nothing can be placed on it. This is the second new lot upon a house will be constructed, and this is Mr. Sollner, who has the application requiring this property from him. That remains a single-family home. The only part of this that is the application is everything to the south of the dotted line and then it wraps up and around. All of these property owners have been involved with this process of this application. So, Connie Lane remains single family home with R-7.5.

Jack Wall: Thanks, I just wanted some clarity on this.

Eddie Bourdon: These will be two new homes and that will be a part of the lot but it will be an emergency access that the fire marshal wanted us to provide since we're in a position to be able to do that.

Bob Thornton: Don has a question.

Don Horsley: I just got a comment. I think the comment you made a while ago about if we end up treating stormwater on site, which is most likely. I think that is mostly likely scenario. That will kill two birds with one stone because it will also give us some open space that people talked about this morning.

I look retention ponds as open space myself, I think that would put evrybo9dy's mind at ease a little bit if we kind of got that in our head that is what's going to happen>

Eddie Bourdon: The alternative would have been to have done that and continue to work to try to work the win-win, public, private development of the park. And if that was to come to fruition, then we have to come back and change this, so it is easier where we know we can make it work. It's easier to do it this way and you're never going to get by without doing all of the required to treat the stormwater and have the capacity, which doses exist.

Bob Thornton: Any other questions for Mr. Bourdon? Thank you sir.

Eddie Bourdon: Thank you Mr. Chairman.

Jan Rucinski: We have one speaker and that is James Sollner.

James Sollner: My name is James Sollner. I live at 5513 Connie Lane for there for 27 years. I think was on the other side of the schedule last year opposing some development. I just want to say that I am in favor, and I just want to compliment Mr. Bischard and his associates for actually coming out to my house. I saw them on the property and asked them what they were doing. We met several times and came to a consensus of how we could both win-win and saw the wooded area back there. It's going to happen and I know that. I think it is workable where we could both come to amends and still live there. I think they are very good developers. I hope you all approve.

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

Jan Rucinski: I have no more speakers.

Bob Thornton: No more speakers and no more questions. With that, we will close the public hearing and does anyone care to make a motion?

David Weiner: If nobody has any comments, I make a motion we approve it.

Bob Thornton: A motion by Mr. Weiner for approval. Do I have a second?

Jeff Hodgson: Second.

Bob Thornton: A second by Commissioner Hodgson. We're ready for the vote.

	<b>AYE 10</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 1</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>				<b>ABSENT</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>			

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<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 has approved the application of Baker Villas, L.L.C. and ocean Properties.

Eddie Bourdon: Thank you all everybody. Have a Happy Thanksgiving.

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