

Virginia Beach Planning Commission

Public Hearing Verbatim

April 11, 2018

Ms. Oliver: My name is Dee Oliver. Our chair Bob Thornton is out of town today so I will be filling in for him and so bear with me as we move through this place. Before we get started, I would ask Commissioner Redmond to lead us and prayer, and this will be followed by the pledge by commissioner Horsley.

Mr. Redmond: Thank you madam chairman, we all bow our heads, dear Heavenly Father, we come to you today, thanking you for your guidance and wisdom, as we begin this hearing today guide our hearts and our minds in a spirit of fairness, right thought and speech, help us to remember our responsibility to serve our community with great insight guided by your understanding, wisdom, and respect for all. As we make decisions today help us to promote the common good as we work together for the betterment of our great city. As trusted servants, we seek blessing on our deliberations and on our efforts here today, in your name we pray, Amen, [Group Pledge].

Ms. Oliver: Thank you commissioner Redmond and commissioner Horsley. I have asked Commissioner Weiner to please introduce the members of the planning commission.

Mr. Weiner: Thank you Mrs. Oliver. Starting on the far end over there, we have Kay Wilson, Kay is our city attorney. The first empty chair is Jack Wall. Jack is a civil engineer and he represents the Rose Hall District. Next is Dr. Karen Kwasny, she is a professor of literature and she represents the Princess Anne District. Next is Don Horsley. Don is a farmer and Don is At-large. Next is Ron Ripley. Ron is in real estate management and he is At-large also. Next is Jan Rucinski. I still consider Jan our secretary of the planning commission, and she is in property management and she represents the Centerville District. The empty seat is Bob Thornton, Bob is our chairman of the planning commission, he is in sales and leasing and he represents the Lynnhaven District. Next is Dee Oliver, Dee is funeral director and she is our vice chair of the planning commission and she is At-large. Sitting next to Dee is Jeff Hodgson, Jeff is in real estate management and he represents the Beach District. Next is Mike Inman, Mike is an attorney and he is At-large. My name is David Weiner, I am in commercial sales and I represent the Kempsville District. Sitting next to me is Dave Redmond, Dave is in commercial real estate, and he represents the Beach District and next is Barry Frankenfield and Mr. Frankenfield would you please introduce your staff.

Mr. Frankenfield: Thank you very much. It takes four people to replace Ed, so I have four people over here that I am going to introduce during the agendas and the voting. The part of this is we are working on a new system to coordinate with the city clerk and we are going to electronically integrate all of our agendas and all of our forms so we are training a lot of people to be able to manage that effort when we get there. So always trying to move ahead, so Dalina, Dalina Cartwright, Cole Fisher, Carol Dozier, Pam Sandloop, voting team and on the planning

bench we have Kevin Kemp, Ashby Moss, Carolyn Smith, Jimmy McNamara, I always forget some, this is my hardest part, I usually write it down, Robert Davis and Marchelle Coleman, alright got it, thank you very much, appreciate it.

Ms. Oliver: Thank you, the first order of business is the explanation of the rules, we use to run the meetings and commissioner Rucinski, our secretary is going to explain the rules to you.

Ms. Rucinski: Thank you Ms. Oliver. The Virginia Beach Planning Commission takes pride in being fair and courteous to all parties in attendance. It is important that all involved understand how the commission normally conducts its meetings. It is equally important that everyone treat the commission and members of the public with respect and civility. The commission requests that if you have a cell phone to please silence it or turn it off at this time. This is an abbreviated explanation of the rules. A complete set of the rules is located in the front of the planning commission agenda for today. Following is the order of business for this public hearing. Withdrawals and deferral, the chairman will ask if there is a request for an item to be withdrawn or deferred on the agenda, consideration of these request is made first. Consent agenda, the second order of business is the consent agenda, which are those items which the planning commission believes, are unopposed and have favorable staff recommendation. Regular agenda, the commission then proceeds with the remaining items on the agenda. Please note that actions taken here today is in the form of a recommendation to the Virginia Beach City Council. The final decision for approval or disapproval for any application is made by City Council. The commission thanks for your attendance. We hope that your experience here today leaves you feeling like you have been fairly and heard. Thank you.

Ms. Oliver: Thank you. The next order of business is to address the items that will be deferred or withdrawn. Do we have any item that need to be withdrawn, no and so we have four items that need to be deferred so the chair is aware of these and this is item number 3, 4, D2 and 10. Is there any opposition to these items being deferred, alright, may I have the motion on these items to be deferred.

Mr. Hodgson: Like to make a motion to defer items 3, 4, 10, and D2.

Ms. Oliver: Second.

Ms. Rucinski: Second.

Ms. Oliver: Alright, I have a motion by vice chair; commissioner Hodgson, seconded by commissioner Rucinski. Call for the question.

Cole Fisher: By vote of 9 to 0, the items 3, 4, 10, and D2 have been deferred.

Ms. Oliver: Thank you, and next order of business will be to address those that have been placed on the consent agenda and commissioner Hodgson is going to handle this portion of the agenda.

Mr. Hodgson: Thank you Ms. Standing Chairman, this afternoon we have three items on the consent agenda, the first matter is agenda item number 6, which is an application of Waves

Motel Inc. for a conditional use permit, commercial parking lot on property located at 1312 Atlantic Avenue which is in the Beach district, is a representative here for this application? You please come forward. Could you state your name for the record please?

Ms. Antogni Sarvides: Antigoni Sarvides.

Ms. Anoya: Hi, Helen Anoya.

Mr. Hodgson: Have you seen the conditions and they are acceptable?

Ms. Sarvides: We have some questions.

Ms. Anoya: Not so much questions, but we don't oppose your recommendations for us making our property into a parking lot; however, our intention is not to be a parking lot and we would like to develop our property accordingly, so under developing it and that's why we are asking for this conditional use permit for this season only.

Mr. Hodgson: Okay, you are okay with the conditions as stated in the staff report?

Ms. Anoya: We understand what they are and we are not oppose to that but that would lock us into being a parking lot, we don't want to continue for the next few years as a parking lot because property will be under developed.

Mr. Hodgson: I believe we are going to have to pull off the consent and hear this.

Ms. Anoya: Do we have the city staff that will be viewing that, maybe we are not understanding.

Ms. Hodgson: Right now, you have been put on the consent agenda as if your agreement with all the terms that are listed.

Ms. Anoya: Yeah, yeah, we do, I am sorry that is true, we do understand and we do agree to, we don't oppose those recommendations.

Mr. Hodgson: Okay.

Ms. Anoya: Okay, good. Alright, thank you.

Mr. Hodgson: Alright. Is there any opposition to this matter being placed on the consent agenda? Hearing none, the chairman has requested that Mr. Ron Ripley please review this application.

Mr. Ripley: This application is an application for commercial parking lot and it was used last year as a parking lot and under the zoning ordinance, it can only be used for one year before it needs a conditional use permit and that's why this is occurring. I don't think the applicant tied into, this just being a parking lot forever, I think they have every right under the sun that's in the ordinance to proceed to develop the property at a later date at their desire, so I don't think that will be a problem to the applicant, but it used to be occupied about the Sands, the Golden Sands Hotel which was demolished in 2016, I would like to said, it was used as a parking lot last year, so here we are addressing as a commercial parking lot and it meets most all of the requirements, if not most, all of them right now with the landscaping, there is a fence that has to be removed, it's paved, depending on how much that can be modified, that's something I think the city will try to work with the applicant on but there are 9 conditions and the applicant accepted these conditions at this point and so the planning commission felt it should be on consent and is recommended for approval by the staff, so that's why we put it on the consent.

Mr. Hodgson: Thank you Mr. Ripley. The next matter is agenda item number 9, which is a Resolution to Schedule Monthly Meetings as a Planning Commission of the City of Virginia Beach for May 2018 to April 2019 and this is coming from the city. Ms. Oliver has asked Ms. Wilson to please review this.

Ms. Wilson: This is a Resolution of the Planning Commission only that would allow any meeting that has to be rescheduled because of weather or other emergency, would allow that meeting's agenda to be placed on the next meeting's agenda without further advertising, so cost saving measure, it also deletes the August meeting of the planning commission, so the Planning Commission will not meet in August.

Mr. Hodgson: Thank you. Is there any opposition to this being put on the consent agenda?

Cole Fisher: Alright, the next item is agenda item number D1, this is an application for Dragas Associates Inc. for a conditional change of zoning, R-10 residential to conditional A-24 apartment on property located the Southwest corner of Haygood Road and Wesleyan drive and this is in the Bayside District. Good afternoon.

Mr. Bourdon: Good afternoon Mr. Hodgson, madam chair, commission for the record Eddie Bourdon, Virginia Beach attorney, we greatly appreciate all the hard work from city staff on this application as well as the civic leagues in the area with whom my clients have met and spent considerable time with and appreciate being on the consent agenda.

Mr. Hodgson: Thank you.

Mr. Bourdon: Thank you.

Mr. Hodgson: Is there any opposition to this matter being on the consent agenda? Hearing none, Ms. Oliver has asked Mr. Dave Redmond to please review this application.

Mr. Redmond: Thank you Mr. Hodgson. Mrs. Chairman this is an assemblage of 12 vacant parcels, totaling almost 9 acres in a neck of the woods with which anybody around that will be familiar with these properties and this part of the city has enjoyed, I think quite a bit of

momentum in the last 10-15 years and I think this is a continuation of it. This is a rezoning to A-24 apartment district for the development of 88 units in 22 quad buildings in the condominium form of ownership, so ownership product not a rental product, while the rezoning to conditional A-24 apartment district is requested resulting density will only be 9.84 units to the acre, the request for A-24 is driven by the amount of lot coverage permitted. For example, in the A-12 and A-18 districts lot coverage is limited to 40% and 50% respectively, but as depicted the anticipated lot coverage share will be 52% thereby necessitating the rezoning to A-24 which permits the higher lot coverage of 60%. This development has number of amenities, community pool, pond, walking path, and of particular note at least to my eye is very intense landscaping and if you are familiar with the applicant's work, just up the street I think you can expect some of the highest quality landscaping in the city very frankly. I believe this would be a great asset and a fine community when it's done, we are unaware of any opposition to the application, staff supports and the commission concurs.

Mr. Hodgson: Thank you Mr. Redmond. Ms. Oliver that was the last item on the consent agenda, I would like to move to approve agenda items 6, 9, and D1.

Mr. Horsley: Second.

Ms. Oliver: Okay, we have a second on that, thank you.

Cole Fisher: By the vote of 9 to 0, the agenda items 6, 9, and D1 have been approved by consent.

Ms. Oliver: Alright, before you all depart, I just would like to thank the applicants that all had a matter on the consent agenda; thank you for coming down today for today's hearing and have a good day. Thank you.

Item #1

Evergreen Virginia, LLC [Applicant]

Modification of Conditions for Motor Vehicle Sales, Rentals, and Repair and Car Wash Facility

**296 Kings Grant Road and 2981, 3001, 3025, and 3033 Virginia Beach Blvd
District – Beach**

April 11, 2018

APPROVED

Mr. Fisher: So this afternoon, we have five items being heard by the planning commission, the first item is going to be agenda item number one, Evergreen Virginia LLC and this is an application for a modification of conditions for motor vehicle sales, rentals and repair and car wash facility on property located at 296 Kings Grant Road and 2981, 3001, 3025, and 3033 Virginia Beach Boulevard in the Beach District.

Mr. Garrington: Members of the planning commission for the record Billy Garrington on behalf of the applicant Evergreen Virginia, LLC which some of you probably, if you visited the site, will recognize this as the Checkered Flag family of auto dealerships. So I thank you for trying to put this on consent agenda and unfortunately, I was the one who pulled it off, so I have nobody to blame but myself. I am just trying to get my billable hours a little bit higher. Thank you for again trying that but the one condition that I would like to ask for some relief or to be eliminated entirely as condition number 14, as it is written out condition number 14 will effectively put him out of business because what it says is that we cannot offload cars on the city right-of-way. We have to do it onsite and we cannot impede traffic at any time. It says that we cannot back the new car carriers onto the site so that means that we can only pull them on the site, which means that you then are going to affect back in back out into the Boulevard, which is going to impede traffic and cause more of a traffic hazard than it would if you only take one lane of the highway and offload the cars with someone out there assisting the truck driver. Keep in mind, these car dealerships never know when these caravans are going to show up. You know about it, 10 minutes after the guy arrives when he walks into the service department and says I have got a lot of new vehicles for you here to offload. So that's the advanced notice you get sometimes. They even come on Saturday and Sundays when the dealership's not even open. I didn't want to agree to a condition that would put them in jeopardy of losing their use permit somewhere down the road that needs to be revised or needs to be a done in a manner that it won't put them in direct conflict with their use permit and that's what I am here to ask you for today. Other than that, it's a very simple application, all they are doing is increasing the parking and the display area that they have for the dealership. This won't be hurting anyone. It would become Jaguar and Land Rover. But again it's been there for many years. When the Boulevard was widened and you took land away, you have effectively put every car dealership on the Boulevard in the same position and to say that they can impede traffic at any time is going to be a problem and they could effectively lose their license.

Ms. Oliver: Okay, thank you.

Ms. Rucinski: I have a question. So have they been offloading vehicles now by just parking in the street?

Mr. Garrington: Just like every other car dealer on the Boulevard. There is no way else to do it, typically sometimes depending on the time of the day or how busy it is, we pull on the Kings Grant Road which is the side street. They go up into the office area because it's a less congested road. Most of the time they will pull up and take their right hand lane of Virginia Beach Boulevard. They will have a lot attendant assist them to help direct traffic and they get the cars off as quickly as they can, so he can go on about his business and go on to his next destination. But again as I said, we cannot impede traffic at any time and if we try to back that truck out, this trucks have 18 wheels and they are 64 feet long. If you try to back it out into the Boulevard, you are going to significantly impede traffic and it's going to be a hazard that you don't want to have happen.

Ms. Oliver: Okay, go ahead, Ron.

Mr. Ripley: How are they offloading them now?

Mr. Garrington: Like I just said they pull up and park it in the right hand lane of Virginia Beach Boulevard right in front of the dealership, offload them as quickly as they can and then the truck goes on about his business. He isn't affecting, impeding traffic if he does that.

Mr. Ripley: So they don't pull onto the side and offload at all?

Mr. Garrington: The problem is pulling onto the side; they would have to back out into Virginia Beach Boulevard with the truck that is 67 feet long, which would create a tremendous safety issue.

Mr. Ripley: So how long are they there? You said a brief of time, what would you call?

Mr. Garrington: 30 minutes, yeah.

Mr. Ripley: 30 minutes, okay, thanks.

Ms. Oliver: Okay, Don do you have a question?

Mr. Horsley: No, I was just going to ask about the time that it used to take, and you said about 30 minutes.

Mr. Garrington: They get them offloaded just as quickly as they can, because that new cart carrier normally has vehicles that are going to other dealerships too, so the quicker he can get them, the quicker he can get from that side, the better.

Mr. Horsley: And to have a space on your own property, large enough to do this and turn these vehicles around, I don't know how much space it takes for those things.

Mr. Garrington: You couldn't do it in a cul-de-sac, I mean, that's just how big those trucks are.

Mr. Horsley: It would take a large part of your parking area to do that. I can understand that.

Ms. Oliver: Commissioner Redmond?

Mr. Redmond: I have a question, I am not sure exactly for whom, I am a little uncomfortable with the idea of removing this condition without some consideration from traffic engineering or some I mean you know impeding traffic or not impeding traffic is not the kind of issue that I kind of wanna make up while we are sitting here. I think I mean I understand exactly Mr. Garrington what you are saying, I think that probably in my view anyway, it might require some more consultation before we just decide to pull that out of here, we are not pull out of here. I am not a fan by deferrals for a deferral sake, but I am just I don't know I am not comfortable pulling that out without knowing any more than I do, Mr. Garrington, and I think that's something that probably there were some discussion about but we haven't been to that discussion. I don't know what any other kind of precedent is. Is this common in dealerships like that? I am a little bit weary of doing that. I even made Barry get up and walk away. Anyway that's it if you would chew on that for a little bit that might just be above my paygrade [Crosstalk].

Mr. Garrington: I can show you that I have done use permits for every other car dealership up and down the Boulevard, everyone have been doing exactly what we are doing now and I don't want to mention by names because I don't want to get any of them into a situation but once the feeder road went away, you have nowhere else that these cars can be offloaded. Not a single dealership has room enough to get those trucks onsite and then back out into the Boulevard it just doesn't happen.

Ms. Oliver: Mr. Inman?

Mr. Inman: I am wondering has this condition ever been put in another conditional use permit.

Mr. Garrington: Not that I am familiar with.

Mr. Inman: It has, is staff familiar with the issues that Mr. Garrington is asking, commenting about many dealerships have to do what would needed to be done here, if this condition went in there?

Mrs. Smith: Yes, it is, we believe City code prohibits offloading of vehicle in the public right-of-way.

Ms. Oliver: So if that's the case, then.

Mr. Garrington: If you want to put on there to the greatest extent practicable or something like that, I can agree with that but I am just, I am saying is just that the way it is written right now, all somebody has to see them impeding traffic one time and they say that you are not complying with the conditions of your use permit.

Mr. Weiner: The car dealership is down the road, an inspector came by and he would probably site them also, wouldn't he?

Mr. Garrington: It's not a condition that is use permit and that could very well be the issue. If you can put some verbiage on their to the greatest extent practicable or under only extreme circumstances but the way it's written right now, I think it's going to presume a problem.

Ms. Oliver: Carolyn?

Ms. Carolyn: So they do with proper notice can apply with a traffic control plan through traffic engineering, to close a portion of the street in order to accomplish that, but the scenario that Mr. Garrington described is not permitted.

Ms. Oliver: Okay. Yes?

Mr. Inman: I don't see how we can do anything other than what is written, it's a code so you know he's got a problem I understand that.

Mr. Garrington: We will agree with condition is then we will work with traffic engineering between now and city council to see what we can figure out.

Ms. Oliver: Great, thank you.

Mr. Garrington: Thank you, I apologize for that.

Ms. Oliver: No, always good to work through these things. Alright.

Mr. Horsley: Kevin do you know anything about, is ever been sighted for unloading cars like this on the public road?

Mr. Kemp: Not from the planning department because this is in the public right-of-way and we do not enforce that.

Mr. Horsley: So we have police department issue, you know it's kind of one of the same thing is if a truck had a flat tire and it will pull outside the road, he will be lying there longer than that. I understand Mr. Garrington's situation but I understand what our ordinance is also, so I have trusted he will get it worked out before counsel with, maybe Mr. Lowman or somebody.

Ms. Oliver: The hearing is now closed and we are just going to open it up discussions amongst the commissioners, anybody have anything.

Mr. Inman: I move we approve the application.

Mr. Horsley: I will second it.

Ms. Oliver: Commissioner Inman makes the motion, and commissioner Horsley did the second.

Mr. Ripley: Ms. Chair I need to disclose that applicants indicated Towne Bank is lender and I am a member of the Towne Bank Advisory Board of Chesapeake and I have a letter on file, so I'm stating it but I don't have any relationship here. I don't have any interest in the property. So I will be disclosing, I will be voting, but I don't have any interest and I am disclosing this.

Ms. Oliver: Thank you. Alright, call for the question.

Mr. Fisher: By vote of 9 to 0, the agenda item 1, Evergreen Virginia, LLC has been approved.

AYE 9

NAY 0

ABS 0

ABSENT 2

HODGSON

AYE

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

CONDITIONS

1. The conditions of the 1995, 1998 and 2000 Conditional Use Permits for Motor Vehicle Sales and Repair for the properties at 2981, 3001 and 3025 Virginia Beach Boulevard, shall remain in effect.
2. The conditions of the October 17, 2017 Modification of Conditions to the Conditional Use Permit for Motor Vehicle Sales, Rentals & Repair and Car Wash Facility approval on the portion of the site located at 3033 Virginia Beach Boulevard shall be deleted and replaced with the conditions below for the portion of the site at 296 Kings Grant Road and 3033 Virginia Beach Boulevard.
3. The development and landscaping of the site shall substantially conform with the submitted layout entitled “Conceptual Site Layout & Landscape Plan of Checkered Flag Jaguar-Land Rover 3033 Virginia Beach Blvd. Virginia Beach, VA,” prepared by MSA, P.C., dated 01/26/18 and annotated “MSA PROJ. #14088C,” which has been exhibited to the Virginia Beach City Council and are on file with the Department of Planning and Community Development.
4. Architectural design and colors shall conform with the “Schematic Drawings for Checkered Flag Jaguar/Land Rover 3033 Virginia Beach Boulevard, Virginia Beach, VA 23452,” prepared by Covington Hendrix Anderson, dated 05/18/17. Said elevations have been exhibited to the Virginia Beach City Council and are on file with the Department of Planning and Community Development.
5. The spaces for display of motor vehicles shall be clearly marked as depicted on the submitted site layout. Customer parking within the areas shown on the Site Layout Exhibit referenced in Condition 1 above shall be clearly marked by sign or pavement markings as such and shall not be used for the display of vehicles for sale.
6. Vehicles shall not be displayed on platforms or elevated above the parking lot.

7. All motor vehicle repairs and painting shall take place inside the building.
8. No outside storage of vehicles in a state of obvious disrepair, equipment, parts, tires, or materials shall be permitted.
9. No outside paging or amplified music system shall be permitted.
10. The building signage shall not be a “box sign,” but rather either externally lit or constructed of raceway-mounted channel letters with L.E.D. illumination. There shall be no neon or electronic display signs or accents installed on any wall area of the exterior of the building or on the doors. No window signage or portable or nonstructural signs shall be permitted. Any on-site signage for the automobile sales operation shall meet the requirements of the City Zoning Ordinance.
11. No additional freestanding signage should be installed on Kings Grant Road or on the lot at 296 Kings Grant Road, GPIN 1497156395.
12. There shall be no decorative pennants, strings of light bulbs, spinners, feather flags, ribbons, streamers, air dancers, inflatables or other similar advertising items located on the site.
13. Use of the car wash by the general public shall not be permitted.
14. All vehicles delivered to the site must be off-loaded on the site. The delivery vehicle shall not be permitted to back into the site from Kings Grant Road or Virginia Beach Boulevard, nor shall it impede the normal flow of traffic at any time.
15. All new light fixtures on site shall be no taller than 14 feet in height.

Item#2

Twenty-Third Fun Parking, LLC [Applicant]

Alternative Compliance

Northwest Corner of Pacific and 23rd Street

District – Beach

April 11, 2018

APPROVED

Mr. Fisher: So our next item of business is going to be item number 2, Twenty-Third Fun parking LLC, this is an application for alternative compliance at the Northwest corner of Pacific and 23rd street in the Beach District. Is there representative for this application? If you could please state your name for the record?

Mr. Baraki: Good afternoon, my name is Sam Baraki. I am the agent for the applicant. My business address is 800 Juniper Crescent in Chesapeake Virginia.

Ms. Oliver: Thank you.

Mr. Baraki: On behalf of my client, I am respectfully requesting your approval for this application. This application is for give you a little bit history before we go to the application. My client bought this property back in 1991, I guess and the property has previously been has conditional use permit to operate as a commercial parking prior to 1991, I believe in 1988. The property was operated as a conditional, I mean as a gravel parking for couple of years before my client purchased it, then my client sold that few years past that and he sold the property. The gentleman who bought the property defaulted on the loan. My client basically self-financed the property and the gentleman who bought it defaulted the loan, so my client took it back about six years ago and it has been vacant since and trying to develop it and trying to develop the property and they have several prospect buyer to buy it and nothing happened at this point, so they instead of keeping it as a vacant property, they felt that there is a need for additional parking at the beach and they provided a you know they thought about putting a commercial parking on there. The property and one of the reason in other way is, couple of years ago, I guess somebody they had big no parking sign on the property, somebody went there, I guess in a busy weekend, took the no parking sign and flipped that and put Beach Parking and start parking people there and so my client actually called the police, somebody called my client and said hey, somebody parking on your property, so my client called the police and have them you know stop this. This property people parking there, even though, there is about six or seven signs I counted no parking on this piece of property, but people yet still jump the curb and park there. So with this proposal, we have been working with staff, you know, and I thank staff for their diligent work and we have been working with staff to come up with a good solution to a problem and we get that good solution to make this a win-win for everyone. This parking lot will be managed and run by Wayne Gibson who has run parking lots at the beach for years and he is running one right now on 29th street and there was no issues with any of the parking he has ran and we understand that the neighbor to the north, the hotel on the north concerned about noise at night and noise on this piece of property, so we have been working with staff to come up with a solution to reduce the

noise by creating a buffer between this parking and the hotel on the north. I believe staff recommending 10-foot buffer with a fence and my concern was when I talked to staff originally we were talking about privacy fence on that. My concern we creating an alleyway for people to hide between the building, the wall on the north and the fence and creating an alleyway for people to hide and so staff said, how about if we use a wrought iron type fence but that's not going to solve the issue of the noise. So my recommendation would be is to put in a privacy fence at the property line, go up 8 feet at the property line that prevent noise from a lot better than the just a landscaping can, wrought iron fence in there or picket fence, if the noise is the issue. We understand and my client is very sensitive to the neighbor and we want to work with the neighbors, we are not trying to say hey look, you know, this is, you know, we are trying to come up solution to the issues so with that I went back to staff talked to them as late as just before the meeting and we agreed that okay, we will go with a 10-foot landscape buffer and a 4-foot fence but in my view that's not going to prevent noise from traveling even if we have shrubberies there and this is what we are going to put in landscaping and shrubberies there, that's not going to prevent the noise from traveling. I think fence 6 or 8-foot privacy fence at the property line with probably 3 or to 5-foot landscaping between the two properties that serve a lot better and serve the neighbor to the north a lot better than a just a 10-foot landscape buffer, but if the commission feel that's not a reasonable request, we agreeing to 10-foot. So we want to work, you know, we are not here to make issues, we are here to work with the neighbors, to come up with the best solution possible and my client also still in the pursue of finding other options to develop the property in the near future, so that's why we didn't have any problem with any of the condition impose on this application or staff recommendation, we concur with them with the exception of the buffer on the north and I am offering an option, but if the commission feel the option is not reasonable by installing 6-8 foot fence at the property line and a 3-foot or 5-foot landscape buffer from the property line to the fence, then I am okay with staff recommendation and I will standby to answer a question or.

Ms. Oliver: Thank you, yes Ron.

Mr. Ripley: Mr. Baraki, what kind of noise do you anticipate other than just car's parking [Crosstalk] what kind of noise are they experiencing that's an issue here.

Mr. Baraki: What my understanding was is not just the car parking, it's people coming in at night from bars and you know being loud and that's happening whether you know the bars there and to me if you are at Pacific Avenue or Atlantic Avenue when people leave the bars at 2 o'clock in the morning, they coming out and laughing and walking and talking and everything so whether you have a parking there or not, the noise is there so I but you know we are trying to be reasonable, we are trying to come up with okay if this is the issue, how we could resolve it.

Mr. Ripley: Got it.

Ms. Oliver: Thank you, any other questions? Yes.

Mr. Weiner: This might be for staff also, Ashby, I think a 10-foot fence might be a security reason why that couldn't happen, an 8-foot privacy fence.

Ms. Moss: Yes that was one of the reasons that we were recommending the wrought iron style, the aluminum wrought iron style because you can see through it, but it's also a barrier. It wouldn't be as good in order to block noise but that's not the only concern.

Mr. Weiner: It's more for security than anything.

Mr. Baraki: Yeah, I mean like I mentioned to Ashby, I am okay with, I mean in my understanding originally that the noise was the issue and if the noise is the issue then, you know, the privacy fence is a better solution because the last thing I want to do is create an alley for people to hide in there so a picket fence is definitely a good solution for preventing people from hiding and you know to keep the everything with then, which is fine by me.

Ms. Oliver: Thank you any other questions? Thank you.

Mr. Fisher: And we do have one speaker in opposition, Mr. Stevan Troutman, please come to the podium. Please state your name for the record as well.

Mr. Troutman: My name is Steve Troutman. I am the opposing party and I appreciate you listening to my concerns. I have got a little bit of a list here, so I'll probably run through it as fast as possible. First of all, to address what this gentleman just said I am the neighbor next door that no one talked to about this problem. No one approached me saying what he think about this idea for parking lot or anything, so nobody is working with me about this, so that's why I am here to try to get you to work with me if possible. Before I start my concerns, I would like to say two things, first of all two of the best things is having in Virginia Beach at least to the residents is resident parking passes, it stopped all other problems filtering to the neighborhoods. The second is the parking lot on the west side of Pacific Avenue because they are trying to keep that as a buffer, so that that doesn't happen and I just don't understand if in the Form-Based Code you cannot have a parking lot, why are we even here talking about if you are not allowed to have one, but I guess you can get exceptions to any rule. If I am wrong, maybe somebody in the city can correct me on that if that's not the code that no parking lots are allowed. Okay, to address the parking lot being there first of all, it's putting this parking lot right in the middle of the block. I am sure everybody is here has heard of the block, you get all the bars here. They are going to park there. The people that are parking there are using the vehicles as personal condos. They are parking there and they have all other paraphernalia whatever, you know, tailgate partying. You are going to have an 18-year-old kid out there, he is afraid to go approach these people or even try to talk to him. Then you call the police, it takes an hour to even get an officer there, because they are under staffes and too much is going on in the summer time, so that's one of the problems. It's a very rough crowd that is going to be there. If this was going to be opened till 6 o'clock in the evening at latest 9, I probably wouldn't oppose because that's the family crowd that I want to see coming, I want families to be able to come to Virginia Beach, enjoy our beach, enjoy restaurants and spend money here, but after that time the crowd coming in is the bar crowd and that's a very rough crowd and I have got customers going to be right beside that. Besides that, they use the bathroom as a urinal continuously, ever since parking lots have been there, no one has cared for that lot since it has been there. Right now, if you look I think one that you all saw, and I have got a picture on my cell phone but under my tree on their property, we have a guy with a tent I guess that's his personal condo sleeping in there, I cannot do anything about it because I don't own the property, police won't allow me to make a complaint, but no one is managing this property, they don't cut the grass, all the trash in that parking lot blows on my lot, so they are going to be using the property again and I don't think anybody is going to be paying attention, they are looking for the money possibly.

Ms. Oliver: You are just about out of time.

Mr. Troutman: I am out of time?

Ms. Oliver: Yeah, I am sorry you have three minutes allotted.

Mr. Troutman: I thought I have 10 minutes.

Ms. Oliver: No I am sorry.

Ms. Moss: It was my fault. I told him he had 10.

Ms. Oliver: Please go ahead.

Mr. Troutman: You know, I rent to a lot of families, I am very family oriented and I am an old Beach owner, my family has been owning the motel since 1966. This property also backed up to Angie's, I am not sure if you all remember Angie's bed and breakfast, Barbara Yates used to own it, well her backyard facility that I now own and all along with Angie's, backs up to that parking lot, that's where the tree is there and I have people back there, picnic tables, cook out facilities, ping-pong table, and all of them go back there to sit and read books and trying to have some quiet. You know, you are talking about the buffers condition, this gentlemen just talked about that they didn't want to use that for an alleyway, well I like the 10-15 foot off my building that would be nice if it's allowed, a fence could lock off that buffer zone so no one could get into that zone and use it as an alley. They can have a gate opening to going from their parking lot, going and cut the grass, take care of the shrubbery, you know whatever they're going to do there. I think I heard in the early meeting that you're allowed to use a coin operated attendant without someone being there. That would really be detrimental to my business. Even if he could put a security guard there after, if this is going to be allowed after 9 o'clock, that's fine maybe. You know, all these people are going to be filtering back and forth through the neighborhoods, a bathroom, the URI Spivey is probably the worst thing you can put there because you don't take care of them. If you can have a bathroom, an actual bathroom that their guests could use, I would appreciate that instead of going around the neighborhood or peeing around in my building or whatever they do. The wrought iron fence I like if that was going to be, I think that's nice, you can see through it, I don't know if I really want the 8-foot fence, I think it looked too much like a prison compound. A nice 6-foot fence would look nice there with some shrubbery and stuff like that so you could see through it and that would add to it possibly. Maybe cameras out there, the people... lighting and cameras are two deterrents, the people know that they are being filmed, so less likely to have mischief going on there and I think that's pretty much it because I am going to try to cut back everything, but I really appreciate you all listening to me. I have been there since 1983 and I have run a very successful small business there, I have acquired all the property around me and somebody saying that there is a cul-de-sac...the cul-de-sac doesn't slow anybody from driving through. You might as well put a stop light there, maybe they might watch, listen to a stop light, the little plastic cones that they have there, people drive through this all the time, so that's not going to stop people from going through the residential areas back through there. Thank you.

Ms. Oliver: Hold on, we might have couple of questions for you?

Mr. Horsley: What's taking place now, if you are worried about this much, if it's under supervision and is not under supervision, what's happening now?

Mr. Troutman: Just a plain parking lot, no one is there, no one parks that I see. They have one entrance on 23rd street, they have a chain across it, so no one used it for parking.

Mr. Horsley: So you don't have any problem with people parking there all during the year?

Mr. Troutman: No, no one is parking there. They are not allowed to park their, but yeah I mean if they were, I would be calling the police department and having them addressing it.

Mr. Horsley: The time that somebody did allow parking there, did you notify the police?

Mr. Troutman: I can get to the history if you want, in the very beginning, there was a paint ball place on the east side of Pacific Avenue, very nice gentleman and he ran a nice business there and he bought the property across the street. He used that for parking for his guests they are coming to his business. I don't ever know where it's ever been a paid parking lot. I do remember what the gentleman said about somebody who was staying there, parking illegally. There was one time, one of the Chaplains, I think Billy Chaplain, whatever, he was out and I walked over and talked to him, because my brother is married into the family, and was asking me, so they were looking at maybe buying the property, I guess from Mr. Decker, and putting up a parking lot and running it for him or whatever, and that's what I was told. But he was finally shut down because I guess he didn't have a permit through the city or whatever. He was only there for a couple of weeks.

Mr. Horsley: Okay. Thank you.

Ms. Oliver: Okay, yes, Commissioner Redmond.

Mr. Redmond: I have a question, what do you own there, I am unsure exactly what your business interests are, can you kind to tell me where your stuff is and what you have?

Mr. Troutman: I own this building, this building, this used to be Angie's right here and I have four, four bedroom houses here, excuse me three-bedroom houses, and I rent them all at the summer to guests.

Mr. Redmond: Okay, great thank you.

Mr. Troutman: My area that I was talking about right here is this tree area. That's where the picnic area and all of that all of my guests use. I don't have a pool, so I have very limited entertainment for my guests but I have that yard that gets used a lot for picnics and stuff like that, also weddings and other small things there.

Ms. Oliver: Great, thank you any other questions. Commissioner Inman?

Mr. Inman: We are only missing one parcel in that thing; what about the parcel that backs up to the parking?

Mr. Troutman: Right there.

Mr. Inman: No, parking at the below, right there.

Mr. Troutman: That's owned, I think it just got sold, that was owned by the guy that owned the Waves Motel and he also owns this property here which is an apartment building.

Mr. Inman: How is that used?

Mr. Troutman: They didn't, it isn't being used, same thing with this lot here, I was hoping that they could all get in conjunction, I mean together and build something nice there. They increase property values. I don't think parking lots increase people's property values, which to me pretty much of an eyesore, on the city lots, if you want to put city lot, that I have no problem. City lots are very well maintained and they look nice and you know you don't hear any noise from them.

Ms. Oliver: Any other questions to Mr. Troutman. Okay, thank you.

Mr. Troutman: Okay, thank you very much.

Ms. Oliver: Thank you, yes sir would you like to come up for rebuttal please?

Mr. Baraki: Couple of things, number one is you know the gentleman mentioned the trash and trash blowing to his property and so forth, simply because nobody using the property and people you cannot control people from crossing there and throw their trash. If this is developed with parking lot and with an attendant who is there then you know, there won't be any trash blown anywhere because we are providing trash receptacles for the people who park there. Second is I understand what the gentleman said about the noise and the later at night and what have you, I talked to my client and he said look if the issue become a problem at night, we willing to shut down at 9 o'clock, it's not a problem but they are going to have an attendant there, so it is, we are not trying to impose anything, we are trying to work with the neighbors, we are trying to be a good neighbor, we are trying to make something awful to something decent and this is what we trying to do, so with that, I mean I will be happy to answer any question if you may have.

Ms. Oliver: You have any questions, anybody? Okay, thank you very much, alright. We don't have any more speakers right, okay. So we will close this hearing now and open it for discussions amongst the commissioners.

Mr. Hodgson: Mike and I are just sitting here looking at some of the close-ups of the pictures and where we were talking about putting a fence along the north end of the property and there is a 30-foot high fence there right now basically in a form of a cinder block wall. I am trying to figure out what a fence will even do along that portions of property, I mean to me, it almost look better with just a landscape buffer along that wall, definitely would need a fence around the Pacific Avenue side to keep people from hopping over. I think this is probably one of those lots where you do need an attendant and not be a self-parking type of facility. I think you have a lot less issues with an attendant there. I think the one gentleman in opposition said that it could take an hour to get police there, and there is quite a bit of police traffic down at the Oceanfront in that area after 10 or 11 o'clock and it's, they seem to be on just about every block down there. So I am okay with the parking lot going there because it has been a lot, parking lot basically as long as I can remember. I am just wrestling with what to do on the north end of that piece of property where it abuts to the cinder block wall of his hotel and I am open for ideas from Mr. Redmond.

Ms. Oliver: Mr. Redmond.

Mr. Redmond: I don't have any for you, very frankly because I am not comfortable with the application given this gentleman's opposition which I find compelling and I might feel differently about it, if it were on the other side of Pacific Avenue, but it's not and so I just I cannot I just cannot get comfortable with that idea unless you know there were no opposition I suppose at least the opposition weren't quite as compelling as I found it to be, so I don't know how you sway just concerns, and I think there are legitimate concerns, again it might be, my

view might be different if we are on the other side of Pacific Avenue but I will be hard to persuade.

Mr. Hodgson: You have a city lot two streets down and basically the exact same location, I think it's on 25th street, I think there is a city lot, that's on the west side of Pacific, that's right up against I believe residential also.

Mr. Redmond: I think he was quite comfortable with the idea of city lot but that's not what we were talking about and so you are going to have probably a different level of monitoring and different level of responsibility and response time to all that stuff, so anyway you can feel free to think differently but that's... I cannot think that way so.

Ms. Oliver: Jan.

Ms. Rucinski: I sort of feel little bit like Dave does but, but the gentleman in opposition did indicate that he would be in favor with it if the hours were closed, if it was, the parking lot was used more for families going on the beach I think, his biggest objection if I am not mistaken has really more to do with the late night group of people that come and so maybe the applicant didn't, you know, he indicated he wouldn't be oppose to have any time constraints put on, so you know, maybe that would be an answer that could, you know, get the applicant the use of the property and also you know help the neighbors if it were you know used in parking lot during you know day and early evening hours for beach residents and then you know closed off, you know 8 or 9 o'clock at night.

Ms. Oliver: Ron.

Mr. Ripley: The sounds of the resort area are the sounds of the resort area. We're right in the resort area, so I don't know how to tent that down without police if it really gets loud and things like that but people walking around, they are talking, there are cars, it's an urban setting and I think this is an interim use - it's five year condition here for use and I think it's important to let people utilize their property as long as they comply and if they don't comply then they have to deal with the city on noncompliance and so I think you know Jeff brought up this morning about the people jay walking if you will and I think the city can control that by fencing and make an exit out on the corners where you actually have a crosswalk and get across the street and that would pull people away for the most part away from the hotel and I am with Jeff, and I don't know what you're trying to get that cinder block wall that's four-story or three story high, three story or not that high, I don't know how high off hand, but I don't know what else to do with that, I mean, I think you put a fence or landscaping that's fine. I am in favor of the application as proposed.

Ms. Oliver: Don.

Mr. Horsley: I tend to agree but you know I think the property is better off being under management having somebody to taking care of it than it is sitting there vacant and with these conditions, the hotel has a pretty good size wall there outside, the only problem I would have would be if people would cut between the corner of the fence at front and the hotel, they cut through that way that would be the only concern I would have for not putting a fence up on that but I think the application is worthy of a positive vote, but with that question about the fence on that north end to cut, to keep people from cutting through by the hotel to get into the lot where we prefer them to come around to an entrance to go in the lot and I think it's better off if you

have somebody attend the lot, then you are just there for anybody to stop and park, even though there are no parking signs.

Ms. Oliver: One question for Ashby? Where the tree is, where the hotel ends and his picnic area starts, does that butt up against that parking lot, because the parking lot that's part of it, so the only thing in between that open area of his in the parking lot is that tree [Crosstalk] so there is a chain link with the plastic pieces through it?

Ms. Moss: I don't know what type of fence is on the property line right there but the fencing associated with the parking lot would be inset towards the interior of the parking lot with the landscaping on the outside.

Ms. Oliver: And I know when we spoke yesterday because we know that area has a tendency to have a robust nightlife, we spoke about possibly with their landscaping putting like pachysandra in there, something to deter people from getting into area with a thorny type of bush kind of thing which might be something that they would consider which would help keep people off of that area.

Ms. Moss: During the detailed plan review, I wanted to review it with the police and the crime prevention through environmental design standards for plant material and the type of fence, the height of the fence to being able to see through the fence and that fence that's mentioned, yes they do have the solid wall but with the landscape buffer the intent of the additional fence there is to protect the landscaping from people cutting through and walking on there, so somehow it needs to be secured.

Ms. Oliver: Right. Commissioner Weiner.

Mr. Weiner: That site plan is different than what we have, in our site plan, the parking bumpers are right up against the building and that one has little shrubby landscaping between the parking bumpers in the building, I like that, that's the one we were talking about right.

Ms. Moss: Well that was, there has only been one submitted site plan and it's not a condition because it doesn't have everything that the conditions, the recommended conditions include, so that's just kind of a conceptual idea but there are additional things that need to be added.

Mr. Weiner: Okay that's not but we had that, on ours the parking bumpers are right up against the building, does not show any landscaping on the bottom, on the north side? [Crosstalk] The parking bumpers are up against the building on that on the north side, is there any way we can do some type of landscaping to keep the cars little far away from the building, do you know what I mean?

Ms. Moss: Well that's included in the recommended conditions so again kind of don't mind the submitted site plan but this was the conceptual site plan submitted with the application.

Mr. Weiner: Okay, I am, I mean, I kind of like it just the fact its going to fix the corner up, it's going to look better than it does now, like Mr. Ripley was saying the noise of the beach is the noise of the beach, and I don't know how you can get away from that, but I am going to say I'm in favor for it also.

Ms. Oliver: Commissioner Kwasny.

Ms. Kwasny: So I think there has been some very interesting perspective provided by having an adjacent property owner come forward and I think that David said that that adds to the information we have to make a better decision provided that there is a compromise offer in relation to timeframe that might provide this adjacent land owner some comfort and so although Ron is right, this is normally heavily populated area so there is going to be noise, but there is opportunity to kind of meet in the middle for these people and I think we might try to do that if you know the commercial, wants to make commercial parking as Don said which will be better managed probably provide a level of safety there that isn't there now. We will might be able to do something good by providing a timeframe that's reasonable to the adjacent land owner but also reasonable to the one who wants to change it to a lot. Yes, that's what I think.

Mr. Inman: Okay, well, now we're starting from the premise that this kind of use is not, is frowned upon in terms of our zoning code and we are here because it requires a special exception to have it so I am going to make you think maybe the conditions are, something needs to be considered why would it be frowned upon for noise, for aesthetics, for well noise isn't a big deal because it's just the way it goes down at the Oceanfront but I think as Ashby points out in her writeup it says you know this site's proximity to the popular bars and night clubs on the block, these are susceptible to rowdy behavior especially during evening and night time hours. So I am sort of okay with going with the proposal if there is staffing on this property that would be able to monitor some of the after certain times there's got to be somebody there and as long as they would want to be opened, there was no hours on it, so it can be opened 24/7 alright. [Crosstalk]

Mr. Hodgson: I poorly wrote an extra condition that I would like to see that says, parking lot to be operated by an onsite attendant at all times during operation just to help control that.

Mr. Hodgson: I am worried. I understand the time constraints. I go to one of my favorite restaurants is right there on 23rd street. If you go there and you are having a dinner and you end up parking, parking is tough there, I mean they have some spots in the back that they fill pretty quick; and if I mean dinner runs past 9 o'clock, I am just concerned that people will be running to the car like me. I mean this is the Oceanfront, it's a totally different animal down there, so I mean, I would support the application as is with the condition that requires an attendant to be on-site during operation.

Ms. Oliver: Would the applicant be [Inaudible] [01:02:11] towards that?

Mr. Baraki: Yeah absolutely, like we mentioned the parking lot will be manned at all time, will be run by people, I mean, there would be an attendant at all time the parking lot is open, so it's not, there is no problem with that. We definitely, I mean, it will be manned, somebody will be there at all time it's open and when they finish, they will close the gate, I mean, when everybody leaves they close the gate for the night and they go home.

Ms. Oliver: Okay. Sure.

Mr. Horsley: Can I ask you one more question? Are you all going to manage the parking lot or you contracting it out to somebody else to manage it?

Mr. Baraki: I am the agent for the applicant, but the applicant will have Wayne Gibson manage the parking lot who has managed several parking lots at the Beach.

Mr. Horsley: Okay so your applicant is got to make sure that Mr. Gibson adheres to these conditions?

Mr. Baraki: Yes sir, no problem. There is no problem with that.

Ms. Oliver: Okay, any other questions? Okay great, thank you. Alright Mr. Hodgson.

Mr. Hodgson: I would make a motion to approve the application with an added condition that states again I would rather, be written little bit better than this but parking lot to be operated by an outside attendant at all times during the operation.

Mr. Inman: I will second it.

Ms. Oliver: Okay, we have a motion made by commissioner Hodgson, seconded by commissioner Inman.

Mr. Fisher: By vote of 8 to 1, item number 2, 23rd Fun Parking has been approved with the added condition.

| | AYE 8 | NAY 1 | ABS 0 | ABSENT 2 |
|-----------------|--------------|--------------|--------------|-----------------|
| HODGSON | AYE | | | |
| HORSLEY | AYE | | | |
| INMAN | AYE | | | |
| KWASNY | AYE | | | |
| OLIVER | AYE | | | |
| REDMOND | | NAY | | |
| RIPLEY | AYE | | | |
| RUCINSKI | AYE | | | |
| THORNTON | | | | ABSENT |
| WALL | | | | ABSENT |
| WEINER | AYE | | | |

CONDITIONS

1. The applicant shall comply with all requirements for commercial parking lots listed in Chapter 23, Section 23-58 of the City Code.
2. The applicant shall submit a Site Development Plan to the Planning Department, Development Services Center for review and ultimate approval prior to operating the lot. The following additions shall be added as required features in addition to standard site improvements associated with commercial parking lots:
 - a. Only one vehicular entrance is permitted which shall be located on 23rd Street at a location acceptable to Public Works and Parking Management. The entrance shall

- be limited to the minimum width permitted by Public Works and improved to meet current standards as required by Public Works Specifications and Standards.
- b. The two existing driveway aprons on Pacific Avenue shall be repaired to restore curb, gutter and sidewalk to match the existing sidewalk.
 - c. A minimum 10' street frontage landscape buffer, measured from the back of the sidewalk, shall be installed along Pacific Avenue and 23rd Street.
 - d. Fencing shall be installed around the perimeter of the parking lot, inside of the landscape buffer, except for a single pedestrian ingress/egress and a single, gated vehicular ingress/egress, both located on 23rd Street. Fencing height and design shall be determined during site plan review.
 - e. A 10' landscape buffer shall be planted on the northern property line. Plant materials shall be chosen and maintained to comply with Crime Prevention Through Environmental Design (CPTED) standards.
3. The applicant shall submit a photometric plan to the Planning Department, Development Services Center for review and ultimate approval. All outdoor lighting shall meet the requirements of Sec. 6.4 of the Oceanfront Form-Based Code and Public Works Specifications and Standards.
 4. The applicant shall submit a sign package to the Planning Department, Zoning Administration to review for consistency with the Oceanfront Resort District Design Guidelines. Planning Department approval is required prior to erecting any signs on the property.
 5. The applicant shall submit a detail of the gate, fencing, light fixtures, any other structures proposed to the Planning Department, Zoning Administration to review for consistency with the Oceanfront Resort District Design Guidelines.
 6. The Conditional Use Permit is approved for five (5) years from the date of City Council approval.
 7. The Parking lot shall be operated by an outside attendant at all times during operation.

**Item #3
Halle Properties, LLC [Applicant]
Conditional Use Permit (Automobile Repair Garage)
4300 Virginia Beach Boulevard, 417 Thalia Road
District -- Lynnhaven**

April 11, 2018

DEFERRED

Ms. Oliver: Thank you. The next order of business is to address the items that will be deferred or withdrawn. Do we have any items that need to be withdrawn, no? And so we have four items that need to be deferred. So the Chair is aware of these and these are items number 3, 4, D2, and 10. Is there any opposition to these items being deferred? Alright, may I have the motion on these items to be deferred?

Mr. Hodgson: I'd like to make a motion to defer items 3, 4, 10, and D2.

Ms. Oliver: Second?

Ms. Rucinski: Second.

Ms. Oliver: Alright, I have a motion by Vice Chair Commissioner Hodgson, seconded by Commissioner Rucinski. Call for the question.

Mr. Fisher: By vote of 9 to 0, the items 3, 4, 10, and D2 have been deferred.

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

**Item #4
BHC, LLC
Conditional Rezoning (B-2 Community Business to B-4 Resort Commercial) & Conditional
Use Permit (Multi-Family Dwellings)
3739 Shore Drive
District – Bayside**

April 11, 2018

DEFERRED

Ms. Oliver: Thank you. The next order of business is to address the items that will be deferred or withdrawn. Do we have any item that need to be withdrawn, no? And so we have four items that need to be deferred. So the Chair is aware of these and these are items number 3, 4, D2, and 10. Is there any opposition to these items being deferred? Alright, may I have the motion on these items to be deferred.

Mr. Hodgson: I'd like to make a motion to defer items 3, 4, 10, and D2.

Ms. Oliver: Second?

Ms. Rucinski: Second.

Ms. Oliver: Alright, I have a motion by Vice Chair Commissioner Hodgson, seconded by Commissioner Rucinski. Call for the question.

Mr. Fisher: By vote of 9 to 0, the items 3, 4, 10, and D2 have been deferred.

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

Item#5
Willis Family Partnership [Applicant]
Change in Nonconformity
318 and 320 34th Street
District – Beach

April 11, 2018

APPROVED

Eddie Bourdon: Good afternoon Ms. Oliver, members of the commission, Eddie Bourdon, Virginia Beach attorney represent the applicant. Firstly I want to do is I want to thank Jonathan and Carolyn Smith and director Frankenfield for their work with us on this redevelopment proposal. You all familiar with the Seapines area, which was left out of the Form-Based Code due to concerns from the Navy, so we cannot rezone a number of these properties that have nonconforming uses that have been there for decades and decades and that's the case here with 10 units in four structures on the property that is legally nonconforming since an application to modify that nonconforming use. The staff has done a wonderful job with the write up and you all reviewed that this morning. I want to hit on some points I think that weren't hit on, that I think are very important. This redevelopment, this property has 340 linear feet of street frontage on 34th Street, Arctic Avenue and the alley 33rd Half Street. Today, because of the street narrowness and not being completely developed to today's standards there is room to park, one possibly two cars, everything else is no parking. Today, these 10 units have 12 parking spaces, 8 of which are legally on-site and 4 of which are not. So with the 340 linear feet of road frontage and 10 units, you have a total of 12 semi on-site parking spaces and one to two legal off-site and I would say really it's one. With this redevelopment, the owner of the property will be spending well over a 100,000 dollars, really 100 and quarter, to widen the street, putting curb and gutter on all three streets. There will be a total of at least 7 on-street parking spaces when we are done and there will be on-site 17 spaces instead of 12. That represents an increase of 12 spaces, one shy of doubling the number of spaces that exist today and at the same time, we are reducing the number of units from 10 to 9 and we are not increasing one iota, the number of bedrooms, so we are not increasing density at all. So you got a huge benefit from a parking standpoint for what's there now and the redevelopment the rights-of-way being done totally with the applicant's money, not with any taxpayer dollars. It's organic redevelopment, the property when we are done, will be worth probably three or more than three times what is worth today and the tenants will be much better because the rents will be probably commenced with that increase in value. Today, the property is almost entirely impervious surface with this redevelopment will be reducing the amount of impervious surface, even by adding the parking, we are still reducing the impervious surface. What is there now was developed before we had a stormwater management ordinance and there is no storm or treatment taking place and we will be treating the stormwater in accordance with today's requirements. The gentlemen who were here, I apologize I thought that my representative talked to everybody but apparently that wasn't the case, but I have spoken to the gentlemen that are here and they will be presenting. They had sent a letter, which I wanted to address which I have taken time before this started to address some of the questions or concerns

they had. The trash will be, it's not a public pickup, because it's an apartment, the trash containers will be shared and it will be private pickup, but they will be in the storage building. They are not exterior, not going to be stored exterior, they will be rolled out onto the alley when they are picked up, but it won't be the same time that their trash is picked up on the alley. They had concerns also about lighting and we are not going to be putting any high lights or anything like that out there in the parking lot. It will be as minimal as we could make it. We are not going to be adding to any light pollution whatsoever. I think I have addressed the earlier concerns which were parking and stormwater runoff which we cannot, we are not going to runoff under their property. Now the other thing, the parking lot, there is a, you cannot see it up here, but actually I apologize, I have got larger landscape plans that I was going to handout but neglected to do so, but the parking lot is, there we go, it's a curbed parking lot and there is 7.5 feet between the curb and the property line. There will be lot of evergreen shrubs and some large canopy trees that will be planted with that and so the concerns of cars backing out and hitting the fence is not, they have to jump the curb and go through the landscaping to hit the fence, which was one of the other concerns that was expressed by the folks to the east. The parking spaces on this side, there is no parking along here, so that's that. Now these are stacked spaces. They will be rented as a part of the units, there are 6 two-bedroom units and 3 1-bedroom units. Those who need two parking spaces, they will be reserved for that particular unit. There will be coordination in people, you know, backing out and leaving won't be just random parking on the stacked spaces. Those were some of the questions that they had put in the letter which I have addressed previously. I will be happy to answer any questions, I think it's a fantastic, organic redevelopment and no taxpayer money whatsoever, taxpayers will start making money the day it's completed from what they are making today.

Ms. Oliver: Any questions for Mr. Bourdon?

Ms. Oliver: I have a one, so we talked about the material, the exterior material and upgrading it since we have those guidelines in that area, for hardie plank.

Mr. Bourdon: And I did speak with my client based on the concern you raised this morning, and we will agree. In fact he thinks it's a better idea because of the proximity to the Ocean that it would be a cement fiberboard where it's currently described is being some vinyl, it will be cement fiberboard.

Ms. Oliver: Perfect, thank you.

Mr. Bourdon: Thank you.

Mr. Fisher: We do also have one speaker in opposition for a group for a 34 Street condo associates with Mr. Ervin B. Oliver, Junior, come to the podium please. Could you please state your name for the record as well?

Mr. Oliver: I am Ervin "Buddy" B. Oliver, Junior, and I think I am in relation with Dee. I believe I am speaking for our condo association, so I think I get 10 minutes in this regard as I think I was told that. I live at 316 34th Street unit A. My neighbors are here. James Westcott, he lives at unit B, and Bill Kausch, lives at unit C. We are townhouse style condominiums. Our property runs from 34th back to 33rd Half Street. We have been there for three years. Our property is the whole east side of the development our property adjoins. The houses that are there now were originally single-family houses that were changed into rentals through the years

but have the appearance of single-family houses. So now we will have two institutional looking buildings, so you can see that's quite a change, which of course would concern us. You know, how are these going to look? How they are going to be built, the traffic, so we have concerns. We, by the way, were listed in the Seapines Station design guidelines. The photo of our building was listed as a good example of what the planning commission wanted in the Seapines area. When we purchased our homes, it was under the impression that the adjoining property would eventually be like kind rather than institutional type apartment buildings, though we would rather prefer a similar or single family type homes. We welcome redevelopment that includes new sidewalks that go all the way down and curb and gutter that goes all the way down. Obviously we are concerned about institutional types of buildings, particularly since we are being told that on the other side of our street that whole side maybe sold and there is a possibility a four-story building is allowed on that side. There could be another huge institutional type building that maybe would be allowed to have fewer parking spaces. So again the concern with more cars on our street. If you are familiar with 34th Street, it does not have metered parking except just a few at Pacific. Most of the streets do not have meters and there is no decal required. So those spaces are at premium particularly in the warm months. Many folks that work in the hotels along there, tourists going to the beach all looking for parking on 34th and overflow onto Arctic. So premium parking is very much at a premium. We are told that the project will have a reduction from 10 to 9 apartments and they will have 17 parking spaces as compared to the required 18, two per unit. We're told eight spaces are stacked. My experience has been that folks don't like to put the car behind the others. It's very inconvenient and particularly if they are having to pay wouldn't that be an incentive just to try to find a parking spot around the unit. Why if it's 7, if 7 is the number that they have the right to do which would be 14 parking spaces, why not go with the 7 and have 14 non-stacked onsite parking spots rather than saying, well you know those extra spaces can be around, but those are at a premium. They will have a hard time finding those spaces, particularly if they leave to go to work. People swarm right into the spaces and they will have a hard time at all hours, not just during the normal working hours. Trash receptacles, and by the way we were not approached before this by anyone and until Mr. Bourdon approached us before the meeting, so he has answered some of these. We are glad to hear of that. We have all kinds of vision of how the trash was going to be handled, so that's nice to know that they will be under that auto port kind of thing. We have real concerns on how that stormwater is going to be handled on 33rd Half Street on the back. We're already having trouble with water puddling at the end of our garage. When there is a storm, it backs up there and so if that's not handled just right, we could have really many more issues with water, with stormwater runoff. I think he addressed the light pollution issue that I had and the letter as well concern about the bright lights, you know, the institutional building right next door. As far as the fence behind the unit, that's right there at that fence that I had visions of cars backing up, outdoor and cramp spaces out there, hitting the accelerator and the brake and going right into my fence. But I am told it's going to be with curbing, and I hope that's the case, and not just the low evergreens but higher arbor vitae types of things. That may help with the sound of slamming doors and that type of thing and block that from being hit, the fence from being hit. The final issue, and I didn't have this on the letter, those porches decks right there and in an earlier elevation they were on the right of that first building. They were moved to the left. If the setback is going to be as short as it is, I thought for apartments it was supposed to be 30 feet and I understand this is like 10 or 12 but that will be, that is right next, I can reach out and almost be able to reach out and touch them. People like to party on their decks and my bedroom is right there and so we have concerns. Why couldn't that

be relocated back to the right of that first building as they had in one of the earlier elevations? That a particular concern to us. These are our full-time homes, this is my retirement home, a good bit of my net worth is involved in the price of that home. So it's very important to us. We are here. I don't understand a lot about nonconformity and all that kind of thing, but I do note that this is very important to all three of us. I am not here with legal representation, but it is very important to us that you will look out for our interest as well as the developer's interest. Thank you very much.

Ms. Oliver: Thank you Buddy.

Mr. Bourdon: I will be brief. The issue, first of all, I had the privilege of representing Erik Homes when they redevelop the property, that these gentleman owned through the same process but they obviously didn't have 10 nonconforming legally nonconforming uses and not all of the structures were built as a single family either. But that's really in the weeds and doesn't really make any difference because they are all legally nonconforming. I will point out however that with regard to the last item which was not in the Mr. Oliver's letter, these little balcony areas, first of all they are not large at all, secondly they are not actually in front because the guidelines. Where we want to build in this area, which when Erik Zimmerman redevelop the property that they have the three condos on these guidelines didn't exist at that point in time, the building that Mr. Oliver like as the Western unit owner own is actually setback further. This deck will be, and again it is not large at all, it's really to provide a view of the down the street to the ocean. It will not be around his windows because it's actually in front. Their property setback is 5 feet from the property line, we are 10 feet back from the property line and that's where the balconies required to be as well 10 feet back, so it's double the setback that they have from their property and it's out actually in front of where their building was built because it was built before the guidelines came to exist. I would also point out across the street which I know nothing about in terms of number of units that are there, there is A-24 and A-36 zoning. Again their property zoned A-12 and that's what it has been. I mean none of the zoning here can change other than by downzoning through the process. All of the items that were listed in the letter that was provided which I received I think we more than adequately addressed. We have also agreed to meet with these three gentleman and have further discussions. The stormwater situation you all well know we cannot put any water on their property. I'm daggone sure there is water going in their property from this property today and has been for decades because there is no stormwater treatment is taking place, so we will improve that situation without any shadow. I will be happy to answer any questions.

Ms. Oliver: Any questions for Mr. Bourdon? No, okay thank you. Alright, so we will close the hearing now and open it up for discussion. I do know that when they start to grade this piece of property with the spotlight on stormwater now the way it is, it will probably improve where it is pooling in the back. It's probably due to the effect that this property doesn't have that addressed on it and with it on the height as they grade it out and stuff it probably will improve with that water running away from your property more so than the way it is now, but Jeff?

Mr. Hodgson: I am sitting here and I was trying to listen to the opposition and I appreciated you coming down and I think it is a very good job of laying out your concerns, so I was taking notes and I was trying to determine what reason would I have to not want to see this go through. I was struggling, I mean, I think you know you got street improvement which is going to be nice. You are going to have increased on-street parking. I think you have a good point about people not

liking stacked cars so even if those four cars decided not to stack and parked on street, I think it's still an issue with about 2 or 3 more spaces on the street than you have currently. You are getting a reduction in the density of the property. I am pretty confident that this will increase all property values in proximity of this site. A reduction in the impervious surface of the property. The improvement in building materials that the applicant is agreed to. I am trying to find a negative. and you know your last concern about the balcony being on your side of the property, I was trying to think could that be an issue but I think Mr. Bourdon laid out that they are actually in front more towards the street than the adjoining property? I don't take your word that they are party balconies. They are just a small little balcony with maybe a chair to it so that you can sit down and have a coffee and maybe look down the street, hopefully see the ocean if there is an ocean view from there, I am not sure. I am really struggling for negative on this and I cannot find one. So I believe I am going to support this application as it stands.

Ms. Oliver: I think it's a nice improvement and I agreed with Buddy that change is always difficult, nobody likes it by any means. I think I am not sure about the balconies, I don't know we always had one when we never used one other than to check the weather and the winter that's on a north east corner so nobody is going to be out there, that's for sure. And I am with Jeff on the parking, it's just sort of unfortunately the nature of the beast down there and hopefully they will learn real quick, just because they cannot find a spot on the street when it gets to the July that they will stack those cars real fast. It is nice to know that there is more additional on-street parking and there will be a sidewalk and things like that. So, it will be nice to have but I have to support it, yes commissioner Redmond.

Mr. Redmond: I move approval of the application.

Ms. Oliver: Okay, right, thank you.

Ms. Wilson: Mr. Redmond would you like to add a condition in regard to the cement?

Mr. Redmond: Thank you for the reminder. I would like to move approval of the application; however, I would like to, do I need to add a condition or replace cement fiber board for the siding in the application, whichever you say. You are the boss.

Mr. Hodgson: I still second.

Mr. Fisher: By vote of 9-0, item number 5, Willis Family Partnership has been approved with the added condition.

AYE 8 NAY 0 ABS 0 ABSENT 2

**HODGSON AYE
HORSLEY AYE
INMAN AYE
KWASNY AYE
OLIVER AYE
REDMOND AYI
RIPLEY AYE
RUCINSKI AYE
THORNTON**

ABSENT

WALL
WEINER AYE

ABSENT

CONDITIONS

1. When the site is developed, it shall be in substantial conformance with the submitted site layout exhibit entitled, “34th STREET AND ARCTIC AVE APARTMENTS, CONCEPTUAL LAYOUT,” dated March 20, 2018, and prepared by Timmons Group, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
2. The exterior of the proposed buildings shall substantially adhere in appearance, size and materials to the elevations entitled, “34th AND ARCTIC MULTIFAMILY,” dated 2/14/2018, and prepared by Retnauer Baynes Associates, LLC, which have been exhibited to the Virginia Beach City Council and are on file in the Department of Planning and Community Development. The exterior siding material above the brick skirt shall be cement fiberboard. No vinyl siding shall be installed on the exterior of the building.
3. The installation of plant material shall be, at a minimum, as depicted on the Landscape Plan entitled, “34th STREET AND ARCTIC AVE APARTMENTS, CONCEPTUAL PLANTING PLAN,” dated March 20, 2018, and prepared by Timmons Group, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.

Item#6
Waves Motel, Inc.
Conditional Use Permit (Commercial Parking Lot)
1312 Atlantic Avenue
District – Beach

April 11, 2018

CONSENT

Mr. Hodgson: Thank you Ms. Standing Chairman, this afternoon we have three items on the consent agenda, the first matter is agenda item number 6, which is an application of Waves Motel Inc. for a conditional use permit, commercial parking lot on property located at 1312 Atlantic Avenue which is in the Beach district, is a representative here for this application? You please come forward. Could you state your name for the record please?

Ms. Savvides: Antigoni Savvides.

Ms. Anoaia: Hi, Helen Anoaia.

Mr. Hodgson: Have you seen the conditions and they are acceptable?

Ms. Savvides: We have some questions.

Ms. Anoaia: Not so much questions, but we don't oppose your recommendations for us making our property into a parking lot; however, our intention is not to be a parking lot and we would like to develop our property accordingly, so under developing it and that's why we are asking for this conditional use permit for this season only.

Mr. Hodgson: Okay, you are okay with the conditions as stated in the staff report?

Ms. Anoaia: We understand what they are and we are not opposed to that but that would lock us into being a parking lot, we don't want to continue for the next few years as a parking lot because property will be under developed.

Mr. Hodgson: I believe we are going to have to pull off the consent and hear this.

Ms. Anoaia: Do we have the city staff that will be viewing that, maybe we are not understanding.

Ms. Hodgson: Right now, you have been put on the consent agenda as if you're in agreement with all the terms that are listed.

Ms. Anoaia: Yeah, yeah, we do, I am sorry that is true, we do understand and we do agree to, we don't oppose those recommendations.

Mr. Hodgson: Okay.

Ms. Anoaia: Okay, good. Alright, thank you.

Mr. Hodgson: Alright. Is there any opposition to this matter being placed on the consent agenda? Hearing none, the chairman has requested that Mr. Ron Ripley please review this application.

Mr. Ripley: This application is an application for commercial parking lot and it was used last year as a parking lot and under the zoning ordinance, it can only be used for one year before it needs a conditional use permit and that's why this is occurring. I don't think the applicant is tied into this just being a parking lot forever. I think they have every right under the sun that's in the ordinance to proceed to develop the property at a later date at their desire, so I don't think that will be a problem to the applicant, but it used to be occupied about the Sands, the Golden Sands Hotel which was demolished in 2016, I would like to said. It was used as a parking lot last year, so here we are addressing as a commercial parking lot and it meets most all of the requirements, if not most, all of them right now with the landscaping, there is a fence that has to be removed, it's paved, depending on how much that can be modified, that's something I think the city will try to work with the applicant on but there are 9 conditions and the applicant accepted these conditions at this point and so the Planning Commission felt it should be on consent and is recommended for approval by the staff, so that's why we put it on the consent.

AYE 9 NAY 0 ABS 0 ABSENT 2

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

CONDITIONS

1. The applicant shall comply with all requirements for commercial parking lots listed in Chapter 23, Section 23-58 of the City Code.

2. The applicant shall submit a Site Development Plan to the Planning Department/Development Services Center for review and approval and ultimate approval prior to operating the lot.

3. Any planting gaps within the existing street frontage landscaping bed shall be re-planted, and interior parking lot landscaping shall be provided as specified in Section 5A of the Site Plan Ordinance.

4. The chain link gate shall be removed and replaced with a gate conforming to the requirements of Section 23-58. The gate shall be located a minimum of 20 feet from the property line to mitigate stacking on Atlantic Avenue.
5. The chain link fence shall be removed. If replaced, the fence shall conform to the requirements of Section 23-58.
6. Replacement of the existing sign or any new signs shall be submitted to the Planning Department, Zoning Administration to review for consistency with the Oceanfront Resort District Design Guidelines. Planning Department approval is required prior to erecting any new signs on the property.
7. The applicant shall submit a photometric plan to the Planning Department, Development Services Center for review and ultimate approval. All outdoor lighting shall meet the requirements of Sec. 6.4 of the Oceanfront Form-Based Code and Public Works Specifications and Standards.
8. The applicant shall submit a detail of the gate, fencing, light fixtures, any other structures proposed to the Planning Department, Zoning Administration to review for consistency with the Oceanfront Resort District Design Guidelines.
9. The Conditional Use Permit is approved for five (5) years from the date of City Council approval.

Item#7
Jones at 1888, LLC [Applicant]
Conditional Use Permit (Bulk Storage Yard)
1888 Virginia Beach Blvd
District – Beach

April 11, 2018

APPROVED

Mr. Garrington: Thank you ladies and gentleman and the Planning Commission. For the record again Billy Garrington on behalf of the applicant Jones At 1888 LLC. I appreciate you putting this one on consent and I promise I did not pull this [Laughs]. There is a speaker on this, I just want to first of I want to thank Jimmy McNamara and Carolyn Smith for their help on this. They have given us an unusual amount of their time. We have gone back and forth on this application, trying to come up with something that's good for the neighborhood as a whole, especially when it comes to the buffering and the landscaping on this project. We think we have that. We think we have a very attractive building, that's going to go on this piece of property. We are in total agreement with the conditions that Staff has put on this and again, we thank you for trying to putting on consent and we defer to the opposition if you don't mind.

Ms. Oliver: Thank you Mr. Garrington.

Mr. Fisher: Mr. Garfield Summers, please come to the podium and if you could say your name for the record as well.

Mr. Summers: Good evening commissioners. My name is Garfield Summers. I am the owner of the Maxey Association.

Ms. Oliver: Excuse me sir, could you pull the mike up a little bit, I am having trouble hearing you?

Mr. Summers: Yes, I am sorry.

Ms. Oliver: Thank you.

Ms. Summers: My name is Garfield Summers, I am an owner of the associates Maxey Association. As I took observation of this property, I have problem with this property because on one side of the property, you have auto people and on other side you have an impound on this side adjacent to the property and the street is too small, only one at a time get up the street. Okay you have come down to street right here, you got a lot of auto section right here on the street, it's always blocking in the street when you pull out, and you have an escort company in this building right here as he pull out, always blocking this street right here so when a school bus come in the morning and evening, sometimes they have to wait until they get out of the way to pick up the kids because lot of kids come from school, I live in association right here. We come out and only one car at a time can come down to street because it is so small and narrow. So therefore, we put this, both situation right here has been more problematic for us to get down the street.

Ms. Oliver: You got a question?

Mr. Hodgson: No, I would just like to, I have used the Mechanic on Maxey drive before and he is correct that's a very narrow lane going out through there and I don't think there was any, there is no widening of that road happening with this application.

Ms. Rucinski: There is no entrance or exit of this bulk storage on to Maxey, [Crosstalk]. It is right about where that [Crosstalk]. I thought it was on the Boulevard, my apologies.

Ms. Oliver: So the problem that you are having it's not with that piece of property and I don't know that the new development would really cause a problem because they will be contained within that property as much as you are having the difficulty with the property across the street correct.

Mr. Summers: [Inaudible] could be more problems here because, it's going to block everything right in the street, it can block everything up.

Ms. Oliver: Right, but my question to you Mr. Summers is currently right now, it's that automobile business across that street at this moment.

Mr. Summers: Yes, you got auto mobile, you got the escort people, you got impound company right here.

Ms. Oliver: They are the ones right now that are causing obviously because there is nothing there.

Mr. Summers: The street is too small, it's narrow. So if you put this situation right here, this storage space right here, it will be more problematic to even come out, you know big vehicles, it would be more problematic because school bus guy keep on complaining that we come down to pick the kids up, sometime they come out, he got to wait and [Inaudible] [01:33:06] in the morning and in the evening so my concern is that is there a possibility that we can oppose this and put a playground or put a kids on the neighborhood.

Ms. Oliver: Yes, Mr. Weiner.

Mr. Weiner: When the school bus comes down at Maxey Drive from Virginia Beach Boulevard, does it turn around and come back or is it go all the way to the Laskin Road?

Mr. Summers: Excuse me?

Mr. Weiner: When the school bus comes down Maxey Drive from Virginia Beach Boulevard, does it turn around and come back or does it go all the way through to Laskin Road? You cannot see it on there but if you go straight down to Maxey Drive, it takes you all the way to Laskin Road.

Mr. Summers: Sometimes the school bus can down here and this way, he got to wait and sometimes he gets frustrated and he comes the other way, the Laskin come down to this way [Inaudible] [01:33:57] Virginia Beach and Laskin.

Mr. Weiner: Please don't take this wrong way, I understand you concerned, but you do have to remember it is a public street so my thing to you would be you need to contact the City school system so they can contact these people to make sure the streets get clear for the school buses, you know, that needs to happen because it is a public street, they can pull in anytime they want

to from that auto shop, but I think it might be best for the parents to contact to City school system, and tell them that was going on, and that its blocking the buses.

Ms. Oliver: Go ahead, yes.

Mr. Hodgson: If you look at page 3 in the application for agenda item number 7, you can see that Maxey Drive is considerably narrower than say Village Road which is to the right and he has absolutely valid concerns like I have driven down there, but I go back to what Commissioner Weiner said, this is something that you know you have brought attention to this now which was good and I think it's going to be important for the City to help police that street a little bit more to make sure that the adjacent property owners aren't parking their cars in the right-of-way and making it difficult for vehicles to get past, because I said I have been there, I have used that garage before and it's tight, and then you can look, you can see how much the road is pinched on Virginia Beach Boulevard and how it starts to widen out when you get to the end of that property, so yeah, you know however this vote ends up going, you coming down will have some benefits, future benefit on traffic on that road.

Ms. Oliver: Jimmy, something on the van trip sort of catch your eye?

Mr. McNamara: If you look on page 3 in the evaluation, there is comment from traffic engineering that states that a 10-foot dedication along Maxey Drive will be required as well street improvements and that will be discussed in more detail at site plan review.

Ms. Oliver: Okay, so that's good.

Mr. Ripley: Do you understand?

Mr. Summers: Yes.

Ms. Oliver: So there should be some extra give on that.

Mr. Garrington: And let me add, I don't know if it's in the conditions or not, but if there isn't a condition on our application it says there will be no parking in the public right-of-way in conjunction with this project at 1888, it should be on there because there will not be any parking, because it would be landscaped and that's where the fence will be, but it's a little bit disingenuous, not disingenuous, it's little bit a hard to hold us hostage for something that is taking place from a property owner next to it that is causing a problem, not us. Ours, we think, is a good application for that piece of property and your Staff has agreed and with that one other condition if you want to add it to it, again we are in total agreement with the conditions.

Ms. Oliver: I think that would be great, that would probably make the neighbors happy if we could add that condition into that application. It will be great. With no more speakers, we will close this for discussion amongst the commissioners.

Mr. Hodgson: I looked to this application, I was actually kind of taken back by the elevation of this building. I for one, love this type of architecture when I saw it, I was like, this will be the nicest looking building for a number of blocks in that area and I think it's going to be a huge improvement in changing the look of that area and I do agree with the applicant. I appreciate you coming out, I really do, because that is a, that's a tough road and I think you brought some light to that subject and hopefully by you coming down, there will be some improvement that you will see there but I am inclined to approve this application as it stands. I like the extra condition

saying that there will be no parking in the public right-of-way by any of the visitors to this business.

Ms. Oliver: Jimmy I have a question for you. I think unfortunately I was not on the van trip, I was out of town but somewhere along the line, I thought I heard that you all recognized that there was a problem with the neighbor and the way he had his cars parked, and might incorrect with that or no?

Mr. McNamara: Nothing was mentioned at the van trip in regards to that.

Ms. Oliver: Okay, maybe.

Mr. Inman: I believe there were cars that were inside the compound, many of them, there is no landscaping to cover that up, is what we discussed.

Ms. Oliver: So, but you all looked into that or going to look into that.

Mr. McNamara: Your question was you are going to looking into the screen requirements for the adjacent property? We can certainly look into that.

Ms. Oliver: Yeah, I think that might probably also help them.

Mr. Hodgson: If there is no further discussion, I will make a motion to approve agenda item number 7 with the added condition of no parking in the right-of-way.

Mr. Weiner: I second.

Ms. Oliver: Seconded by commissioner Weiner.

Mr. Ripley: I also need to disclose here that the applicants listed Townebank again and same disclosure had previously Planning Commission didn't make any, only makes recommendations, final decision made at council, I have no interest on this property, I don't know the applicant and I will be voting.

Mr. Inman: Madam Chairman, I need to make the same statement, I am going to echo with Mr. Ripley just said that I am the director in Town bank Beach Board, don't have any interest in this property and not abstain from voting.

Ms. Oliver: Okay, alright, thank you. So we have a motion made by Commissioner Hodgson, second by commissioner Weiner.

Mr. Fisher: By vote of 9-0, agenda item number 7 Jones At 1888, LLC has been approved.

AYE 9 NAY 0 ABS 0 ABSENT 2

HODGSON AYE
HORSLEY AYE
INMAN AYE
KWASNY AYE
OLIVER AYE
REDMOND AYE
RIPLEY AYE

RUCINSKI AYE
THORNTON
WALL
WEINER AYE

ABSENT
ABSENT

CONDITIONS

1. When the property is developed, it shall be in substantial conformance with the submitted Concept Plan entitled, “CONDITIONAL USE PLAN FOR 1888 VIRGINIA BEACH BLVD PARCEL 9, 10, 32, 33, & 34 VIRGINIA BEACH, VIRGINIA”, prepared by Gaddy Engineering Services, LLC, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
2. The architectural style and quality of materials used for the proposed structure to be constructed on the Property, shall be in substantial conformity with the renderings entitled, “Southampton Roads Construction Corp Building Conceptual View 1, 2, 3, & 4,” prepared by Finley Design Architecture and Interiors, dated March 22, 2018, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development.
3. At the time of site plan review, a Landscape Plan reflective of the plant material depicted on the Concept Plan referenced in Condition 1 above, and meeting all of the requirements of the Zoning Ordinance, other than the specific deviation described above in the Staff report with regard to the Category VI screening, shall be submitted for review to the Development Services Center and shall obtain an approval prior to the issuance of a building permit.
4. At the time of site plan review, a Photometric Plan shall be submitted for review and shall contain footcandle lighting readings for all areas of the site including the perimeter. Said plan shall also specify light fixture height, light fixture type, proposed shielding, and light dimming capabilities.
5. All light fixtures on the site shall be no taller than 14 feet in height.
6. All light fixtures shall be shielded away from the adjacent residential uses to the north of the site.
7. All light fixtures shall be equipped with automatic photocell on/off and include dimming and or programmable dimming to dim the lumen output to 50%. The automatic dimming should be the manufacturer’s standard but as a minimum shall dim to 50%. All lighting fixtures within 100 feet of the residential properties to the north shall be dimmed to 50% the lumen output after 7:00 p.m.

8. There shall be no mixing of any materials, such as but not limited to, concrete or asphalt, in the Bulk Storage Yard.
9. Commercial truck traffic to and from the site shall be limited to between the hours of 7:00 a.m. and 7:00 p.m.
10. The Bulk Storage Yard shall be closed and no activity including loading or offloading may occur in the bulk storage area between the hours of 7:00 p.m. and 7:00 a.m. daily.
11. All materials within the Bulk Storage Yard may be stacked no taller than six feet in height.
12. The onsite dumpster shall only be permitted to be picked up between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday.
13. Except for necessary ingress and egress of vehicles, the gates to the bulk storage area shall remain closed.
14. All on-site signage must meet the requirements and regulations of the Zoning Ordinance.
15. No on-street parking within the right-of-way shall be permitted by the owners, or employees of this property.

Item#8

Zaldy Viar [Applicant]

Subdivision Variance (Section 4.4(b) of the Subdivision Regulations)

1225 General Street

District – Kempsville

April 11, 2018

APPROVED

Mr. Fisher: The last item is item number 8, this is Zaldy Viar, an application for Subdivision Variance Section 4.4(b) of the Subdivision Regulations on property located at 1225 General Street in the Kempsville District. Is there a representative here for this application? You can state your name on the microphone for the record sir.

Mr. Viar: Good afternoon to everybody. I am Zaldy Viar and the father of the owner, said by the property by the power of attorney given by my son because he is right now at Hawaii on duty in the military and this is my realtor to present us also.

Ms. Olson: Good afternoon council members, thank you for seeing us today. I am Leela Olson with Beach South Realty and I represent my client who like he said, he is in the military in Hawaii. Well, he is requesting a variance permit for this property for, first of all my client didn't even know we had an issue with plat and then variance. We put the property for sale last year in August, actually September and by December we got a buyer only to find out that we had this issue and lost the buyer. My client has put over \$20,000 in repairs and improvements on the property because it was poorly managed while he was gone and he has pulled loans to his father and himself and he is losing money as a result of it and we have tried to do as much as we could to improve the property and the neighborhood because it was affecting the appearance. So in that note once we find out that we applied for plat and we hired an engineer and we got the plat approved but now that we need variance, we need your help to move forward. We understand that the property land is smaller than the rest of it, but that's how it's been since the 1950s and when this property was deeded to my client, well not to my client, like 3-4 clients ago or buyers was 1988 and it has never been an issue until now. So we are trying to understand how can you know why we are in block right now when this has been like the since 1950s and to our luck the new buyers that right now we have under contract, after the one that we lost, it's actually a family, they have the mother renting the front unit and the father with kids on the back unit which will not affect like before only having different people renting where it would affect any people who live there or if there is any opposing people saying like rentals coming and going. So with that being said, we are hoping that we can get this passed and my client can move on and with him being deployed and having some other family issues and financial distress, now the father and mother involved on that distress too, we are hoping everybody can move on and the new buyer has been sticking with us as Jimmy knows. They have been very good compliant and everything. They have been with us for four months now waiting for this to move forward. That's all I have to say, any questions?

Ms. Oliver: Any questions, no, okay. Thank you, will get back to you.

Mr. Fisher: We do also have three speakers in opposition; the first would be Yvonne Mills. Would you please come to the podium? You can state your name for the record too.

Ms. Mills: Yvonne Mills. Hello everybody. I actually reside on General Street and the property in question is actually two doors down from where I stay. I have always had a problem with that house, and what I want you to understand is the home that I am in now is a family home, it's a home that my father had built at one time that was all single family homes and my grandfather actually was the owner of General Street. He sold pieces to it and like I said growing up, it was all single family homes, I married and moved away and one day I came home and I am like, what is this, why did this house come into this nice neighborhood sideways? So, I have always had a problem with it and like I said, it's an eyesore. I don't know why the city even allowed this house to be built sideways. It's the first thing that I noticed when I came home. So, I have always had a problem with it. My father has had a problem with it, I actually have six houses, and there are about 18 houses on that street I believe, maybe 15. Six of those home owners are my family, they also oppose this as well, so like I said being a fact that it's not, it hasn't been properly recorded, it's not up to city code, I am opposing it, I have always opposed it.

Ms. Oliver: Okay. We have any questions for Mrs. Mills?

Mr. Weiner: Yeah I have a question. When were your houses built on General Street?

Ms. Mills: In 1968.

Mr. Weiner: 1968, okay.

Mr. Ripley: Exactly what are you opposed to? I mean you opposed this person getting the variance, but what would be this be? Where do we go from there? I mean, do they tear the house down? I mean I'm trying to understand what you are opposing.

Ms. Mills: What I am opposing is, I don't like the fact that it was even approved in the first place. It's an eyesore, so I don't know what they would have to do because they just stated they put money into it. Yes, they did before that period of time though the roof was coming down. We have had people in and out, I mean it was looking really, really bad. It still looks bad now like I said nice homes, you got a house sideways. I don't know whether they will have to reduce the size of the garage or whatever, but like I said I have always had a problem with this and I just wanted the City Council to know that we [Crosstalk] and I don't know what the solution would be, but I think if that's the code, they should hear to whatever the city code is.

Mr. Ripley: I can certainly understand that it was put in there and it has been put in legally subdivided lot and all those things and it doesn't fit in with your neighborhood, but it's there and so it will be helpful if we had a solution that you saw, if we understood, I understand you oppose to it, but I did that.

Ms. Mills: Just bring to the city code, we do set the size of garage or whatever they need to make it, but the code is the code.

Mr. Weiner: Thank you.

Ms. Oliver: I do think there is a condition in it that should they ever decide to whoever ends up owning this piece of property decides to redevelop or tear it down, it's their right, that it can

only be a single family put back there, so somewhere along the line in 1970, this went up and it just nobody know it, so I think that, but knowing that going in the future, should the new owners decide that they don't want the duplex anymore then they will have to put in a single family home to match with on the street, am I correct, yeah.

Ms. Mills: That's really all I had to say.

Ms. Oliver: Thank you.

Mr. Fisher: Mr. Robert D. Wilson Senior, please come to the podium. You could state your name for the record as well.

Mr. Wilson: I am Robert Wilson and I have been there for years and I live across the street from the 1225 address and at the time that they moved that building, we had all the homes were single family homes. They put one adjacent to that which was a two-family home and the setback was supposed to be set to 5 feet, that home that two-story home was already, it was built there. The one that's 1225; there was no garage on that building at the time that they moved that building. They put the garage on afterwards after they moved there. Now, it was R5 it was single family, we didn't know that they had changed the zoning at that time when they did it and when we look, when I look at what they have done, well there were no permits, look at if you check, they checked the records, there were no permits on adding the garage to the building. There were no commits when they turn around and residing on the building and when they renovated the whole building and at this time, at the present time, it's like a two apartment building.

Ms. Oliver: Right, it's a duplex.

Mr. Wilson: It's a duplex, entrance from the back and entrance from the side; this is why we oppose it.

Ms. Oliver: Understood. Anybody have any questions? Any questions, no, thank you very much.

Mr. Fisher: And we also have Yvonne Wilson, representing New Light Civic League, please come forward.

Ms. Wilson: Let me correct something, I am not a representative of Civic League, I thought that was just for matter of information. I am here on my own and I am a member of the New Light Civic League, not representing them. What I wanted to talk to you guys about is that Robert and I build our home in 1963, we moved into New Light when it was a blighted area. We have seen you guys along with City Council bring us from shell streets to two lane streets with water and we have a pride in what we build there and when it comes down to I think it's R-5 that look in the whole areas in zone R-5. When we first moved in there, it was single family homes. There was a couple who tried to do a duplex in the area and the planning commission wouldn't let them and of course when the two homes that are on General Street that are not single family, we tried to oppose that but we couldn't because the zoning was already there and I am here to let you know that I don't know what the situation is with the houses across the street this particular one, why it was allowed to be put in there, we couldn't stop it in other words, this is what I am trying to say and if there is any way we can work with them or with the planning commission to get something done a little bit different that would make us look different on

General Street. The only two houses on that street that are not single family are 1229 I think it is and 1225 and if I know Bob was talking about the when I called, they said the garage was put there and it was because of a setback, if there is some way we can correct this that's what I would like to see the planning commission do, we don't want people to think that they can come in, put a house, and put anything in that area and not follow the rules and regulations of what the planning commission of Virginia Beach says, that's what I wanted to speak out about this.

Mr. Hodgson: How long ago was that garage addition put on to that?

Ms. Wilson: I don't know but we do remember being put on, I cant give you exact date.

Mr. Hodgson: I am just wondering was it prior to the existing owner.

Ms. Wilson: I know there are about three people that own that thing. When it was, I cannot say.

Ms. Oliver: Because this owner purchased it in 2010, correct. Yes, so prior to that it's kind of whatever happened really doesn't, you know, it's just, he brought the property in 2010 and it was the way it was, so you cannot hold him responsible for something that occurred prior to all those years, I mean, I understand, you know so, he is kind of in a hard place with that, you know, he bought it and now he is trying to deed the property legally so that it's in the deed book correctly because somewhere along the line that didn't happen.

Ms. Wilson: But if it's in deed book correctly, I have heard someone said that there was a stipulation that it was to be single family?

Ms. Oliver: If they tear down, he will have to, that house what goes back to it will have to be a single family home, somewhere along the line this took place and it is just now getting recognized. Yes, so that, it's just one of those things that just sort of happened, he bought the piece of property in good standing and now he is trying to not own the property anymore and under those circumstances he just have a variance because nobody ever legally plated that piece of property. So we are all in agreement with you that in fact that duplex probably should have never actually happened but now it's here and there's not a lot that we can do with it and they are trying to improve it and so sort of trying to move forward with that.

Mr. Kemp: Just for the record, the garage does meet all applicable setbacks so it would have come through whenever it was built, it would have just been reviewed over-the-counter and issued a permit and there are two permits that have been issued in the past year for renovations to this property for siding and roofing. The garage meets all applicable zoning dimensional requirements so it could have been built as a matter of right whenever it was built and there are two permits that have been pulled in the past year for renovations to the structure, thank you.

Ms. Rucinski: So if the garage is not what's causing the need for the variance, is it the width of the property [Crosstalk].

Ms. Oliver: We will close the hearing and open it for discussion. Yes.

Mr. Weiner: One of the things that we think about here and I know we are talking about house but we are talking about a variance, the request of variance to the lot with not the structure, the lot with and staff is pretty good here on the evaluations.

Ms. Oliver: Hold on, one second, we need to let the applicant speak, sorry.

Ms. Olson: This is not an excuse or anything but when my applicant bought the property like you stated it was like this, it was in 1988 that it was Harris Freeman and Helen Freeman that deeded the property instead of recording the plat, therefore, it has been like that passed through three buyers like my client was the fourth one and he was never told that there is something wrong with it and when he bought it, he was in his mid-20s, had just started his family and I do believe somewhere along when he closed the property, somebody didn't explain to him he is buying deeded property not recorded, therefore, to his defense, he did everything you know to comply with a law, secondly Mr. Wilson mentioned that the lot was not large enough again like they stated it is something that it was built and permitted like that, therefore, we cannot do nothing about it and we understand there is a condition moving forward that if something is happened to this property, it can only build as a residential property not the duplex and then for the garage and permits that has been permits for everything and there has been licensing and all of that stuff and all the work that we have done in the house. I understand your concern saying the house was not maintained properly couple of years ago, it's because my client was in Hawaii and the property management like I said before didn't notify my client for everything that was going on, therefore, they had to put to be exact 27,000 dollars to date since last August, so we have done everything that we can according to the law and the city to make sure that this does not affect the neighborhood nor the property, thank you and I appreciate your listening.

Ms. Oliver: Thank you. We will close the hearing now and will open up for discussion. Commissioner Weiner.

Mr. Weiner: Okay, we could think about here, I understand not the structure but what this is a variance to the lot with like I said I was going to say that staff has hit it on the head hear under the circumstances of the request and in fact if the adjacent property is under different ownership, staff finds the claim of hardship compelling recommends approval right there but they had to go through and basically what's happened is not their fault.

Ms. Oliver: Yes, Commissioner Redmond.

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

Ms. Kwasny: I had a question. So we keep saying that if they wanted, if they are doing what we are getting ready to do it looks like and they were to take down the building, they will have to put up a single family unit but I am understanding that if we recommend approval of the subdivision variance for the property that rezoned R-5 residential duplex district then we are giving them subdivision variance to do just that anytime, at anytime correct, so if the house comes down they now have a subdivision variance to put in or am I wrong, that's what I need to understand.

Mrs. Smith: Sure, not, can you hear me. Not if there is a specific condition prohibiting a duplex.

Ms. Kwasny: We would have to put a specific conditioning here to prohibit that.

Mrs. Smith: Correct and that's what staff has recommended for your consideration.

Ms. Kwasny: I just want to make sure that's clear.

Ms. Oliver: The motion made by Commissioner Redmond, seconded by commissioner Inman.

Mr. Fisher: By vote of 9-0, agenda item number 9, Zaldy Viar has been approved.

AYE 8 NAY 0 ABS 0 ABSENT 2

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

CONDITIONS

1. When the property is subdivided, it shall be substantially in accordance with the submitted subdivision exhibit entitled “RESUBDIVISION OF A PORTION OF PARCEL 2 AS SHOWN ON THE PLAT “DIVISION MAP OF PROPERTY OWNED BY JUDGE J. M. KEELING” (M.B. 4 P. 21,)” dated January 22, 2018 and prepared by DKT Associates. Said exhibit has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development. A final plat shall be recorded with the Clerk of Court reflective of the layout referenced herein.
2. If the existing duplex is ever removed, it shall be replaced only with a single-family dwelling.

Item#9

City of Virginia Beach [Applicant]

Resolution to Schedule Monthly Meetings as a Planning Commission of the City of Virginia Beach

April 11, 2018

CONSENT

Mr. Hodgson: Thank you Mr. Ripley. The next matter is agenda item number 9, which is a Resolution to Schedule Monthly Meetings as a Planning Commission of the City of Virginia Beach for May 2018 to April 2019 and this is coming from the city, Ms. Oliver has asked Ms. Wilson to please review this.

Ms. Wilson: This is a Resolution of the Planning Commission only that would allow any meeting that has to be rescheduled because of weather or other emergency, would allow that meeting's agenda to be placed on the next meeting's agenda without further advertising, so it's a cost saving measure. It also deletes the August meeting of the planning commission, so the Planning Commission will not meet in August.

Mr. Hodgson: Thank you. Is there any opposition to this being put on the consent agenda?

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

Item #10

City of Virginia Beach [Applicant]

An ordinance to amend Section 901 of the City Zoning Ordinance pertaining to use regulations in the B-4K Business District

**April 11, 2018
DEFERRED**

Ms. Oliver: Thank you. The next order of business is to address the items that will be deferred or withdrawn. Do we have any item that need to be withdrawn, no? And so we have four items that need to be deferred. So the Chair is aware of these and these are items number 3, 4, D2, and 10. Is there any opposition to these items being deferred? Alright, may I have the motion on these items to be deferred.

Mr. Hodgson: I'd like to make a motion to defer items 3, 4, 10, and D2.

Ms. Oliver: Second?

Ms. Rucinski: Second.

Ms. Oliver: Alright, I have a motion by Vice Chair Commission Hodgson, seconded by Ccommissioner Rucinski. Call for the question.

Mr. Fisher: By vote of 9 to 0, the items 3, 4, 10, and D2 have been deferred.

AYE 9 NAY 0 ABS 0 ABSENT 2

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

Item #DI

Dragas Associates, Inc. [Applicant]

Conditional Change of Zoning (R-10 Residential to Conditional A-24 Apartment)

Southwest corner of Haygood Road & Wesleyan Drive

District – Bayside

April 11, 2018

CONSENT

Cole Fisher: Alright, the next item is agenda item number D1, this is an application for Dragas Associates Inc. for a conditional change of zoning, R-10 residential to conditional A-24 apartment on property located the Southwest corner of Haygood Road and Wesleyan drive and this is in the Bayside District. Good afternoon.

Mr. Bourdon: Good afternoon Mr. Hodgson, madam chair, commission for the record Eddie Bourdon, Virginia Beach attorney, we greatly appreciate all the hard work from city staff on this application as well as the civic leagues in the area with whom my clients have met and spent considerable time with and appreciate being on the consent agenda.

Mr. Hodgson: Thank you.

Mr. Bourdon: Thank you.

Mr. Hodgson: Is there any opposition to this matter being on the consent agenda? Hearing none, Ms. Oliver has asked Mr. Dave Redmond to please review this application.

Mr. Redmond: Thank you Mr. Hodgson. Mrs. Chairman this is an assemblage of 12 vacant parcels, totaling almost 9 acres in a neck of the woods with which anybody around that will be familiar with these properties and this part of the city has enjoyed, I think quite a bit of momentum in the last 10-15 years and I think this is a continuation of it. This is a rezoning to A-24 apartment district for the development of 88 units in 22 quad buildings in the condominium form of ownership, so ownership product not a rental product, while the rezoning to conditional A-24 apartment district is requested resulting density will only be 9.84 units to the acre, the request for A-24 is driven by the amount of lot coverage permitted. For example, in the A-12 and A-18 districts lot coverage is limited to 40% and 50% respectively, but as depicted the anticipated lot coverage share will be 52% thereby necessitating the rezoning to A-24 which permits the higher lot coverage of 60%. This development has number of amenities, community pool, pond, walking path, and a particular note at least to my eye is very intense landscaping and if you are familiar with the applicant's work, just up the street I think you can expect some of the highest quality landscaping in the city very frankly. I believe this would be a great asset and a fine community when it's done, we are unaware of any opposition to the application, staff supports and the commission concurs.

Mr. Hodgson: Thank you Mr. Redmond. Ms. Oliver that was the last item on the consent agenda, I would like to move to approve agenda items 6, 9, and D1.

Mr. Horsley: Second.

Ms. Oliver: Okay, we have a second on that, thank you.

Cole Fisher: By the vote of 9 to 0, the agenda items 6, 9, and D1 have been approved by consent.

Ms. Oliver: Alright, before you all depart, I just would like to thank the applicants that all had a matter on the consent agenda; thank you for coming down today for today's hearing and have a good day. Thank you.

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

**Item#D2
Halle Properties, LLC [Applicant]
Conditional Use Permit (Automobile Repair Garage)
620 First Colonial Road
District – Beach**

April 11, 2018

DEFERRED

Ms. Oliver: Thank you. The next order of business is to address the items that will be deferred or withdrawn. Do we have any item that need to be withdrawn, no? And so we have four items that need to be deferred. So the Chair is aware of these and these are items number 3, 4, D2, and 10. Is there any opposition to these items being deferred? Alright, may I have the motion on these items to be deferred?

Mr. Hodgson: I'd like to make a motion to defer items 3, 4, 10, and D2.

Ms. Oliver: Second?

Ms. Rucinski: Second.

Ms. Oliver: Alright, I have a motion by Vice Chair; Commissioner Hodgson, seconded by Commissioner Rucinski. Call for the question.

Mr. Fisher: By vote of 9 to 0, the items 3, 4, 10, and D2 have been deferred.

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