

## Virginia Beach Planning Commission

### Public Verbatim Hearing

June 13, 2018

Ms. Oliver: June 12<sup>th</sup> Public Meeting of the Virginia Planning Commission to order. My name is Dee Oliver and I am the acting chairman of the commission today. Before we get started, I have asked Commissioner Dave Redmond to lead us, no sorry, I hadn't. Commissioner Wall is going to say the prayer for us today and commissioner Horsley is going to lead us and the pledge.

Mr. Wall: Okay let's pray. 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 blessings on our deliberations and on our efforts here today, Amen.

Mr. Horsley: Please join me in the pledge. [Group Pledge].

Ms. Oliver: Thank you Jack and Don. I have asked Commissioner Weiner to please introduce our members.

Mr. Weiner: Thank you Ms. Oliver. On the far end, we have Kay Wilson, Kay is our city attorney. Next to Kay is Jack Wall. Jack is a civil engineer and he represents the Rose Hall District. Next is Dr. Karen B Kwasny, and she is a professor of literature in cultural studies and she represents the Princess Anne District. Next we have Don Horsley. Don is a farmer and he is At-large. Next is Ron Ripley. Ron is in real estate management and development and he is also At-large. Next is Jan Rucinski. She is our secretary of the planning commission; she is in property management and she represents the Centerville District. The one seat opened is Bob Thornton; Bob is a chairman of planning commission. He is in commercial real estate and he represents the Lynnhaven District. Next is Dee Oliver, Dee is our vice chair of the planning commission, playing chairman today and she is a funeral director and she is At-large. Next to Dee is Jeff Hodgson, Jeff is a vice chair today. He 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. Next to me is Dave Redmond, Dave is in commercial real estate, and he represents the Bayside District and then we have Barry Frankenfield; he is our director of planning.

Mr. Frankenfield: Thank you good afternoon, I would like to introduce the staff. This is very challenging for me, so let's see if I can get through it. Right next to me, I have Cole Fisher and Carol Dozier, Pam Sandloop is behind them. On the planning bench, we have Kevin Kemp, who is the zoning administrator, Ashby Moss, Carolyn Smith who is planning administrator, Jimmy McNamara, in the back row we have Jonathan Sanders and Marchelle Coleman and behind her, we have Lane Winesett, Nicole Garrido, Emily Basemore and Dalina Cartwright and the way back row, we have Kaitlen Alcock, so thank you all for being here.

Ms. Oliver: Great. Thank you. The first order of business is the explanation of the rules we use to run the meeting and Jan is going to do that for us. She is our secretary, commissioner Rucinski.

Ms. Rucinski: Thank you vice chairman Oliver. The Virginia Beach Planning Commission takes pride and being fair and courteous to all parties and attendants. It is important that all involved understand how the commission normally conducts its meetings. It is equally important that everyone treat each other and the members of the commission 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. Following is the order of business for this public hearing. Withdrawals and deferral, the chairman will ask if there is a request for withdrawal or deferral on any item on the agenda. Consideration of these items is made first. Consent agenda, the second order of business is the consideration of the consent agenda, which are those items which the planning commission believes, are unopposed and have favorable staff recommendation. Regular agenda, we will then proceed with all of the remaining items on the agenda. Please note that action taken here today by the commission are in the form of a recommendation to the Virginia Beach City Council. The final decision for approval or disapproval of any item is made by City Council. The commission thanks you for your attendance and we hope that your experience here today leaves you feeling that you have been heard and treated fairly. Thank you.

Ms. Oliver: Thank you. The next order of business is to address those items to be deferred or withdrawn. Do we have any, I didn't think so. So since we don't have any today, the next order of business is going to address those that have been placed on the consent agenda and the commissioner Hodgson is going to address those for us now.

**Item #1  
J and B Design, Inc.  
Conditional Use Permit  
3157 Virginia Beach Boulevard  
District - Beach**

**June 13, 2018**

**CONSENT**

Mr. Hodgson: Thank you Ms. Oliver. This afternoon, we have six items on the consent agenda. The first matter is agenda item number one and this is an application of J and B Design Inc, an application for conditional use permit in a Tattoo Parlor on property located 3157 Virginia Beach Boulevard in the Beach District. Is there representative here for this application? Would you please come forward and state your name for the record?

Mr. Spickard: I am Brett Spickard.

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

Mr. Spickard: Yes.

Mr. Hodgson: Thank you, you may be seated, is there any opposition to this matter being placed on the consent agenda? Hearing none, the chairman has asked commission Ron Ripley to please read this into record.

Mr. Ripley: Thank you Jeff. This is a conditional use permit for a tattoo parlor, it's on as you said property of 3157 Virginia Beach Boulevard, and it's actually located in the Francis Land House Historic and Cultural Overlay District. It's part of a small shopping center and it's a 3000 square foot unit in the shopping center. The staff reviewed it. They put some conditions regarding sign, lettering etcetera and the usual for this type of conditional use permit. They recommended approval. We are not aware of anybody that's opposing it and the planning commission felt that they ought to go on the consent agenda. So that's why it's there.

**CONDITIONS**

1. A business license for the Tattoo Parlor shall not be issued to the applicant without the approval of the Health Department for consistency with the provisions of Chapter 23 of the City Code.
2. The actual application of tattoos shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
3. When installed, the wall sign shall be substantially conforming in size and appearance to the elevation drawings included in the submitted sign package on page 6 of this report and prepared by IDF PENSIGN. A separate sign permit shall be obtained from the Planning Department for the installation of any new signs.

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

Carol Dozier: By the recorded vote of 10-0, items number one, two, three, four, D1 and D3 have been approved by consent.

**Item #2**  
**The Lash CEO, LLC**  
**Conditional Use Permit**  
**1060 Lynnhaven Parkway**  
**District – Rose Hall**

**June 13, 2018**

**CONSENT**

**CONDITIONS**

1. A business license for the Tattoo Parlor shall not be issued to the applicant without the approval of the Health Department for consistency with the provisions of Chapter 23 of the City Code.
2. This Conditional Use Permit for a Tattoo Parlor shall be limited to only microblading, the application of permanent make-up. No other form of tattooing shall be permitted.
3. The actual application of tattoos/permanent makeup shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
4. The proposed wall-mounted sign shall have a white background with black letters and a gold logo as depicted on page 6 of this report. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar sign installed on the exterior of the building or in any window, or on the doors. Window signage shall not be permitted. A separate sign permit shall be obtained from the Planning Department for the installation of any new signs.

Mr. Hodgson: Thank you Mr. Ripley. The next item is number two and this is an application of The Lash CEO LLC an application for Conditional Use Permit for a Tattoo Parlor on property located at 1060 Lynnhaven Parkway. This is in the Rose Hall District. Is there a representative here for this application? Would you please come forward? Good afternoon, if you would come to the microphone, and state your name for the record please.

Ms. Velte: Rickina Velte.

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

Ms. Velte: Yes.

Mr. Hodgson: Thank you, you may be seated. Is there any opposition on this matter being placed on the consent agenda? Hearing none, the chairman has asked Mr. Wall to please read this.

Mr. Wall: Thank you, this is a conditional use permit for a tattoo parlor. The applicant currently operates a beauty salon in the unit within the existing shopping center along Lynnhaven Parkway. A Conditional Use Permit for Tattoo Parlor is requested in order to offer permanent cosmetic makeup services known as microblading to clients. The typical hours of operation are

from 9:30 a.m. to 7:30 p.m. Monday through Saturday. The signage is similar to other signs in the shopping center. A box sign is proposed above the main entrance. They will have a white background with black letters and a gold logo. The conditions are acceptable to the applicant. There is no known opposition and staff recommends approval. Therefore, we placed this item on the consent agenda.

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

Carol Dozier: By the recorded vote of 10-0, items number one, two, three, four, D1 and D3 have been approved by consent.

**Item #3  
Nina and William Gilbert  
Conditional Use Permit  
5716 Blackwater Road  
District – Princess Anne**

**June 13, 2018**

**CONSENT**

**CONDITIONS**

1. No more than 15 adult dogs shall be permitted to live on the property at any time.
2. All animal waste shall be collected and disposed of in a lawful manner on a daily basis.
3. All dogs shall be current with all required shots and shall be properly licensed through the City of Virginia Beach.

Mr. Hodgson: Thank you Mr. Wall. The next matter is agenda item number three. This is an application of Nina & William Gilbert for a Conditional Use Permit for a Residential Kennel on property located at 5716 Blackwater. This is in the Princess Anne District. Is there a representative here for this application? Good afternoon. Please state your name.

Mr. Gilbert: Good afternoon. William Gilbert.

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

Mr. Gilbert: Yes sir.

Mr. Hodgson: Thank you very much.

Mr. Gilbert: Okay.

Mr. Hodgson: Is there any opposition to this matter being placed on the consent agenda? The chairman has asked Commissioner Don Horsley to please read this.

Mr. Horsley: Thank you Mr. Hodgson. First, I want to reveal that I am the farmer that rents the property that surrounds this property which has nothing in the world to do with this dog kennel; I just needed to let that be known. The applicant owns 10 hunting dogs and upon some recent information found by them, with the number of dogs they have they needed to apply for a use permit for a kennel license. They desire to have up to 15 dogs, 12 of them probably for hunting and three companion dogs. They have got the kennel space and there is a picture of one of them on the screen. They have got three kennels; one for the companion animals and two for the hunting dogs. They have supplied us with a packet of letters of support from the surrounding neighbors in their area. This is an AG zoning. They are surrounded by several hundred acres of farm land and bush land and swampland so there is no issue there. So with the conditions that they can have no more than 15 total dogs on the property at any one time as adult dogs and they maintain the cleanup of the waste, by collecting the waste, and disposing that in a proper manner. The staff saw this as totally appropriate for this area and there was no opposition so we placed it on a consent agenda today.

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

Carol Dozier: By the recorded vote of 10-0, items number one, two, three, four, D1 and D3 have been approved by consent.

**Item #4  
Enoch Baptist Church  
Modification of Conditions  
5677 Herbert Moore Road  
District – Kempsville**

**June 13, 2018**

**CONSENT**

**CONDITIONS**

The Conditions of the Conditional Use Permit for a Group Home dated April 16, 1979 are hereby deleted and replaced with the following conditions:

1. The applicant shall obtain all necessary building permits and shall obtain a Certificate of Occupancy from the Building Official's Office prior to the occupancy of the Group Home.
2. The Group Home shall be limited to a maximum of 13 residents.

Mr. Hodgson: Thank you Mr. Horsley. The next matter is agenda item number four; this is an application for Enoch Baptist Church for a modification in conditions for a group home on property located on 5677 Herbert Moore Road in the Kempsville District. Is there a representative here? Good afternoon.

Ms. Bowden: Sandra Bowden.

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

Ms. Bowden: Yes sir I have.

Mr. Hodgson: Thank you very much. Is there any opposition to this matter being placed on the consent agenda? The chairman has asked Commissioner David Weiner to please read this item in the record.

Mr. Weiner: Thank you Mr. Hodgson. This is a Modification of Conditions for a Group Home. In April 1979, under a different applicant, a Conditional Use Permit for a Group Home was granted on this property to provide housing and resources to individuals with intellectual disabilities. The Group Home was in operation until 2017. As the focus of the church's outreach efforts has changed, a Modification to Conditional Use Permit is now requested in order to establish a Group Home that will provide housing for individuals who are homeless or near homeless. The intent of the home is to provide housing and resources for up to 13 individuals who desire to become viable renters and possible home owners in the future. According to the applicant, the occupants will pay a nominal fee to stay at the home for up to 2 years. This fee will be all inclusive and will cover resident's stay in facility, food, and supplies. The occupants will also undergo a background check prior to becoming residents in the home. Volunteers from the church and from within the community will manage the day to day operations that will be Group Home which will be opened 24 hours a day seven days a week. Staff has recommended this for approval and we put it on the consent agenda.

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

Carol Dozier: By a recorded vote of 10-0, items number one, two, three, four, D1 and D3 have been approved by consent.

**Item #5  
City of Virginia Beach  
Special Exception for Alternative Compliance  
19<sup>th</sup> Street  
District – Beach**

**June 13, 2018**

**APPROVED**

Carol Dozier: The first item to be heard today will be item number 5, the City of Virginia Beach, an application for Special Exception for Alternative Compliance build to requirement in Oceanfront Resort District Form-Based code on property located south of 19<sup>th</sup> Street and east of North Birdneck Road extending south to 17<sup>th</sup> street and east to just beyond Parks Avenue. We have one speaker in opposition on this matter.

Ms. Oliver: You want to just come up and go ahead and come on up and then read it and explain it.

Ms. Moss: Hello Ashby Moss with the City of Virginia Beach SGA office. This application is for Special Exception for Alternative Compliance to develop a sports center building complex and surrounding surface parking lots. The proposed site layout does not meet the Oceanfront Resort District Form-Based code build-to requirement for a civic building type on a gateway frontage. The prescribed form requires a building to be placed between 5 and 35 feet from the right-of-way which is what the build-to zone is along at least 50% of the side street frontage. Since the proposed building footprint is entirely outside of the build-to zone, a special exception for alternative compliance is needed. Sports center will attract multiple sports tourism events that the city has not been able to attract before. It has two primary facilities, to house of variety of sports including basketball, volleyball, wrestling, gymnastics, cheer, field hockey and indoor track. The indoor track is designed to current NCAA indoor track and field standards and includes over 4,400 spectator seats and the courts facility includes areas for spectators seating along with the mezzanine that includes seating and camping areas for teams. The complex also has a kitchen and dining areas, training room, team meeting rooms, areas for coaches and recruiters, building administration and other support areas. So with the Special Exception for Alternative Compliance, the Form-Based code outlines different standards to show that the application advances the stated goals and objectives of the resort area strategic action plan and this item has been reviewed and satisfies these standards, so staff is recommending approval.

Ms. Oliver: Great, thank you. Is anybody has any questions for Mrs. Moss or comments? Alright, okay thank you.

Carol Dozier: Okay we will call Tom Musumeci. Please state your name for the record sir?

Mr. Musumeci: Good afternoon, my name is Tom Musumeci. I live at 1008 Coastaway Drive for the last 22 years and I am the chairperson of the Sea Bridge Square Civic Association. Sea Bridge Square is a small neighborhood directly across 17<sup>th</sup> street from the proposed building. We just have a couple of concerns overall we support the field house, but we are really concerned that the back side of the building is coming right of the 17<sup>th</sup> street. I mean our best

end case is if the building would rotate and the backside of the building with the loading docks face Birdneck Road, given that's probably not going to be a great possibility. We want to make sure that there is a whole lot of landscaping that kind of screens us. We don't want to come in out of our neighborhood and look at the loading dock every day. I know that the reports talks about generous landscaping. I would say overly, overly generous landscaping would really be what we are looking for. We have a couple of other concerns too. The building looks extremely blank. I know that when the City was considering the arena, I mean, it was a really detailed rendering of what that building was going to look like and when you look in the staff report, the backside of that building is just blank, so you know, I would like to see some architectural rendering, some real, something to make that building look attractive. I think the other issue that we have is the stormwater drainage. You know, this going to be a whole lot more impervious surfaces and I am not an expert on this but it seems to me that there should be a BMP over there somewhere to kind of help with the stormwater runoff. So those are really our concerns. We would like to see a much more detailed rendering of the building; we want to make sure that 17<sup>th</sup> street is protected. I think everybody in the city has high hopes for the redevelopment of 17<sup>th</sup> street and I think there is going to be some projects coming forward that can help with that so between that and the stormwater runoff, those are the issues that we are really concerned about and I would like to answer any questions.

Ms. Oliver: Anybody have any questions? Thank you very much. Yes, Mrs. Moss.

Ms. Moss: I spoke with Mr. Musumeci prior to this, he shared his concerns about the appearance of the building which I believe you also expressed earlier. The appearance of the building from 17<sup>th</sup> street so we are not at the stage yet where we have that detail on the building elevation from that side but we will certainly pay close attention to that. There are also some requirements in the Form-Based Code that require that mechanical equipment to be completely screened from view from the right-of-way and also prohibits a blank wall to continue horizontally or vertically for more than 30 feet. So it would need to have a change in building materials or change in the building plane, so at a minimum we will be meeting those requirements plus I think there are some exterior building materials they can put especially on the upper part of the building that would be visible from above the landscape screen. The BMP, we did not talk about that one but stormwater will meet regulations so they are adding a new BMP in addition to the stormwater pond that's already there so that will all be addressed with the site plan review and I think that was it.

Ms. Oliver: Thank you.

Mr. Ripley: Ashby I am glad to hear that you are treating the elevations with some relief breakup, elevation relief, I was going to suggest that we are very minimally look at the design criteria for the big boxes that were developed and you probably can meet everything that's in there but that was a big concern with big boxes and making sure that the architectural relief designed into it and so hopefully, if we are asking the public to do that, I think the city also look at that as well.

Ms. Moss: Okay.

Ms. Oliver: Any other questions?

Mr. Horsley: I have a question. Ashby can you tell me what spurred you to put this in this location?

Ms. Moss: No. I think well, it's kind of a symbiotic use with the convention center and it is going to accommodate a lot of the sporting events that previously have been held in the convention center so and you know this has the space to accommodate it. There is the hotel infrastructure already in place to accommodate guests that come for overnight stays so it really does work hand in hand with the convention center which is right across the street.

Mr. Horsley: Okay thank you.

Ms. Oliver: Okay thank you. We will close this session now for discussion among the commissioners. Yes.

Mr. Hodgson: I don't want to beat a dead horse, but the concern that we talked about this morning and former was the back of this building, I met with the some of the stakeholders that own a significant amount of property on 17<sup>th</sup> Street and their concern was how to make the back of this building not look like the back of this building and Ric is not in here so I don't think he can tell me I'm wrong which maybe but I believe 17<sup>th</sup> Street is a much more heavily travelled gateway than 19<sup>th</sup> Street, am I right in that Barry I believe. Ric is here. Is it 17<sup>th</sup> Street is much more significantly traveled than 19<sup>th</sup> Street.

Rick: Yes.

Mr. Hodgson: Okay thank you, you are hiding, but this is the back of the building and 17<sup>th</sup> Street is kind of going through a much needed facelift in just in the last couple of years and hopefully it's going to continue back towards this new facility and it would be an absolute shame to just have a giant metal wall along the Boulevard. So I would really like to see like Ron mentioned some elevations something showing us, so just giving some satisfaction that this is going to not look like what I am seeing right here. So that's my biggest concern and like I said I met with some of the property owners that have a considerable amount of property there and that was their concern because they want to redevelop their parcel and they don't want to just be looking at the back of the building.

Ms. Oliver: Jan.

Ms. Rucinski: I also have that same concern and thinking that maybe this is an opportunity for a local artist to do some kind of rendering that could give some real character and real charm to that building like they have done you know in other locations and I know there is a couple of hotels down at the beach that have those big murals and stuff on that so I mean that might be something else.

Mr. Hodgson: Well this is leading into the ViBe district which is what we're kind of calling our arts and crafts district where we are doing a lot of murals, so I mean I say that's not a bad idea at all that's maybe someone need to look at it.

Ms. Rucinski: So that might be a way that to also make it look more than what it is.

Ms. Oliver: Yeah and I think that 31<sup>st</sup> Street is a gateway into the City so is 17<sup>th</sup>. Route 58 and so as we start to develop it and as we have been developing it, it's real important that this

building has that presence on the south side of it as it does on the north side of it without a doubt. Yes Jack.

Mr. Wall: You know we talked about the aesthetics of the structure but you know in terms of the aesthetics of the whole site, I think it would be nice if the you know for the record if the city you know public works department you know consider the corner of the 19<sup>th</sup> and Birdneck and then we have parking, you know all the way up against Birdneck and it is shown in the site layout to be all the way up against the corner of Birdneck and toward the 19<sup>th</sup> Street, but some kind of aesthetic feature you know even to the loss of parking spaces, I think would be a benefit or a betterment to the development. So you know possibly a water feature and maybe not something that supporting the stormwater management but maybe something that could support the stormwater management, something that could support maybe the latest stormwater management regulations that could potentially apply to the site.

Ms. Oliver: Yeah I like that. It would be great, anything else? No, alright, so we have a motion?

Mr. Hodgson: I will make a motion to approve agenda item number five.

Ms. Oliver: We have second.

Mr. Weiner: Second.

Ms. Oliver: Great thank you. Motion made by commissioner Hodgson and seconded by commissioner Weiner. Call for the question.

Carol Dozier: By recorded vote of 10-0, item number five City of Virginia Beach has been approved.

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

<b>THORNTON</b>				<b>ABSENT</b>
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

**Item D1  
John and Karen Waller  
Conditional Rezoning  
2313 Treesong Trail  
District – Princess Anne**

**June 13, 2018**

**CONSENT**

**PROFFERS**

Mr. Hodgson: Thank you David. Next matter is agenda item number D1, this is an application of John and Karen Waller, an application for conditional rezoning from AG-1 and AG-2 agricultural to conditional R-10 Residential on property located at 2313 Treesong Trail East and North sides of Treesong Trail in the Princess Anne District. Good afternoon.

Mr. Bourdon: Thank you Commissioner Hodgson, Chairperson Oliver for the record Eddie Bourdon, Virginia Beach Attorney representing the applicant and Mr. Waller is here with us this afternoon. We appreciate being on the Consent Agenda. I would mention that we are going to add a proffer between now in City Council requiring mandatory membership in a HOA that will be responsible for maintaining the stormwater management BMP that will be based on the easement on lot 10, appreciate Mr. McNamara's efforts with this and happy to answer any questions.

Mr. Hodgson: Thank you Mr. Bourdon.

Mr. Bourdon: Thank you.

Mr. Hodgson: Any opposition on this matter being on the Consent Agenda? The chairman has asked Dr. Karen Kwasny to please read this for record.

Ms. Kwasny: Thank you vice chair Hodgson. This is a request for Conditional Rezoning in the Princess Anne District from AG-1 and AG-2 to Conditional R-10 residential in order to create a total of 10 parcels for single-family development. The existing single-family development is proposed to remain on the 7.5 acre of parcel, the remaining three acres will be divided into nine lots resulting in the density lower than what is provided in surrounding subdivision areas. The western side of Treesong Trail has existing lots that have been developed for single family homes of R-15 residential with at least 15,000 square feet on each lot. This proposal is for R-10 with the exception of lot one, all lots along Treesong Trail will be at least 15,000 square feet in size, proposed lot 2 which fronts on Painters Lane will have 11,520 square feet. Part of this request is that the applicant is dedicating 10 feet of right-of-way along Treesong Trail which will increase the existing right-of-way with to 50 feet. Some interesting notes in relation to this one is that residential development, the Staff finds this and keeping with the Comprehensive Plan for the Suburban Area as well the applicant has submitted a preliminary drainage study to Development Services. Development Services has indicated that it has potential to successfully comply with the stormwater requirements for the site. Staff's opinion is that they regard this as

compatible with the surrounding neighborhoods, they recommend approval; Planning Commission places it on the Consent Agenda.

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

Carol Dozier: By the recorded vote of 10-0, items number one, two, three, four, D1 and D3 have been approved by consent.

**Item #D2  
Halle Properties LLC  
Conditional Use Permit  
620 First Colonial Road  
District - Beach**

**June 13, 2018**

Carol Dozier: Next item for today will be item D2 Halle Properties LLC, an application for a conditional use permit, automotive repair garage on property located at 620 First Colonial Road in the Beach District. We have three registered speakers for this item. Two in support and one in opposition.

Mr. Redmond: I have to abstain from this application. The reason being I have a piece of property under contract as the broker with this applicant in another location, so I cannot vote on this and as a result I will take my leave and wish you all well.

Ms. Oliver: Great, thank you.

Carol Dozier: Will the applicants please come forward?

Mr. Palmer: Good afternoon Vice Chairman, members of the Commission and Staff. My name is Grady Palmer. I represent the applicant in this matter. This is a Conditional Use Permit for an Automobile Repair Garage, a Discount Tire location on First Colonial Road, you may recall that this application was on your agenda way back in December and January and it was continued. We had originally shown two access points one to our north on Bankers Lane and another shared entrance with our neighbor to the south. The project was continued at that time for redesigned to eliminate the access on Bankers Lane so the only entrance currently is that is proposed would be to the south and the shared entrance that directly accesses First Colonial. This property is a little under an acre in size, the family that has owned it, is here with me today. It is, as you know, the Virginian Steak House. The family will be our landlord, they will lease the property to us. Virginian Steak House will be demolished and the Discount Tire location would be constructed if this is approved. We understand that it is in the Hilltop SGA, we have designed the building and laid out the site accordingly and Staff recommends approval. We also ask for your recommendation of approval as well and I will standby for any questions that you got. Thank you.

Ms. Oliver: Right, thank you.

Carol Dozier: Perry Christodoulis.

Mr. Christodoulis: Good afternoon everybody. Thank you for all your time. This is my father George. He opened the Virginian Steak House when he was 33 years old. Now he is 78. He is ready to retire. We were approached by Discount, we researched them. They are powerful company and we just wanted to thank everybody and introduce ourselves for all the time that

everybody has put into this and just looking forward to getting him retired. He is tired. He went in there young, and now he is old. He is done.

Ms. Oliver: We are going to miss his French Fries.

Mr. Christodoulious: Oh, you can come see me 8 miles up the street. We just wanted to thank everybody for all the work that they put into that. Appreciate it.

Ms. Oliver: Thank you.

Carol Dozier: William Jennings. Please state your name for the record.

Mr. Jennings: My name is William Jennings and I am an employee of the Ramseys the opposition they have is to the location of the Tire facility not to the owners of Virginian Steak House whom my employers the Dairee Ramseys have known for years. Mr. and Ms. Ramsey are here today. As noted in the Mr. Ramsey's statement that you have the entire property from Donna Lane to Laskin owned by the Dairee Ramseys are being marketed to be consistent with the Hilltop strategic growth area plan. A Discount Tire Store is inconsistent with the City's future Strategic Growth Area Plan and this type of facility will setback the heart of the Hilltop Strategic Growth Area for decades. Thank you.

Ms. Oliver: Thank you, anybody have any questions for Mr. Palmer, I mean Mr. Jennings?

Mr. Horsley: Yes I have one. Why do you think this project is going to setback for decades?

Mr. Jennings: Because the area is completely surrounded is going to be developed into three to five story, consistent with the SGA, our folks have been meeting with the SGA Hilltop Strategic Growth Area folks and that's the way it's going to be marketed and this type of facility with the noise and the bays and the traffic on that corner of the tire property in other words from Laskin all the way down to Donna, their property surrounds that.

Mr. Horsley: Okay, thank you.

Mr. Jennings: Thank you.

Ms. Oliver: Mr. Jennings, can you pull the site plan up? There is a pointer right there, I was just curious is to what property does the family own around.

Mr. Jennings: They own this part the old Kentucky Fried Chicken if you know that, all of this which they have leased to Rite Aid and as you know we have been working with and have discussions with the gas station, of course the bank has a land lease for this as well. On Bankers Lane, they own this property here which is down to Donna and they own this property here, so it surrounds the entire site.

Ms. Oliver: And the property behind it also.

Mr. Jennings: This one again, probably here.

Ms. Oliver: Right there.

Mr. Jennings: Yeah that's the bank and that's the lease that we have to the bank right now and the bank is willing to work with us so is Rite Aid, they are going to move out next year they already have a pharmacy here, which does quite well. We have another Rite Aid across the street, and have a CVS and Kroger also has another pharmacy, so it's kind of, so that's why Rite Aid is not doing so well

Ms. Oliver: Ron?

Mr. Ripley: So what do you feel would be appropriate, I mean this is the people that own this property and they have a right to develop the property and they have rights to property, so what is in your vision that this should be?

Mr. Jennings: Something they would be consistent with the plan if you look at the artist renderings and everything of the Strategic Growth Area something along those lines would be helpful to this unique time that we can develop this whole piece of property. I think you are not going to see this happen again for a long time. So you know respond any type of things along that line you know it's up to them but something more consistent than a Tire Store at you know on that side.

Mr. Ripley: Okay, thanks.

Mr. Jennings: I think the one quick phrase adds to that I think that the SGA folks have said that it is kind of inconsistent but they were trying to make accommodations. Thank you sir.

Ms. Oliver: Mr. Jennings, I have a question for you. Is there a reason why the two families did not get together to acquire that piece of property?

Mr. Jennings: Well, we would like to work with them. Unfortunately, there is a miscommunication with the, we use the same company that's a real estate broker CBRE, and there were some miscommunications. Thank you, anyone else?

Ms. Oliver: Anybody else to have any questions?

Mr. Jennings: Thank you for your consideration again, we love these folks. Thank you.

Ms. Oliver: Thank you. Mr. Palmer you want to come up for rebuttal?

Mr. Palmer: The property was parceled out and sold by the family to the current owners and so you know it has been operated by that family for 40 years but it was originally owned by the entire family and this parcel was sold.

Ms. Oliver: Anybody have any questions for Mr. Palmer? No on that I guess, we will close this and open it for discussion among the commissioners. Anybody have any?

Ms. Rucinski: I have a question.

Ms. Oliver: Yes.

Ms. Rucinski: So what other kind of things based on the SGA and maybe Ashby can answer this, should go there, I mean what, they are talking about this not been consistent with what the SGA was showing, I apologize that I cannot remember.

Ms. Moss: Inaudible - [00:42:44].

Ms. Rucinski: Thank you.

Ms. Oliver: Anyone else?

Mr. Hodgson: Right across the street down, we have a rim store I think, [Crosstalk] and we will also just put a Take 5 Oil down through there, so we are moving more and more these type of things into that area.

Ms. Oliver: Yes Ron.

Mr. Ripley: On this item, I think we are going to place some consent I think, Commission seemed to be pretty accepting when we were in the informal meeting, I think staff recommended approval but it looks like they have worked pretty good with the Staff as far as moving the building back on the back and landscaping it like they have landscaped it. It's very, the tire store is something that you know people just don't drop in, you know, unless you need a tire and it does not like it generates a lot of traffic, I think that's why Rick said he is not all concerned about it because it's a pretty low level use and we run into this all the time in our Strategic Growth Areas where maybe doesn't quite fit the box but they worked with the elevations to try to make it look like it fits in and it's an interim use in later perhaps in the long term things change and I really hope to see the rest of the property to come in here that's being talked about to be developed or redeveloped with the early grade but right now this man is wanting to move and he has a right and I think unless there is a lot of change on the Planning Commission, the commissioners, I mean I like to make the motion when you like for approval.

Mr. Horsley: I would like to second the motion too and this other development has that been possibly talked about here I think that's a long ways down the road. I don't think that's going to happen in time soon and I think then if the present owner wanted to make a shift, I think they could if that would be more amenable to them at that time but I cannot see holding these people back right now. I will support the motion.

Ms. Oliver: Right, hopefully in the future it will. They will move it altogether but so we have got a motion to approve from Commissioner Ripley and seconded by commissioner Horsley, alright, great. Alright, I believe that was our last item, sorry.

Carol Dozier: By the recorded vote of 9-0 with one abstention, item D2 has been approved.

## **APPROVED**

### **CONDITIONS**

1. When the property is developed, it shall be in substantial conformance with the submitted exhibit entitled, “DISCOUNT TIRE STORE 620 FIRST COLONIAL ROAD VIRGINIA BEACH, VA 23451”, prepared by Architectural Resource Team, dated April 23, 2018, 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, will be in substantial conformity with the exhibit entitled, “CONCEPTUAL EXTERIOR ELEVATIONS 620 FIRST COLONIAL RD VIRGINIA BEACH, VA 23451”, prepared by Architectural Resource Team, dated May 7, 2018, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development.
3. A Landscape Plan reflective of the plant material on the submitted site layout referenced in Condition 1, shall be submitted and approved by the Development Services Center Landscape Architect prior to final site plan approval.
4. Any freestanding sign located on the Property shall be monument style and in substantial conformance with the signage exhibit entitled “DISCOUNT TIRE 620 FIRST COLONIAL RD. VIRGINIA BEACH, VA 23451”, dated February 22, 2018, and prepared by Walton, with the exception that said sign may be no taller than eight-feet, from the top of the sign to the ground level at the base of the sign. Said signage exhibit has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development. A sign permit shall be obtained from the Zoning Division prior to the installation of any free-standing sign on the site.
5. The existing freestanding sign on the site shall be removed.
6. All other signage on the site shall comply with the requirements of Sections 211, 212, 213, 214, 216 and 905 of the City Zoning Ordinance. A separate sign permit shall be obtained from the Zoning Division prior to the installation of any signage.
7. There shall be no signs which contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving devices on the site or on the vehicles. There shall be no signs which are painted, pasted or attached to the windows, utility poles, trees, or fences, or in an unauthorized manner to walls or other signs. There shall be no portable or nonstructural signs, or electronic display signs on the site.

8. Vehicles in a state of obvious disrepair shall not be stored outside of the building, except that they may be located outdoors for a period of no more than 24 hours from the time the vehicle is placed on the site. Following that time period, all such vehicles shall only be permitted to be stored within the building with the overhead bay doors closed.

9. There shall be no outside storage of equipment, parts, tires, or materials.

10. No outside paging or amplified music system shall be permitted.

11. All vehicle repair and tire installation shall take place inside the building.

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

**Item #D3  
Saint Luke Catholic Church  
Modification of Conditions  
2304 Salem Road  
District – Princess Anne**

**June 13, 2018**

**CONSENT**

Mr. Hodgson: Thank you Karen. The next item and the last one on the consent is D3. This is an application of St. Luke Catholic Church and an application for a modification of conditions like conditional use permit for a church approved by City Council in 1989 and modified in 1990, again in 2010 and then again in 2014 on property located at 2304 Salem Road in the Princess Anne District. Is there a representative here? Hello. Good afternoon, please state your name.

Ms. Looby: Margaret Looby, attorney for St. Luke's.

Mr. Hodgson: I assume you have seen the conditions and are they acceptable?

Ms. Looby: Yes sir.

Mr. Hodgson: Thank you very much.

Ms. Luby: You're welcome.

Mr. Hodgson: Any opposition on this matter being on the consent agenda? The chairman has asked commissioner Kwasny to please read this into the record.

Ms. Kwasny: Thank you vice chair Hodgson. This is a request for modification of proffers on the conditional use permit. An 8.62 acre site is currently zoned R-15 residential and consists of a church, two mobile units and a single family dwelling. The original conditional use permit for St. Luke Catholic Church was approved by City Council in 1989, modified in 1990. In 2010, the church was granted an approval by City Council to locate temporary mobile units behind the sanctuary for a period of five years. In 2014, the council approved the modification that permitted the mobile units to remain on the site for an additional five years. We are nearing the end of that term. The church is now requesting to expand the existing church building from approximately 11,250 to 18,500 square feet. The expansion requires a modification to the conditional use permit and includes a tower and entrance nave on the west side of the building and a 6,812 square foot addition to the north side of the building. The northern addition includes space for administrative offices, restrooms, a kitchen, classrooms and gathering space. These proposed expansions eliminate the need for the mobile units which is a benefit to the area; therefore, the structures will be removed from the property. The plan also depicts an extension of the parking lot by an additional 35 additional spaces. The number of parking spaces proposed

meets the requirements of the zoning ordinance. In staff's opinion, the proposed building expansion of St. Luke Church will complement the architectural design and character of the existing buildings and will provide sufficient parking and the amenity to the area. Staff recommends approval, Planning Commission places it on the consent agenda.

Mr. Hodgson: Thank you Ms. Kwasny. Ms. Oliver that was a last item on the consent agenda. I have a motion to approve agenda items number one, two, three, four, D1 and D3.

Ms. Oliver: Right, thank you. Do we have a second?

Ms. Rucinski: Second.

Ms. Oliver: Thank you, alright I have a motion made by vice chairman Hodgson and seconded by commissioner Rucinski. We are now ready to vote. Alright, vote is open.

#### **CONDITIONS**

1. All conditions of the Conditional Use Permit granted by City Council on November 27, 1990 shall remain in effect.
2. The mobile units shall be removed from the site within 6 months of City Council approval.
3. When the site is developed, it shall be in substantial conformance with the submitted site layout exhibit entitled, "ST. LUKE'S CATHOLIC CHURCH ADDITION & RENOVATION, IMPROVEMENT & LAYOUT PLAN," dated 10/20/2017, and prepared by Waller Todd & Sadler Architects, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
4. The exterior of the proposed buildings shall substantially adhere in appearance, size and materials to the elevations entitled, "ST. LUKE'S CATHOLIC CHURCH ADDITION & RENOVATION, EXTERIOR MATERIAL FINISH COLOR ELEVATIONS," dated 11/21/2017, and prepared by Waller Todd & Sadler Architects, which have been exhibited to the Virginia Beach City Council and are on file in the Department of Planning and Community Development.
5. The installation of plant material shall be, at a minimum, as depicted on the Landscape Plan entitled, "ST. LUKE'S CATHOLIC CHURCH ADDITION & RENOVATION, PLANTING PLAN," dated 10/20/2017, and prepared by Waller Todd & Sadler Architects, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.

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

Carol Dozier: By the recorded vote of 10-0, items number one, two, three, four, D1 and D3 have been approved by consent.