

Virginia Beach Planning Commission

Public Hearing Minutes

February 13, 2019

Ms. Oliver: The planning commission meeting February 13, 2019. My name is Dee Oliver and I am the Chair of the Planning Commission and I would like to welcome all of you here today and before I get started, I have asked Commissioner Redmond to lead us in prayer and this will be followed by the pledge led by Commissioner Horsley. Please stand.

Mr. Redmond: Dear Heavenly Father, we come to you today thanking you for guidance and wisdom as we begin this hearing today, guide our hearts and our minds in the spirit of fairness, right thought in speech. Help us to remember our responsibility to serve our community with great insight guided by 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 service, we seek blessings in our deliberations and on our efforts here today, Amen.

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

Ms. Oliver: Thank you Commissioner Redmond and Commissioner Horsley and I have asked Commissioner Wiener, if he would introduce the members of the Planning Commission.

Mr. Weiner: Thank you Mrs. Oliver. On the end down here, we have Kay Wilson; Kay is our city attorney. Next to Kay is George Alcaraz. George is a contractor and he represents the Beach District. And next to George is Jack Wall. Jack is a civil engineer and he represents the Rose Hall District. My name is David Wiener. I'm in commercial sales and I represent the Kempsville District. Sitting next to me is Don Horsley. Don is a farmer and he is At-large. Next to Don is Ron Ripley. Ron is in real estate management and he is also At-large. Next is Dee Oliver. Dee is the chairman of the Planning Commission. She is a funeral director and she's At-large. Next is Jan Rucinski, Jan is in property management. She's the

vice chair of the Planning Commission and she represent the Centerville District. The empty seat is Mike Inman, Mike is an attorney and he is At-large. Next is Dave Redmond, Dave is in commercial real estate and he represents the Bayside District. Next to Dave is Whitney Graham. Whitney is in land development and he represents the Lynnhaven District and next is the Steve Barnes, Steve is a farmer and he represents the Princess Anne district and our interim director today is Jo Saunders and would you please introduce your staff?

Ms. Saunders: Yes, I have with us Kevin Kemp. He's my partner in crime, is co-interim director and he's also the permanent zoning administrator. Carolyn Smith, she is our planning administrator. We have several planners with us, William Landfair, Robert Davis, Marchelle Coleman and Jonathan Sanders. I always want to call him Saunders because I'm Saunders. We have some compadres from other departments Don Piron, Rick Lowman, Victoria Rice and then we have our very able clerks with us today Pamela Sandloop who's been holding us down in Barry's absence and Dalina Cartwright, I think on the outside we have Cole Fisher and Nicole Garrido and Carol Dozier.

Ms. Oliver: Thank you. So I'm going to let the clerk of court if she will read the rules for a meeting please.

Ms. Sandloop: Thank you chairman Oliver.

Ms. Oliver: Thank you.

Ms. Sandloop: The Virginia Beach Planning Commission takes pride and being fair and courteous to all parties and attendance. 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 request that if you have a cell phone please either silence it or turn it off. This is an abbreviated explanation of the rules. The complete set of rules is located in the front of the Planning Commission agenda. Following is the order of business for this public hearing. Withdrawals and deferrals, the chairman will ask if there are any request to withdraw or defer an

item on the agenda, consideration of these requests will be made first. The consent agenda, the second order of business is the consideration of the consent agenda, which are those items that the Planning Commission believes are unopposed and which have favorable staff recommendation and the regular agenda, the commission will then precede with the remaining items on the agenda. Please note that the actions taken by the Commission today are in the form of a recommendation to the Virginia Beach City Council. The final decision to approve or disapprove an application will be made by the City Council. The commission thanks you for your attendance and we hope that your experience here today leaves you feeling that you've been heard and treated fairly. Thank you.

Item #1

Teresa Tatem & Janet T. Respass

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

1965 Gum Bridge Road

District – Princess Anne

February 13, 2019

RECOMMENDED FOR APPROVAL - CONSENT

Ms. Oliver: Thank you. The next order of business we will address those that have been placed on the consent agenda and the vice chair will handle this portion of the agenda.

Ms. Rucinski: Thank you Madam Chair, this afternoon. We have three items on the consent agenda. The first matter is agenda item number one, Teresa Tatem and Janet T. Respass, which is an application for a subdivision variance, section 4.4B of the subdivision regulations on property located at 1965 Gum Bridge Road and the vacant parcel of Gum Bridge Road and this is in District Princess Anne, do we have a representative for that, hello can you state your name for the application?

Mr. Thompson: Yes, ma'am. My name is Brett Thompson. I'm an attorney with Thompson Law Group and I'm representing the land owners/ applicants.

Ms. Rucinski: Okay. Are the conditions acceptable?

Mr. Thompson: They are, yes ma'am.

Ms. Rucinski: Okay, thank you. Do we have any opposition to this matter being placed on the consent agenda, alright hearing none; Don Horsley is going to review that one for the record.

Mr. Horsley: Thank you, I thought that maybe we skip to over that, I am sorry.

Ms. Rucinski: Sorry.

Mr. Horsley: Prior to 1970, there was a little less than eight acres that were under the ownership of James T. Tatem. Upon his death in 1970, his last will and testament divided the land between 13 heirs. Some of the adjacent property along Gum Bridge Road was also under Mr. Tatem's ownership and was part of the same petition plat and were subject to a subdivision variance approved by the City Council on June 15, I mean January 15 of this year. The applicant now proposes to re-subdivide the site from the three parcels depicted on the petition plat into two parcels, so we are going from three parcels down to two. The variance from lot width is for one of the parcels. The proposed subdivision variance is similar in circumstances to what staff has encountered many times before and it was not uncommon in 50s to the mid-70s to have land improperly subdivided by deed in order to fulfill the terms of a will, so these we've seen several come before us and they're easy to rectify and nobody was complaining about it, and we didn't have an opposition to appear so its thought it was the right thing to do is to approve this so we did, put it on the consent agenda. Thank you.

Ms. Rucinski: Right. Thank you commissioner Ripley. Madam Chair that was the last item on the consent agenda, I would like to move that consent agenda items number one, four and D3 be approved.

Ms. Oliver: Great, I have a motion made by the vice chair. Do I have a second please?

Mr. Redmond: Second.

Ms. Oliver: Wonderful.

Mr. Ripley: Madam Chair.

Ms. Oliver: Yes. Oh, one second.

Mr. Ripley: Yeah. One of the applications, application four is listed that they may use TowneBank for a lender and I need to disclose that I will be voting on this, but I

will need to disclose that I am a member of the advisory board at Chesapeake; I have no financial interest in this property and I have no relationship with the owner or applicant and basically since the Planning Commission only recommends to Council, I can vote on this matter and I will be and there's no direct interest with me in that so.

Ms. Oliver: Great.

Mr. Redmond: Madam Chair, I too am on a board of TowneBank as well and will be voting on it.

Ms. Oliver: Alright. Thank you. Okay, the vote is open.

Ms. Smith: Pardon me, just for clarification. It's a consent to withdraw the subdivision variance request as well, was that part of your motion?

Ms. Oliver: Yes.

Ms. Saunders: Should we have stated that separately?

Ms. Oliver: No.

Ms. Saunders: Vote is open. Mr. Graham. Thank you, by recorded vote of 10-0 agenda items number one, four and D3 have been approved by consent.

	AYE 10	NAY 0	ABS 0	ABSENT 1
ALCARAZ	AYE			
BARNES	AYE			
GRAHAM	AYE			

HORSLEY	AYE			
INMAN				ABSENT
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. When subdivided, the property shall be developed as shown on the submitted subdivision exhibit entitled “SUBDIVISION EXHIBIT OF LOTS 6, 7 & C as shown on PARTITION OF PROPERTY OF J.T. TATEM ESTATE, ET AL (M.B. 85, P. 23),” dated 11/29/2018, and prepared by Fox Land Surveying, a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development.
2. When Lot 6-A is developed, the residential dwellings constructed shall have architectural features and appearance of like quality and character of the home depicted on page 7 of this report entitled “Proposed Elevation,” which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development.
3. The residential dwelling constructed on Lot 6-A shall have its lowest finished floor at an elevation at least three (3) feet above the Base Flood Elevation or three (3) feet above adjacent grade, whichever is more.
4. Prior to obtaining a building permit, Lots 6-A shall obtain approval from the Virginia Beach Health Department for private well and septic facilities.

Item #2

Virginia Beach DigiPorts, LLC

Conditional Rezoning (AG-1 & AG-2 Agricultural Districts to Conditional I-1 Light Industrial)

2097 Harpers Road

District – Beach

February 13, 2019

DEFERRED

Ms. Oliver: Thank you and before we get started with our official part of the Planning Commission today, I just want to take a moment to thank Robert Davis. He has been with the Planning staff for well with the City actually for 34 years and so for some of you who aren't that old, 34 years equates to Magnum PI, Cheers, Ronald Reagan, the Terminator, Ghostbusters, Howdy Doody, that puts an age on more of us than that. He's been a part of six of our Comprehensive Plan updates. He has led an update to the transition area design guidelines. Robert has run the Historical Review Board for close to 25 years. He also ran the TA and the ITA group and the Senior Housing Review Board since its inception of both groups. We're going to miss you very, very much Robert, you've been a huge asset to the City of Virginia Beach, the Planning Department and to the Commissioners here. We wish you very-very well on your retirement and we know you'll have joy spending a lot of time with your five grandchildren and we are sorry to see you go, but thank you so much. Keep your cell phone handy so that we can keep in touch. Thank you. So, we will move on to the next order of business and that is to address any of those items that need to be withdrawn or deferred and are there any items that have to be withdrawn? If they are here, please come up and since we have no items to be withdrawn, we will move on to the items that need to be deferred. Yes sir.

Mr. Royal: Good afternoon.

Ms. Oliver: Afternoon.

Mr. Royal: Randy Royal with Kimley-Horn and associates. I've got two projects. One is the number two project Virginia Beach DigiPorts. We still got some issues to work out with the landowner. So, we need another 30 days on that one.

Ms. Oliver: Alright.

Mr. Royal: And Item Number three, Virginia Beach Development Authority. We've got some more items to workout with planning. I thought it was going to be Robert, but I guess it'll be somebody new, so.

Ms. Oliver: Start over.

Mr. Royal: No, no I hope it won't start over, but I'll say we just got to work few things that with him. So another 30 days on that would be great also.

Ms. Oliver: Great.

Mr. Royal: Thank you.

Ms. Oliver: Great. Thank you very much. Is there any opposition to this item being deferred, hearing none, may I have a motion on the deferred and we don't have any withdrawn, the deferred items number two, number three, number five, number D1 and D2.

Ms. Rucinski: Madam Chair, I will make a motion to defer items two, three, five, D1 and D2.

Ms. Oliver: Do I have a second please?

Mr. Horsley: Second.

Ms. Oliver: Great, thank you.

Ms. Cartwright: And the vote is open.

Ms. Sandloop: Mr. Barnes, Mr. Graham. By recorded vote of 10-0, agenda items two, three, five, D1, and D2 have been deferred.

	AYE 10	NAY 0	ABS 0	ABSENT 1
ALCARAZ	AYE			
BARNES	AYE			
GRAHAM	AYE			
HORSLEY	AYE			
INMAN				ABSENT
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
WALL	AYE			
WEINER	AYE			

Item #3

Virginia Beach Development Authority

Modification of Proffers

Northeast Corner of Landstown Road & Landstown Centre Way

District – Princess Anne

February 13, 2019

DEFERRED

Ms. Oliver: Thank you and before we get started with our official part of the Planning Commission today, I just want to take a moment to thank Robert Davis. He has been with the Planning Staff for well, with the City actually, for 34 years. And so for some of you who aren't that old, 34 years equates to Magnum PI, Cheers, Ronald Reagan, the Terminator, Ghostbusters. That puts an age on more of us with that; but he's been a part of the last six of our Comprehensive Plan Updates. He has led an update to the Transition Area Design Guidelines. Robert has run the Historical Review Board for close to 25 years. He also ran the TA and the ITA group and the Senior Housing Review Board since the inception of both groups. We're going to miss you very, very much Robert. You've been a huge asset to the city of Virginia Beach, and to the Planning Department and to the Commissioners here. We wish you very-very well on your retirement and we know you'll have a joy spending a lot of time with your five grandchildren. We are sorry to see you go, but thank you so much. Keep your cell phone handy so that we can keep in touch. Thank you. So we will move on to the next order of business which is to address any of those items that need to be withdrawn or deferred. Are there any items that have to be withdrawn? If they are, please come up. Since we have no items to be withdrawn, we will move on to the items that need to be deferred. Yes sir.

Mr. Royal: Good afternoon.

Ms. Oliver: Afternoon.

Mr. Royal: Randy Royal with Kimley-Horn and Associates. I've got two projects. One is the item number two project Virginia Beach DigiPorts. We've still got some issues to work out with the landowner. So we need another 30 days on that one.

Ms. Oliver: Alright.

Mr. Royal: And item number three - Virginia Beach Development Authority. We've got some more items to workout with planning. I thought it was going to be with Robert, but I guess it'll be somebody new, so.

Ms. Oliver: Start over.

Mr. Royal: No, no, I hope it won't start over, but I'll say we've just got to work out few things with him. So another 30 days on that would be great also.

Ms. Oliver: Great.

Mr. Royal: Thank you.

Ms. Oliver: Great. Thank you very much. Is there any opposition to this item being deferred? Hearing none; may I have a motion on the deferral, and we don't have any withdrawn, The deferred items are number two, number three, number five, number D1 and D2.

Ms. Rucinski: Madam Chair, I will make a motion to defer items two, three, five, D1 and D2.

Ms. Oliver: Do I have a second please?

Mr. Horsley: Second.

Ms. Oliver: Great, thank you.

Ms. Cartwright: And the vote is open.

Ms. Sandloop: Mr. Barnes, Mr. Graham. By recorded vote of 10-0, agenda items two, three, five, D1, and D2 have been deferred.

	AYE 10	NAY 0	ABS 0	ABSENT 1
ALCARAZ	AYE			
BARNES	AYE			
GRAHAM	AYE			
HORSLEY	AYE			
INMAN				ABSENT
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
WALL	AYE			
WEINER	AYE			

Item #4

C and C Development Co., Inc.

Alternative Compliance

2508 Pacific Avenue; Southwest Corner of 26th St. & Pacific Avenue

District – Beach

February 13, 2019

RECOMMENDED FOR APPROVAL - CONSENT

Ms. Rucinski: Thank you. The next matter on the agenda is item number four that is for C and C Development Co. Inc. and that's an application for Alternative Compliance on property located at 2508 Pacific Avenue Southwest corner of 26th Street and Pacific Avenue in the Beach District. We have a representative.

Mr. Bourdon: Thank you Madam Chair.

Ms. Rucinski: And are the conditions acceptable?

Mr. Bourdon: All seven conditions are acceptable to my client. For the record, I'm Eddie Bourdon, Virginia Beach attorney representing the C and C Development Company Inc, the principal Mr. Chris Ettel is here today along with the land one of the trustees of the landowner Mr. Chris Caton, and we appreciate very much the work that Ashby did on this application and Kristine Gay as well before she left and we appreciate being on the consent agenda and all seven conditions are accepted.

Ms. Rucinski: Okay, thank you.

Mr. Bourdon: Thank you.

Ms. Rucinski: Is there any opposition to this matter being placed on the consent agenda, hearing none, the chairman has asked Commissioner George Alcaraz to read this into the record.

Mr. Alcaraz: Thank you. The applicant requests to develop the site with a five unit row house building fronting Pacific Avenue and detached single family structure fronting on 25th and a half street alley, the row house structure is contemporary in style and includes four stories with front stoop, second and third store balconies and roof top outdoor amenities space for each unit. All vehicular ingress and egress will be from the alley with five spaces on site and three spaces metered on 26th Street, which was created as a result of the development. The proposal meets a minimum parking requirements of 1.3 spaces per unit. This reduced parking ratio is permitted only in residential uses that do not participate in the residential parking permit program. As part of this development, the applicant will construct a new enhanced streetscape along the Pacific Avenue in the 26th street frontage, and the streetscape will contain a six foot concrete sidewalk and variable four to five foot brick paver verge with street trees and pedestrian lights along the Pacific Avenue frontage. Section 7.3.3 of the Form-Based Code lists the review standards for the Alternative Compliance applications. The predominant factor in assessing the degree to which this proposal meets the review standards listed above is the new streetscape. These improvements would normally be associated with capital improvement projects; this would create a comfortable pedestrian environment with similar dimensions and components found on the Aqua/I-fly development between 24th and 25th Street. The applicant sought comments from the Resort

Advisory Commission Planning Design Review Committee and they've approved and for that reason we recommend approval and on the consent agenda. There's no opposition and applicant has accepted all the conditions. Thank you.

Ms. Rucinski: Right. Thank you commissioner Ripley. Madam Chair that was the last item on the consent agenda, I would like to move that consent agenda items number one, four and D3 be approved.

Ms. Oliver: Great, I have a motion made by the vice chair. Do I have a second please?

Mr. Redmond: Second.

Ms. Oliver: Wonderful.

Mr. Ripley: Madam Chair.

Ms. Oliver: Yes. Oh, one second.

Mr. Ripley: Yeah. One of the applications, application four is listed that they may use Towne Bank for a lender and I need to disclose that I will be voting on this, but I will need to disclose that I am a member of the advisory board at Chesapeake; I have no financial interest in this property and I have no relationship with the owner or applicant and basically since the Planning Commission only recommends to Council, I can vote on this matter and I will be and there's no direct interest with me in that so.

Ms. Oliver: Great.

Mr. Redmond: Madam Chair, I too am on a board of Towne Bank as well and will be voting on it.

Ms. Oliver: Alright. Thank you. Okay, the vote is open.

Ms. Smith: Pardon me, just for clarification. It's a consent to withdraw the subdivision variance request as well, was that part of your motion?

Ms. Oliver: Yes.

Ms. Saunders: Should we have stated that separately?

Ms. Oliver: No.

Ms. Saunders: Vote is open. Mr. Graham. Thank you, by recorded vote of 10-0 agenda items number one, four and D3 have been approved by consent.

	AYE 10	NAY 0	ABS 0	ABSENT 1
ALCARAZ	AYE			
BARNES	AYE			
GRAHAM	AYE			
HORSLEY	AYE			
INMAN				ABSENT
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. Site layout, improvements, easements, and plantings shall be substantially as shown on the conceptual site plan package titled, "DEVELOPMENT EXHIBIT LOTS 2, 4, & 6 & NORTHERN 90' OF LOT 2 for VB HOMES" dated 01/18/2019, as prepared by WPL. Said drawing has been exhibited to the City Council and is on file in the Department of Planning.
2. The architectural design, colors, and materials for the row house and rear detached house buildings shall be substantially as shown on the exhibits titled "Elevation Concept for 2508 Pacific Avenue-Design for VB Homes," dated January 24, 2019, by RBA (Retnauer Baynes Associates). Said drawings have been exhibited to the City Council and are on file in the Department of Planning.
3. The applicant shall make all right-of-way dedications and improvements substantially as shown on the site plan package referenced in Condition #1 for Pacific Avenue, 26th Street, and the 25-1/2 Street alley, except the 26th Street improvements shall be extended beyond the subject site to accommodate a total of three on-street parking spaces on the north and/or south sides as required by Public Works Traffic Engineering. Additional adjustments and requirements may be applied as part of development site plan review.
4. All landscaping must be maintained in good health. Any landscaping that fails to grow or is determined to be in poor health shall be replaced with a type and quantity of plantings that is similar to and meets the same intent as the plants shown in the Planting Layout referenced in Condition #1. Any replacement plantings shall be approved by the Development Services Center.
5. All mechanical equipment shall be screened year-round either architecturally or by landscaping or fencing such that it is not visible from the public right-of-way.
6. Temporary chain-link fencing shall be installed on the property lines shared with the adjacent property owner to the west for tree protection and containment of construction activity.
7. Per Sec. 6.2.5 (A) of the Oceanfront Form-Based Code regarding Reduced Parking, owners, residents, guests, or employees associated with this property are **not** eligible to participate in the Residential Parking Permit Program (RPPP). The developer shall record a deed restriction disclosing this information prior to receiving a Certificate of Occupancy.

Item #5

Anina Budig

Conditional Rezoning (R-10 Residential District to Conditional PD-H2 (R-10 Overlay)

Planned Unit Development)

5588 Moores Pond Road

District – Bayside

February 13, 2019

DEFERRED

Ms. Oliver: Thank you and before we get started with our official part of the Planning Commission today, I just want to take a moment to thank Robert Davis. He has been with the Planning Staff for well, with the City actually, for 34 years. And so for some of you, who aren't that old, 34 years equates to Magnum PI, Cheers, Ronald Reagan, the Terminator, and Ghostbusters. That puts an age on more of us with that; but he's been a part of the last six of our Comprehensive Plan Updates. He has led an update to the Transition Area Design Guidelines. Robert has run the Historical Review Board for close to 25 years. He also ran the TA and the ITA group and the Senior Housing Review Board since the inception of both groups. We're going to miss you very, very much Robert. You've been a huge asset to the city of Virginia Beach, and to the Planning Department and to the Commissioners here. We wish you very-very well on your retirement and we know you'll have a joy spending a lot of time with your five grandchildren. We are sorry to see you go, but thank you so much. Keep your cell phone handy so that we can keep in touch. Thank you. So we will move on to the next order of business which is to address any of those items that need to be withdrawn or deferred. Are there any items that have to be withdrawn? If they are, please come up. Since we have no items to be withdrawn, we will move on to the items that need to be deferred. Yes sir.

Mr. Royal: Good afternoon.

Ms. Oliver: Afternoon.

Mr. Royal: Randy Royal with Kimley-Horn and associates. I've got two projects. One is the number two project Virginia Beach DigiPorts. We still got some issues to work out with the landowner. So we need another 30 days on that one.

Ms. Oliver: Alright.

Mr. Royal: And item number three, Virginia Beach Development Authority. We've got some more items to workout with planning. I thought it was going to be Robert, but I guess it'll be somebody new, so.

Ms. Oliver: Start over.

Mr. Royal: No, no I hope it won't start over, but I'll say we just got to work few things that with him. So another 30 days on that would be great also.

Ms. Oliver: Great.

Mr. Royal: Thank you.

Ms. Oliver: Thank you very much. Does anybody have any objections to the items number two being deferred and does anyone have any objections to item number three being deferred? May I have a motion; oh I've got to finish them all. Alright, and the next item, the Chair has been made aware of item number five needs to be deferred. Is there a representative for that? Number six; is there somebody for number five? We'll just go with it.

Unknown Speaker: I am attorney for Weblin Place, good afternoon ladies and gentlemen; we'd like to have a deferral until the April meeting until we get a final review of the DHR on this project.

Ms. Oliver: Okay, great. Thank you. And is there any objection to item number five being deferred? Great. Thank you. The next item for deferral will be number D1, is there a representative for D1?

Ms. Oliver: Great. Thank you very much. Is there any opposition to this item being deferred? hearing none, may I have a motion on the deferral, and we don't have any

withdrawn, the deferred items are number two, number three, number five, number D1 and D2.

Ms. Rucinski: Madam Chair, I will make a motion to defer items two, three, five, D1 and D2.

Ms. Oliver: Do I have a second please?

Mr. Horsley: Second.

Ms. Oliver: Great, thank you.

Ms. Cartwright: And the vote is open.

Ms. Sandloop: Mr. Barnes, Mr. Graham. By recorded vote of 10-0, agenda items two, three, five, D1, and D2 have been deferred.

	AYE 10	NAY 0	ABS 0	ABSENT 1
ALCARAZ	AYE			
BARNES	AYE			
GRAHAM	AYE			
HORSLEY	AYE			
INMAN				ABSENT
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
WALL	AYE			
WEINER	AYE			

Item #6

Virginia Beach Development Authority

Conditional Rezoning (Conditional B-2 Community Business District to Conditional I-1 Light Industrial District) & Conditional Rezoning (Conditional I-1 Light Industrial District to Conditional B-2 Community Business District)

**Corner of Corporate Landing Parkway & General Booth Boulevard
District – Princess Anne**

February 13, 2019

RECOMMENDED FOR APPROVAL - HEARD

Ms. Oliver: Thank you and I'd like to thank all the applicants who had matter on the consent agenda for attending today's hearing. These items will be scheduled for hearing on the city council's agenda, thank you all for coming. The next order of business we will address the remaining manner on our agenda and would the secretary please call the first item.

Ms. Sandloop: Thank you Madam Chair. The last item is agenda item number six Virginia Beach Development Authority an application for a conditional rezoning from Conditional B-2 Community Business to Conditional I-1 Light Industrial and a conditional rezoning from Conditional I-1 Light Industrial to Conditional B-2 Community Business on property located at the corner of Corporate Landing Parkway and General Booth Boulevard located in the Princess Anne District. If the applicant or the applicant's representative is present, would you please step to the podium and state your name.

Ms. Oliver: And I'd like to take just a minute to say, if all our speakers today would be mindful of their time. There's a three minute limit with the exception of the applicant. The yellow light blinks first and then the red one blinks, so thank you. Welcome.

Mr. Royal: Good afternoon again. Randy Royal of Kimley-Horn Associates. I'm representing the Development Authority on this application. We're looking to re-zone 26.4 acres from conditional B-2 to conditional I-1 and then there's a small point one

three acre parcel that we really need to re-zone from I-1 to B-2. If you look at the screen, that's probably the best way for me to explain it. Previously, it was 30 years ago; the plan was to have a big commercial strip up front. That's why there was B-2 zoning there from the beginning. There's plenty of B-2 along this quarter in this area here. It was decided with more interest in data centers, office buildings and commercial that we wanted to downsize the more intense use, the commercial use, the B-2. So 26 acres is being changed from conditional B-2 to conditional I-1, which is not open to all I-1 uses, but only uses that would be allowed in the park. We've got proffers from 89 and 96 that are still going to be applicable to this zoning. The park itself is about 144 acres that are still left which is at the yellow line there. As I said, the red area is going to become industrial I-1 conditional I-1 if it's approved. Then up front, bounded by the red and the yellow fronting on General Booth Boulevard, will stay conditional B-2 - ideally for a neighborhood type use maybe Starbucks sandwich shop, something just to serve the park, not an intense commercial use. I think there may be some misunderstandings, we've gotten a couple of letters at the 11th hour. I got one yesterday. I think I got one last Thursday or Friday from a couple of the neighbors out there. They believe that one of the streets, Wandsworth, is going to tie into the park. There's absolutely no intention to tie that in. We have no desire; it wouldn't help us even if we wanted to and I'm confident traffic engineering will not allow us to. You don't want to bring commercial traffic through a residential neighborhood. There was concern with the trees, this whole area here, my hand steady is pretty much wooded and mature trees. We are required to have a 75 foot buffer between development and residential lots. Now it says where there's nothing there we'd create a berm and landscaping. We've got mature trees. The intention would be to leave the mature trees in there for the neighbors. So we believe we're providing a good buffer for them. As I said, I feel this is a down zoning from B-2 which would allow a shopping center in there to I-1 which the intention is to have a data center. There's a lot of misunderstanding because of the project on Greenwich Road, that is a Bitcoin mining still kind of a data center type operation, the noise there. It's adjacent to residential and there's been a lot of

concern about it. That's an existing building that they retrofitted to make a data center out of it. They have to keep these things cool. There's a lot of ventilation. They have louvers. They have big fans, it's very loud. Data centers typically, when they're built from the ground up, are not noisy. There is one out here. Right here, this is the old Green Flash now New Realm. Right there is Telefonica actually. I think we call it TelCS now. That is a data center and I spoke to one of the neighbors out there before the meeting and I asked her, I said, please drive up to that and get out of your car and listen. You're not going to hear anything. It is nothing like the project Greenwich Road. These things are very quiet. There are lots of computers and stuff in there. They need to keep things cool. They have HVAC systems inside, and they don't need to have louvers and fans blowing it out. So it is a very quiet use. So again, I think honestly data centers here, as opposed to commercial retail in this location, is a much quieter and better use. There was a concern or a question about storm drainage. We have done extensive studies on the storm drainage out here. Public Works storm drains has approved what we're proposing. There's absolutely no impact allowed downstream whatsoever. We're actually in the process of enlarging this pond here right now. So there's not going to be any flooding caused by the project either. The lady I spoke with Ms. Simmons and I think she may be signed up to speak, I offered to her. There was a Ms. Plizga who I got a letter from and I called her. She was, I don't know if she's here or not, but she said noon was a tough time for people that work to get here. I offered to meet with them at night. I still would love to meet with them at night. I told Ms. Simmons that final action is City Council. But we really would like to push it through with a recommendation with you guys today because Economic Development already has interest in this parcel. So we're trying to keep it on track. It sounds like we've got a lot of speakers. I'm going to take a seat up front and standby for questions unless you have some now.

Ms. Oliver: Do you have a question?

Mr. Weiner: Mr. Royal I just want to point out something real quick and I want to apologize to everybody because in our informal I didn't bring the Bitcoin up. I've been

involved with that for about a year now with Mr. Kemp and our City Council people and I'm very confident that it will not happen again.

Mr. Royal: Oh, yeah, we know. There's a misperception that they're all noisy like that and that's what I wanted to bring out.

Mr. Weiner: Sure. I agree. And I apologize, everybody, I should have told everybody about it long ago, but I'm very confident that the City's not going to let that happen again.

Mr. Royal: Yes sir, thank you.

Ms. Oliver: One more question.

Mr. Ripley: Randy. We learned this morning there's a 75 foot buffer correct, still there, will that remain?

Mr. Randy: Yes, absolutely. It's, it's in the proffers where we have to do it and as you can see there, there's a lot of trees. So I mean, there will be no reason whatsoever to take down any of those trees. They are mature trees, and we leave 75 foot in there.

Mr. Ripley: Okay, thank you.

Ms. Oliver: Thank you. We will get back with you.

Ms. Sandloop: Madam Chair. We have three speakers today. Barbara Williams, and then Donna Marine and then Catherine Simmons, Ms. William. Mrs. Williams, come on up.

Ms. Oliver: Mrs. Williams, if you'll step right up here and lower the mic a little bit to the podium and just lower the mic a little bit, so we can hear you. And then if you will tell us your name.

Ms. Williams: My name is Barbara Williams and I'm a resident of Wandsworth Drive. I've lived there for more than 20 years. We've had problems there when we heard that this was going to take place. We weren't against it, but we were concerned that the issues that involve flooding, which has taken place many times and there had been homes damaged. Just now I heard the man mentioned that he has data equipment that will be used, there will be some cooling effect. I'm sure and we like to know

if there has been any plans because they will have to, they will have to have some water is that going to be additional, how will that affect our body? That's additional to what I was saying. My question was initially will we have an open block? I was wondering how we could ask questions at a lower and lower level to the gentleman without concerning, you know, our concerns which might seem to be not important to other people, but we'd like to be able to speak to him in private.

Ms. Oliver: Well, I do believe that he said that he would be happy to meet with you all since sometimes this time of day is difficult for people who work to get down here. So he definitely just said to all of us that he would be happy to meet with you all on an evening that is suitable on a date for you all.

Ms. Williams: I think it would put a lot of people at ease, speaking to him and get our little issues, which might seem not important to you. There were others but we are residents there. We do feel, we were not notified and lose a lot of things that come into it.

Ms. Oliver: I think that he will be happy to meet with all of you and after this is over, I'm sure he will get with you right as soon as we're done and arrange to have a meeting with you to help answer all your questions. We all believe in a good neighbor policy. I think that they do as well.

Ms. Williams: Okay, thank you.

Ms. Oliver: Yes, ma'am. Thank you.

Ms. Rucinski: Okay, our next speaker is Donna Marine.

Ms. Marine: Thank you very much, I have the same concerns.

Ms. Oliver: Well, I'll tell you welcome and if you just come right up and state your name so the clerk of court has that.

Ms. Marine: Donna Marine, M-A-R-I-N-E. I have retired from the Navy and decided to stay in the area. The primary reason I bought the house was because of the privacy

which I didn't have for 30 years. I wanted it back. I have a very short area between the ditch and when the water comes up, it comes into my yard. What my concern is since you said that you would meet with us, I'd be more than happy to show you a more of a visual person than you sit near going like this with that. I mean I'd like to show you because number one is my privacy, two is possible flooding that many of us are concerned about and security. I don't like to worry, if I'm going to have somebody. Right now, I look at my backyard and I see woods and I see deer. I don't want to see a brick wall and floodlights obviously. I would think I would be in back of any of the building. So if someone could come out, and I wasn't aware that they could, I would be more than happy to just show me what I'm going to be living with. Because once it's all done, nobody else is going to be good.

Ms. Oliver: Right and I think that their intent is to leave those woods the way they are with the 75 feet. It's pretty deep.

Ms. Marine: When I first went there that you could see through to Corporate Landing but now I'm starting to see, you know, the light of day or lights of from the that brewery or whatever it is on the corner.

Ms. Oliver: Okay. Alright, we will get him back up here in a little while and ask some questions.

Ms. Rucinski: Okay and our final speaker is Catherine Simmons.

Ms. Oliver: Welcome.

Ms. Simmons: Thank you. Good afternoon. My name is Catherine Simmons. I'm a 30-year resident to Strawbridge neighborhood and I am a property owner and my property is directly adjacent to the proposed rezoning.

Ms. Oliver: Can you show us with the pointer? Its right up there and if you point it has a little light and you can show us exactly where your house is?

Ms. Simmons: I'm basically right here at this curve of Lewisham. So my property actually goes to the woods. There's a city easement there now, I guess. I've also mentioned my concerns earlier which were the loss of property value with business centers coming in directly behind our neighborhood and then about the constant noise that cooling like some of these data centers can make. I'm also concerned about the minimum yard setback to my property in the residential neighborhood. Like we said, we currently have a very nice buffer of trees and woods between our property to Strawbridge neighborhood and Corporate Landing. Removing these trees would greatly affect a wildlife we currently have in the area. We have deer, eagles, hawks, fox, coyotes, you know, big variety of birds. It's very peaceful. It's very nice. I would hate to see that removed and I don't feel that we are leaving enough open space for these animals to survive. I would much rather see the trees left and not have simply put up a berm or a blockage. Now I understand that it's only 75 feet but this tree line is much deeper than 75 feet. I don't know how much is being proposed to leave up. Is it only the 75 feet or would you leave the whole existing wood line there? I also had the same concerns with flooding because our neighborhood has flooded in the past and just what the other runoff would be from the rain runoff from the other property being built. Thank you for providing me this opportunity to speak.

Ms. Oliver: We're glad to have you, does anybody have any questions? No. Okay. Thank you so much for coming. So I'd like to give you a chance to come up and address the concerns of the citizens please. Thank you.

Mr. Royal: Certainly, flooding is a little off topic but we're also working for the city on that. The city has been doing a lot of modeling. Our firm actually has been hired, separate topic from this, but to start implementing some of these plans, figuring out what it's going to take, helping the city draw up a CIP. This is one of the areas I know they've done a model of the ditch that runs now through the neighborhood there and part of what our task is now, not as part of this but the other contract that I have, is looking at these areas, seeing where the flooding is the worst, seeing where we need to make changes immediately to whatever is

necessary. This part is not going to cause anything additional. We've gone through that. That's been looked at. They probably have some shortcomings in there right now from the design, which was probably done 30 years ago. So the city is actively pursuing that and we're actually working for the city on it. Water for cooling, some of these things use water for cooling, but I mean if they do, it's going to be from the underground water lines. Mr. Weiner, you've probably done a lot of research at this point as to what these buildings need to be doing and not retrofitted. So with brand new buildings, there's not going to be anything unique. It's not going to be loud at all. The privacy and flooding, 75 feet is a pretty tremendous setback. Typically a business owner and you've got 10, maybe 20 feet that you could have. We would still have 75 if it was commercial in there, but again a data center is going to be a heck of a lot quieter than a shopping center, which is what could have gone in there before with the current B-2 zoning. So we feel like they're going to have a good buffer; we're going to leave 75 feet in there or if there's not trees like that in front of General Booth, we would put a berm in there and put landscaping on top of it. Security would actually probably be improved for these folks and that the data centers have to be very secure. They have to have fences around them. It's not going to be lit up like a prison, the lighting certainly would be directed inward. There's no reason to light it over to the neighbors there but they have fences around them and they have security to make sure that the it's not breached. I mean the fences in addition to just keeping people from climbing in, they also are setup such that vehicles can't ram them. They're strong fences. Floodlights, the visual property values, just did a presentation to a group and actually it was the one I asked for a deferral on for Taylor Farm, another data center and that group asked the same question, what is going to happen to our property value. Up in Northern Virginia, this guy had done his research and they've done data centers around the country, property values actually increased adjacent to data centers. I think it's kind of a no brainer, that if you have a shopping center beside you or a data center, what's going to be the better use? The data center is certainly going to be better and it's proven up in the Northern Virginia area where property values have increased when being adjacent

to these uses. I think that was all the items. Like I said, we're not planning on moving the trees. Noise is going to be minimal, flooding is being looked at by the city, but we're not going to have any impact with our project. Yes, ma'am.

Ms. Rucinski: I have a question, where would this building be located on the site?

Mr. Royal: We don't know, it all depends, I mean, we don't have a user right now and there's a future road that would go up right here. So lots would probably come in this way off of that road, but generally, they're oriented towards the front. I'm actually designing one right here right now and the building is up towards the front and we have a backyard. We've got probably an extra hundred feet because they just don't need it.

Ms. Rucinski: So this will be more to General Booth Boulevard than Corporate Landing?

Mr. Royal: Well, Corporate Landing Parkway is right here, Perimeter Parkway is the new road, which would be right here that would probably be the frontage for these lots that are coming this way along them here. There would be no access on General Booth Boulevard and there's not any trees there, but there's also going to be a 75-foot buffer there. So that'll be a berm and landscaping alone there and no entrances.

Ms. Rucinski: Okay, thank you.

Ms. Oliver: Yes, go ahead.

Mr. Wall: So who owns the ditch that's behind Lewisham way, like behind the homes.

Mr. Royal: I don't honestly know without looking at the GIS whether it's part of the corporate landing property or part of the neighbors' lots. There's probably an easement over to where the city has the rights to maintain it. When I talk to the neighbors, that may be one of the things I discuss with them. We also work with Public Works on maintaining the ditches around the city. There's a program that they have to clean them out. A lot of times, that can make a heck of a difference. They get clogged up, they're not operating as they should, but either way, I'm confident that

there's an easement over it no matter who owns it, such that the city could maintain it.

Mr. Wall: That buffer is hard to see where it would be measured from for the tree buffer. If it's where that line because some would cover it?

Mr. Royal: This is pretty good, what staff has done here. I mean, we did a map for them. The jog exists right there and then the property goes up in yellow, but that's kind of the line I can't tell. It almost looks like there are some trees probably around the ditch that the lady was talking about, and then we have trees on our side here. This one, the cul-de-sac, goes right up to the edge of the property and so the trees start right there. So it'd be 75 feet from that edge. And this one, you may have a few more trees here from just what I am on.

Mr. Wall: Okay, yeah, it just, to me it's in the ditch, is 30 feet wide. So it really wouldn't have 75 feet of trees. You'd really only have, you know, 45 feet of.

Mr. Royal: This is just a slide right. I mean, Google Maps left a zero on there we could see it.

Mr. Wall: Okay, I was just curious. I got it.

Ms. Oliver: Any other questions, no okay, thank you. Alright, we're going to close the hearing and we'll open it up for discussion amongst the Commissioners. Anybody have any comments? Commissioner Redmond.

Mr. Redmond: Well, I just reiterate what I said this morning. This whole park was laid out a long time ago and I don't know that there was really a whole lot of thought given to any of the zoning designations that existed there in at the time because they were typically addressed as each parcel came up and so I see this really as an effort to modernize the zoning within the park and make it more appropriate to 2019 and generally to the 21st century. This is an old 20th century suburban office park model on which was conceived in that model really doesn't work very well today. At the same time, there are a number of uses that are more appropriate in the zoning designation that sought for the park and but also commensurate with the kind of investment that we're seeing. This is the People's

Park, we own this. This is city land, and we're actively marketing it on behalf of the city. The Economic Development Department is and there's interest in it. It seems to me entirely right and sensible that we would modernize the zoning in the park to make more sense for what we're trying to do today. We do by virtue of the transatlantic cables and the energy that's been created; we do have an opportunity today that we haven't had in the past. So it's an important thing that we undertake the process of correctly placing zoning within corporate landing. There's still quite a bit of land in there, quite a bit of opportunity but we've got to get it right and it's been vacant for a very long time, because we're committed to getting it right. So I think we ought to continue to do that and I am absolutely convinced that a 75 foot buffer, whether it's trees, ditch or anything else isn't entirely a luxurious buffer. It's a big buffer. I don't know there would be any impact very frankly, beyond that so that's my spiel and I would urge everyone to support it. I will myself, thank you,

Ms. Oliver: Anybody else? Mr. Wall.

Mr. Wall: I think it's a lower intensity use than what could be developed by-right. So, business would have been more of an intense, more of a noise producing development. So I would tend to support it just for those reasons.

Ms. Oliver: Great, anybody else, well yes.

Mr. Horsley: I think I'm all in favor of the project also and I think the concerns brought by the neighbors, I think they most of all can take care of those, they seem like to me pretty easy. People understand what the project is all about. I'm ready to make a motion.

Ms. Oliver: Okay. I think, yeah, I think I agree with you and I think that the applicant is going to work well with the neighborhood as far as taking care of your concerns, and making sure that they are very good neighbor going forth with all of you. So I know that they, I saw that he gave him his card to you all, I'm sure that he will address all your concerns as soon as you get with him. So I think we have a motion on the floor by Commissioner Horsley and we have a second?

Mr. Redmond: Second.

Ms. Oliver: The second by Commissioner Redmond.

Ms. Sandloop: The vote is open. By recorded vote of 10-0, agenda Item number six has been approved.

Ms. Oliver: Okay, thank you. And I do believe is there any further business, if not, on behalf of my fellow Commissioners, I would like to thank everyone for attending and thank the planning director and her staff for their excellent work and preparing today's agenda and Robert again, we will all miss you very-very much. The meeting is adjourned.

	AYE 10	NAY 0	ABS 0	ABSENT 1
ALCARAZ	AYE			
BARNES	AYE			
GRAHAM	AYE			
HORSLEY	AYE			
INMAN				ABSENT
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
WALL	AYE			
WEINER	AYE			

PROFFERS

PROFFER 1:

The land to be rezoned shall be as shown as the 26.4 acres designated as AREA 1 on the exhibit entitled "EXHIBIT 1, Corporate Landing Business Park, General Booth Boulevard and Corporate Landing Parkway, Virginia Beach, Virginia" dated December 3, 2018 and prepared by Kimley-Horn and Associates shall be rezoned from Conditional B-2 to Conditional I-1. Development of the parcel shall be in accordance with the proffers as recorded in Deed Book 3633, Page 0774 dated January 16, 1996.

PROFFER 2:

The land to be rezoned shall be as shown as the 0.13 acres designated as AREA 4 on the exhibit entitled "EXHIBIT 1, Corporate Landing Business Park, General Booth Boulevard and Corporate Landing Parkway, Virginia Beach, Virginia" dated December 3, 2018 and prepared by

Kimley-Horn and Associates shall be rezoned from Conditional I-1 to Conditional B-2. Development of the parcel shall be in accordance with the proffers as recorded in Deed Book 3633, Page 0774 dated January 16, 1996.

PROFFER 3:

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

1989 PROFFERS THAT REMAIN IN EFFECT

1. The following uses shall be the only uses permitted within each district. Those uses requiring a conditional use permit from City Council shall continue to be required to obtain said conditional use permit, and City Council by accepting this proffer, does not grant the right to place any conditional uses within the property.

R&D: RESEARCH AND DEVELOPMENT OFFICE WAREHOUSE DISTRICT

This classification refers to the development of one and two story office/warehouse buildings.

USE

1. Business, medical, financial, nonprofit, professional and similar office buildings in conjunction with an office/warehouse environment.
2. Establishments such as linen suppliers, freight movers, communication services and canteen services.
3. Establishments which deliver merchandise in bulk by truck or van.
4. Light assembly, processing, extracting, packaging or fabricating establishments.
5. Motion picture studios.
6. Printing lithographic or publishing establishments.
7. Public utilities installations and substations including offices.
8. Radio or television transmission and relay stations.
9. Wholesaling, warehousing, storage or distribution establishments.
10. Eating and drinking establishments in connection with other permitted uses (no free-standing restaurant sites).
11. Accessory uses and structures which may be reviewed and approved by the City of Virginia Beach Zoning Administrator which are clearly incidental and subordinate to principal uses in accordance with the Virginia Beach Comprehensive Zoning Ordinance.

MDO DISTRICT: MEDIUM DENSITY OFFICE USE

This classification refers to the development of mid-rise office buildings.

USE

1. Business, medical, financial, nonprofit, professional, and similar office buildings.
2. Eating and drinking establishments in connection with other permitted uses (no free-standing restaurant sites).
3. Motion picture studios.
4. Printing, lithographic or publishing establishments.
5. Recreational facilities of an outdoor nature in accordance with the Virginia Beach Comprehensive Zoning Ordinance.
6. Vocational, industrial and trade schools.
7. Recreational facilities other than those of an outdoor nature.
8. Public and private schools, colleges and universities.
9. Public utility facilities.
10. Accessory uses and structures which may be reviewed and approved by the City of Virginia Beach Zoning Administrator which are clearly incidental and subordinate to principal uses in accordance with the Virginia Beach Comprehensive Zoning Ordinance.

MXD2 DISTRICT: MIXED USE DEVELOPMENT

This classification refers to the development of a mixed use complex that would provide retail shops, restaurants, office space, and similar uses.

USE

1. Automobile service stations or repair facilities that perform the same functions as cited in Section 111 of the Virginia Beach Zoning Ordinance.
2. Bakeries, confectioneries and delicatessens, provided that products prepared or process on the premises shall be sold at retail and only on the premises.
3. Business studios, offices, and clinics.
4. Car wash facilities, provided that: (i) no water produced by activities on the zoning lot shall be permitted to fall upon or drain across public streets or sidewalks or adjacent properties; (ii) a minimum of three (3) off-street parking spaces for automobiles shall be provided for each car wash space within the facility.
5. Child care and child care education centers.
6. Drugstores, beauty shops and barbershops.
7. Eating and drinking establishments without drive-through windows.
8. Financial institutions.
9. Florists, gift shops and stationery stores.
10. Service and repair services for business machines, sign shops and other small service businesses.
11. Grocery stores, carry-out food stores and convenience stores any of which are not freestanding but are in a structure with a gross floor area of less than five thousand (5,000) square feet.
12. Laboratories and establishments for the production and repair of eye glasses, hearing aids and prosthetic devices.

13. Laundry and dry cleaning agencies.
14. Medical and dental offices.
15. Museums and art galleries.
16. Job and commercial printing.
17. Personal service establishments, other than those listed separately.
18. Athletic clubs.
19. Public utilities installations and substations, including offices.
20. Repair and sales for radio and television and other household appliances, except where such establishments exceed two thousand five hundred (2,500) square feet of floor area.
21. Retail establishments, other than those listed separately, including the incidental manufacturing of goods for sale only at retail on the premises; retail sales and display rooms.
22. Veterinary establishments and commercial kennels, provided that all animals shall be kept in soundproofed, air-conditioned buildings.
23. Accessory uses and structures which may be reviewed and approved by City of Virginia Beach Zoning Administrator which are clearly incidental and subordinate to principal uses in accordance with the Virginia Beach Comprehensive Zoning Ordinance.

2. The following chart lists the building requirements within the various classifications for minimum lot area, width, yard spacing, floor area ration, and coverage:

	R & D	MDO	MXD2
Minimum Lot Area	3.5 Ac	3.5 Ac	1.0 Ac
Minimum Lot Width	100'	100'	100'
Minimum Yard Setback Adjacent to General Booth Boulevard	75'	--	75'
Minimum Yard Setback Adjacent to Corporate Landing Drive	75'	75'	75'
Minimum Yard Setback Adjacent to Other Public/Private Streets	50'	50'	50'
Minimum Yard Setback Adjacent to Residential Neighborhoods	75'	75'	75'
Minimum Yard Setback Adjacent to Side Property Lines	30'	30'	30'
Minimum Yard Setback Adjacent to Rear Property Lines	30'	30'	30'
Maximum Floor Area Ratio	.50	.90	.90
Maximum Building and Paved Area Coverage (excluding outside plaza and gathering areas)	75%	60%	75%

3. The following chart lists the parking lot setback requirements within the various classifications of the property.

	R&D	MDO	MXD2
Minimum Yard Setback Adjacent to General Booth Boulevard	75'	--	75'
Minimum Yard Setback Adjacent to Corporate Landing Drive	50'	50'	50'
Minimum Yard Setback Adjacent to Other Public Streets	50'	50'	50'
Minimum Yard Setback Adjacent to Private Streets (excluding access drives & parking lot drive aisles)	25'	25'	25'
Minimum Yard Setback Adjacent to Residential Neighborhoods	75'	75'	75'
Minimum Yard Setback Adjacent to Side Property Lines (excluding common drive aisles between parcels)	15'	15'	15'
Minimum Yard Setback Adjacent to Rear Property Lines	15'	15'	15'
Minimum Yard Setback Between Parking Lots & Buildings (excluding sidewalks)	20'	20'	0'

4. The maximum building height for the various use classifications located within the property are as follows.

- A. R&D: 35 Feet
- B. MDO: Not to exceed a height equal to twice the distance from the building to the vertical projection of the center line of the nearest public street; however, no building shall exceed 100' in height, and no building within 300' of the right-of-way of General Booth Boulevard shall exceed 40' in height.
- C. MXD2: 35 Feet
- D. Notwithstanding the above, no building or other structure shall exceed the height limit established by the Virginia Beach Comprehensive Zoning Ordinance regarding air navigation.

5. General Requirements Applicable to all use classifications located within the property.

- A. Parking Requirements: The minimum number of parking spaces and dimensional requirements on any site shall be as follows:
 1. One parking space for each 250 square feet of gross floor area used for offices.
 2. One parking space for each 500 square feet of gross floor area for research and development or one space per employee on the highest working shift, whichever is greater.
 3. One parking space for each 200 square feet of gross floor area for commercial/retail.
 4. One and one-half parking spaces per hotel room.

5. As required by the City of Virginia Beach Comprehensive Zoning Ordinance for other uses permitted within the property.
6. The size of parking stalls and handicapped allowances shall be as required by the City of Virginia Beach Comprehensive Zoning Ordinance.
7. The width of parking lot drive aisles shall be a minimum of 24 feet.
8. The color of parking lot stripping shall be white. Special stripping shall be as required by the City of Virginia Beach.
9. These requirements shall be accepted as minimum standards, however, such requirements shall not relieve the site owner or lessor of the responsibility of providing ample on-site parking for actual user demands. Parking on access roads and dedicated streets shall be prohibited.

B. Loading Areas

1. Loading docks shall be designed and located so that they are not visible from public roadway view, adjacent residential neighborhood view, and view within the park. The uses of berming and landscape screening shall be employed to screen loading areas.
2. The location of any loading dock areas shall be subject to approval by the Virginia Beach Development Authority.

C. Landscape Requirements (Minimum)

1. The Development Authority will provide in the 75 foot setbacks adjacent to the existing residential neighborhoods of Strawbridge and Princess Anne Hunt Club subdivision a rolling earthen berm (minimum height four (4) feet up to approximately ten (10) feet with appropriate evergreen plantings to provide a buffer between the park and these residential neighborhoods. Where the parking abuts property not currently developed for residential use the Authority will reserve a 75 foot strip of land for the future placement of a berm and evergreen plantings should said adjacent property be developed into residential neighborhoods.
 2. The developer of the individual sites shall provide a continuous evergreen and/or low berm screen along any side of a parking lot that abuts a public street right-of-way. Such buffer shall be located within the parking lot setbacks established by Section 3.
 3. The developer of any site that abuts a storm water retention lake or canal shall provide a landscape buffer (minimum width 15 feet) between said lake and/or canal and any proposed parking lot. This buffer shall be planted with a mixture of deciduous and evergreen plant materials.
6. The Development Authority shall not extend the existing residential street known as Wandsworth Drive into the property. The Development Authority shall not grant right-of-way over the property for connections into residential neighborhoods not yet developed except those streets so designated on the City of Virginia Beach Master Street and Highway Plan. Roads shall not be extended into Princess Anne Hunt Club subdivision and/or Strawbridge from the property.

1996 MODIFIED PROFFERS THAT REMAIN IN EFFECT

1. All uses permitted in the R & D Research and Development Office Warehouse District (R & D) shall be permitted within the MDO Medium Density Office Use District (MDO). Likewise, all uses permitted within the MDO district shall be permitted within the R & D district.
2. In addition to the uses identified in the prior proffers, within the R & D and MDO districts the following uses are permitted:
 - A. Manufacturing
 - B. Public buildings and grounds
 - C. Heliports. Provided however, that no portion of a heliport may be located within 500 feet of residentially zoned property.
3. Except as modified herein, the prior Proffers shall remain in full force and effect.

Item #D1

City of Virginia Beach

An Ordinance to Amend Sections 111, 301, 401, 501, 601, 701, 801, 901, 1002, 1501, 1521, 1531, 2203 and Section 5.2 of the Oceanfront Resort District Form-Based Code pertaining to Mobile Food Vending Definition and Uses

February 13, 2019

DEFERRED

Ms. Oliver: Thank you and before we get started with our official part of the planning commission today, I just want to take a moment to thank Robert Davis. He has been with the planning staff for well with the city actually for 34 years and so for some of you who aren't that old, 34 years equates to Magnum PI, Cheers, Ronald Reagan, the Terminator, Ghostbusters, Howdy Doody that, that puts an age on more of us than that, but he's been a part of the count six of our comprehensive plans, updates. He has led an update to the transition area design guidelines. Robert has run the Historical Review Board for close to 25 years. He also ran the TA and the ITA group and the senior housing Review Board since its inception of both groups. We're going to miss you very, very much Robert, you've been a huge asset to the city of Virginia Beach, and to the planning department and to the commissioners here, and we wish you very-very well on your retirement and we know you'll have a own joy spending a lot of time with your five grandchildren and we are sorry to see you go, but thank you so much. Keep your cell phone handy so that we can keep in touch. Thank you. So we will move on to the next order of business and that is to address any of those items that need to be withdrawn or deferred and are there any items that have to be withdrawn? If they

are please come up and since we have no items to be withdrawn, we will move on to the items that need to be deferred. Yes sir.

Mr. Royal: Good afternoon.

Ms. Oliver: Afternoon.

Mr. Royal: Randy Royal with Kimley-Horn and associates. I've got two projects. One is the number two project Virginia Beach DigiPorts. We still got some issues to work out with the landowner. So we need another 30 days on that one.

Ms. Oliver: Alright.

Mr. Royal: And Item Number three, Virginia Beach Development Authority. We've got some more items to workout with planning. I thought it was going to be Robert, but I guess it'll be somebody new, so.

Ms. Oliver: Start over.

Mr. Royal: No, no I hope it won't start over, but I'll say we just got to work few things that with him. So another 30 days on that would be great also.

Ms. Oliver: Great.

Mr. Royal: Thank you.

Ms. Oliver: Thank you very much. Does anybody have any objections to the items number two being deferred and does anyone have any objections to item number three being deferred? May I have a motion; oh I've got to finish them all. Alright and the next item, the chair has been made aware of item number five needs to be

deferred. Is there a representative for that? Number six; is there somebody for number five? We'll just go with it.

Unknown Speaker: I am attorney for Weblin Place, good afternoon ladies and gentlemen; we'd like to have a deferral until the April meeting until we get a final review of the DHR on this project.

Ms. Oliver: Okay, great. Thank you. And is there any objection to item number five been deferred, great. Thank you. The next item for deferral will be number D1, is there a representative for D1.

Mr. Kemp: The city would like to request a deferral D1 food truck ordinance indefinitely.

Ms. Oliver: Great. Thank you. Is there any opposition to this been deferred, alright, thank you and the next deferral is the D2. There you go, welcome.

Ms. Oliver: Great. Thank you very much. Is there any opposition to this item being deferred, hearing none, may I have a motion on the deferred and we don't have any withdrawn, the deferred items number two, number three, number five, number D1 and D2.

Ms. Rucinski: Madam Chair, I will make a motion to defer items two, three, five, D1 and D2.

Ms. Oliver: Do I have a second please?

Mr. Horsley: Second.

Ms. Oliver: Great, thank you.

Ms. Cartwright: And the vote is open.

Ms. Sandloop: Mr. Barnes, Mr. Graham. By recorded vote of 10-0, agenda items two, three, five, D1, and D2 have been deferred.

	AYE 10	NAY 0	ABS 0	ABSENT 1
ALCARAZ	AYE			
BARNES	AYE			
GRAHAM	AYE			
HORSLEY	AYE			
INMAN				ABSENT
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
WALL	AYE			
WEINER	AYE			

Item #D2
Pleasure House Brewing, LLC
Conditional Use Permit (Craft Brewery, Assembly Use, & Open Air Market)
2032 Pleasure House Road
District - Bayside

February 13, 2019

DEFERRED

Ms. Oliver: Thank you and before we get started with our official part of the planning commission today, I just want to take a moment to thank Robert Davis. He has been with the planning staff for well with the city actually for 34 years and so for some of you who aren't that old, 34 years equates to Magnum PI, Cheers, Ronald Reagan, the Terminator, and Ghostbusters. That puts an age on more of us with that; but he's been a part of the last six of our Comprehensive Plan Updates. He has led an update to the Transition Area Design Guidelines. Robert has run the Historical Review Board for close to 25 years. He also ran the TA and the ITA group and the Senior Housing Review Board since the inception of both groups. We're going to miss you very, very much Robert. You've been a huge asset to the city of Virginia Beach, and to the Planning Department and to the Commissioners here. We wish you very-very well on your retirement and we know you'll have a joy spending a lot of time with your five grandchildren. We are sorry to see you go, but thank you so much. Keep your cell phone handy so that we can keep in touch. Thank you. So we will move on to the next order of business which is to address any of those items that need to be withdrawn or deferred. Are there any items that have to be withdrawn? If they are, please come up, Since we have no items to be withdrawn, we will move on to the items that need to be deferred. Yes sir.

Mr. Royal: Good afternoon.

Ms. Oliver: Afternoon.

Mr. Royal: Randy Royal with Kimley-Horn and associates. I've got two projects. One is the number two project Virginia Beach DigiPorts. We still got some issues to work out with the landowner. So we need another 30 days on that one.

Ms. Oliver: Alright.

Mr. Royal: And item number three, Virginia Beach Development Authority. We've got some more items to workout with planning. I thought it was going to be Robert, but I guess it'll be somebody new, so.

Ms. Oliver: Start over.

Mr. Royal: No, no, I hope it won't start over, but I'll say we just got to work out few things with him. So another 30 days on that would be great also.

Ms. Oliver: Great.

Mr. Royal: Thank you.

Ms. Oliver: Thank you very much. Does anybody have any objections to the items number two being deferred and does anyone have any objections to item number three being deferred? May I have a motion; oh I've got to finish them all. Alright, and the next item, the Chair has been made aware of item number five needs to be deferred. Is there a representative here for that? Number six; is there somebody for number five? We'll just go with it.

Unknown Speaker: I am attorney for Weblin Place, good afternoon ladies and gentlemen; we'd like to have a deferral until the April meeting until we get a final review of the DHR on this project.

Ms. Oliver: Okay, great. Thank you. And is there any objection to item number five being deferred? Great. Thank you. The next item for deferral will be number D1. Is there a representative for D1?

Mr. Kemp: The City would like to request a deferral D1 food truck ordinance indefinitely.

Ms. Oliver: Great. Thank you. Is there any opposition to this been deferred? Alright, thank you. And the next deferral is item D2. There you go, welcome.

Mr. Stevenson: My name is Charles Stevenson, and I would like to request the deferral until the March meeting. We think we figured out our parking issues, but we need to address a few other things to make sure that the neighbors are helpful.

Ms. Oliver: Great. Thank you very much. Is there any opposition to this item being deferred? Hearing none, may I have a motion on the deferral, and we don't have any withdrawn, the deferred items are number two, number three, number five, number D1 and D2.

Ms. Rucinski: Madam Chair, I will make a motion to defer items two, three, five, D1 and D2.

Ms. Oliver: Do I have a second please?

Mr. Horsley: Second.

Ms. Oliver: Great, thank you.

Ms. Cartwright: And the vote is open.

Ms. Sandloop: Mr. Barnes, Mr. Graham. By recorded vote of 10-0, agenda items two, three, five, D1, and D2 have been deferred.

	AYE 10	NAY 0	ABS 0	ABSENT 1
ALCARAZ	AYE			
BARNES	AYE			
GRAHAM	AYE			
HORSLEY	AYE			
INMAN				ABSENT
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
WALL	AYE			
WEINER	AYE			

Item #D3

**Traditional Concepts, LLC & Victory Baptist Church of Virginia Beach, Inc.
Modification of Conditions (Religious Use), Conditional Rezoning (R-15 Residential
District to Conditional R-10 Residential District), Subdivision Variance (Section 4.4(b) of
the Subdivision Regulations)
4125 Indian River Road
District – Princess Anne**

February 13, 2019

RECOMMENDED FOR APPROVAL - CONSENT

Ms. Rucinski: Thank you. The next matter on the consent agenda is item number D3 that's an application from Traditional Concepts LLC and Victory Baptist Church of Virginia Beach Inc, an application for Modification of Conditions of a Religious Use, a Conditional Rezoning R-15 Residential to Conditional R-10 Residential and a Subdivision Variance section 4.4B of the subdivision regulation on property located at 4125 Indian River Road in the Princess Anne District. Would you state your name for the record?

Mr. Napier: Absolutely. I'm John Napier, attorney with Hangar Law representing the applicant.

Ms. Rucinski: And are all of the conditions acceptable?

Mr. Napier: Yes, they are.

Ms. Rucinski: Alright, thank you. Is there any opposition to this matter being placed on the consent agenda, hearing none, the Chairman has asked Commissioner Ron Ripley to read this for the record.

Mr. Ripley: This is an application that is came before us back in 2016, and actually got sidetracked with City Council because of drainage issues and a couple other things. Basically what this is, is a 10 acre piece of property that the church is located on, and it's a subdivision of 13 lots on the residual land and which would represent, the re-subdivision represents about 8.19 acres and the church occupy 1.59 acres when it's said and done, the application was before last month, we had some problems with it. A couple of things, first of all the Variance has been withdrawn because the applicant, we asked the applicant if they would consider reducing one lot at the end of the cul-du-sac which took away the need for the variance and he agreed to do that which we very much appreciate. Also, there was an issue regarding the Southeastern Parkway that had shown that there was a need for future right of way expansion on the back part of the site and now that's been determined that it's not necessary. So that's no longer an issue, the drainage issues have been worked out with the adjacent property owner and as far as the elevations towards the back end of the development where the cul-du-sac is there were some lands a little bit lower. So the applicant proffered that he would build those elevations to 8.3 feet. there it is, Basically he' building the land up to the foundation level. This is something that's new, that's for sustainability and resiliency within the city and areas that couldn't be subject to prone to flooding. The plans of the property, the plan of the buildings have always been acceptable to the Commission and to the Planning Staff. They just had issues with drainage, with the neighbors, and now they're worked out I think. They've done everything we've asked them to do and I know the church has been kind of frustrated with

this because they were looking for this to happen a long time ago. The Planning Staff now is recommending approval. There's nobody in opposition that we're aware of here today and we felt it all to go on consent.

Ms. Rucinski: Right. Thank you Commissioner Ripley. Madam Chair that was the last item on the consent agenda, I would like to move that consent agenda items number one, four and D3 be approved.

Ms. Oliver: Great, I have a motion made by the vice chair. Do I have a second please?

Mr. Redmond: Second.

Ms. Oliver: Wonderful.

Mr. Ripley: Madam Chair.

Ms. Oliver: Yes. Oh, one second.

Mr. Ripley: Yeah. One of the applications, application four is listed that they may use TowneBank for a lender and I need to disclose that I will be voting on this, but I will need to disclose that I am a member of the advisory board at Chesapeake. I have no financial interest in this property and I have no relationship with the owner or applicant. And basically since the Planning Commission only recommends to Council, I can vote on this matter and I will be and there's no direct interest with me in that so.

Ms. Oliver: Great.

Mr. Redmond: Madam Chair, I too am on a Board of Towne Bank as well and will be voting on it.

Ms. Oliver: Alright. Thank you. Okay, the vote is open.

Ms. Smith: Pardon me, just for clarification. It's a consent to withdraw the Subdivision Variance request as well, was that part of your motion?

Ms. Oliver: Yes.

Ms. Saunders: Should we have stated that separately?

Ms. Oliver: No.

Ms. Saunders: Vote is open. Mr. Graham. Thank you, by recorded vote of 10-0 agenda items number one, four and D3 have been approved by consent.

	AYE 10	NAY 0	ABS 0	ABSENT 1
ALCARAZ	AYE			
BARNES	AYE			
GRAHAM	AYE			
HORSLEY	AYE			
INMAN				ABSENT
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. All conditions of the 1998 Conditional Use Permit as well as the conditions of the 2008 Modification are null and void.
2. Development of the church site shall be substantially as shown on the Preliminary Subdivision Plan entitled "PRELIMINARY SUBDIVISION PLAN ENCLAVE AT VICTORY", sheet C1, dated 12/10/18, prepared by Pinnacle Group Engineering, Inc. Said plan has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning (the "Preliminary Subdivision Plan").
3. Any trash dumpster on the site shall be enclosed by a solid brick wall (brick substantially matching the existing brick on the building) or a vinyl fence of six feet in height. No dumpster shall be located within 40 feet of Lot 13 on the plan identified in Condition 2.
4. Light fixtures may remain on at any time, provided that the source of the light is shielded to not be visible from the property lines of adjacent properties and that the light be contained on the subject property.

PROFFERS

Proffer 1:

When the property is developed, it shall be as a single family subdivision with no more than thirteen (13) single family residential lots, with one lot containing an existing home, designated as Lot 12, and one additional lot to remain as a church use, designated as Lot A, substantially in accordance with the Preliminary Subdivision Plan designated "PRELIMINARY SUBDIVISION PLAN ENCLAVE AT VICTORY", sheet C1, dated 12/10/18, prepared by Pinnacle Group Engineering, Inc., which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning (the "Preliminary Subdivision Plan").

Proffer 2:

The total number of residential lots permitted on the Property shall not exceed thirteen (13) (including Lot 12). Each new home shall contain a minimum of 2,400 square feet of living area and at least a one (1) car garage.

Proffer 3:

Lot A with the existing church shall continue in its current use as allowed under the Conditional Use Permit granted to Victory Baptist Church of Virginia Beach, Inc., by Grantee.

Proffer 4:

The architectural design of the residential dwellings and any detached garages will be substantially as depicted on elevations exhibited on the designated "PRELIMINARY SUBDIVISION PLAN ENCLAVE AT VICTORY", sheet C1, dated 12/10/18, which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning. The exterior building elevations shall be limited to the following materials, and each

elevation shall include some combination of: architectural shingles, hardiplank, stone, brick, premium vinyl siding, fiber cement siding, and/or wood.

Proffer 5:

When the Property is developed, the Grantor shall record a Declaration submitting the Property to a mandatory membership Homeowner's Association, which shall be conveyed title to any Open Space and/or BMP Lot, and shall be responsible for maintaining all open spaces, landscaping and other improvements in the BMP Lot(s) on the Property as depicted on the Concept Plan.

Proffer 6:

When the Property is developed, the ground elevation surrounding and immediately adjacent to any structure shall exceed 8.30 feet as referenced by the North American Vertical Datum of 1988 (NAVD 88) and the right-of-way and sidewalk elevations on the Property as depicted on the Concept Plan shall meet or exceed an elevation of 8.30 feet NAVD 88.

Proffer 7:

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