

Virginia Beach Planning Commission

Public Hearing Minutes

March 13, 2019

Ms. Oliver: 2019 public meeting of the Virginia Beach Planning Commission, my name is Dee Oliver and I serve as the chairman of the Commission and before we get started, I've asked Commissioner Redmond to lead us in prayer, and that will be followed by the pledge led by Commissioner Horsley.

Mr. Redmond: Let's bow our heads. Dear Heavenly Father, we come to you today, thanking you for your guidance and wisdom. As we begin this hearing today, guide our hearts and our minds in the spirit of fairness, right thought and 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 servants, we seek blessings on our deliberations and on our efforts here today, amen.

Mr. Horsley: [Group Pledge].

Ms. Oliver: Thank you commissioners. I have asked Commissioner Wall to introduce our members.

Mr. Wall: Okay. Thank you. To my right at the end is Kay Wilson, she is the city attorney. To my right, is George Alcaraz. He is the East Coast surfing championship general manager and he represents the Beach District. I am Jack Wall. I'm a civil engineer and I represent Rose Hall District. To my left is David Weiner and he is absent today, but he's in commercial sales and he represents the Kempsville District. And the other side of him is Don Horsley and he's a farmer. He's At-Large member and then next to him is Ron Ripley, he's in real estate management and development and he's At-Large as well. Dee Oliver, she's a funeral director and she's the chairperson and she's At-Large. Jan Rucinski is next to her and she's in property management with Long & Posture, she represents the Centerville District and she is the vice chairman. Next to her is Mike Inman, he is a real estate attorney with development in community law. He's At-Large. Next to him is Dave Redmond, in commercial real estate and he represents the Bayside District. Whitney Graham is not here today, but he is in land development and he represents the Lynnhaven District. And next to him is Steve Barnes and he's a farmer and he represents the Princess Anne District and on his left is Jolilda Saunders and she's the interim planning director. So if you could introduce your staff, I appreciate it.

Ms. Saunders: Well it's my great pleasure to introduce our new Director of Planning who will begin tomorrow. His name is Bobby Tajan and also it is my great pleasure to serve alongside of Kevin Kemp as co-interim director of the planning department. In addition to Kevin, we have Carolyn Smith, who is our planning administrator. Bill Landfair, who is our planning evaluation coordinator and Jonathan Sanders who is one of our city planners and Whitney McNamara another city planner, we also have next to Whitney, Tori Rice who is Kay's assistant and we have our clerk Cole Fisher and Nicole Garrido and Carol Dozier, who I think has stepped out of the room at this point, alright.

Ms. Oliver: Thank you. The first order of business is the explanation of the rules that we use to run our meetings and our clerk will explain the rules to us today.

Mr. Fisher: Thank you Madam Chair. The Virginia Beach Planning Commission takes pride and being fair and courteous to all parties in attendance. It is important that all involved understand how the commission normally conducts its meetings, it's equally important that everyone treat each other and the members of the commission with respect and civility. The commission requested 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 requests to withdraw or deferred 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 believe or unopposed and which had favorable staff recommendation. Regular agenda, the commission will then proceed with the remaining items on the agenda. Please note that any actions taken by the Planning 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 to you for your attendance and we hope you 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. If anyone here has an item to withdraw or to be deferred, please come forward.

**Item #1
Norfolk Virginia Beach Airport, Inc.
Conditional Use Permit (Bulk Storage Yard)
Vacant Parcel on Miller Store Road
District – Bayside**

March 13, 2019

RECOMMENDED FOR APPROVAL – CONSENT

- Ms. Oliver: Great. 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 today.
- Ms. Rucinski: Thank you Madam Chair, this afternoon we have six items on the consent agenda. The first item is matter number one, and that is from Norfolk Virginia Beach Airport, Inc. is an application for conditional use permit Bulk Storage Yard on a vacant parcel on Miller Store road in the Bayside district. Do we have a representative for that application, and if you would come forward and state your name for the record?
- Mr. Lay: Good afternoon, Nathan Lay, MSA, represent the applicant. We've been through the conditions. We don't have any concerns with those. We agree with everything.
- Ms. Rucinski: And the conditions are acceptable?
- Mr. Lay: They are acceptable.
- Ms. Rucinski: Alright, thank you. Is there any opposition to this matter being placed on the consent agenda? Okay, hearing none, the chair has asked Commissioner Dave Redmond to read this into the record.
- Mr. Redmond: Thank you Ms. Rucinski. This is an application for a conditional use permit for a bulk storage yard on a 6.35 acre land parcel in Airport Industrial Park. The parcel is zoned I-1 Light Industrial and it would be on a gravel base within this land parcel. The site includes category VI landscape screening, solid fence, appropriate security with a gate and keypad entry, the staff believes it's an appropriate use of this property. There is no opposition and so the Planning Commission confers and places it on consent, thank you.
- Ms. Rucinski: Thank you Mr. Redmond. Madam Chair that was the last item on the consent agenda, I would like to move that consent agenda items number one, two, and three.
- Ms. Oliver: Hold on one second.
- Ms. Smith: I'm sorry, after your motion, I want to make a clarification.
- Ms. Oliver: Okay, thank you. So approve items one, two, three, four, five and D2 for approval. Second for that?
- Mr. Horsley: Second.
- Ms. Oliver: Okay.

Ms. Smith: And I just want to clarify that item D2, the request for the assembly use was actually removed. So the advertisement in the staff report correctly reflects the request is limited to the craft brewery in the open-air market. So I think that there was on that sheet that you're working from up there that did not have that removed and I saw that.

Ms. Oliver: I wondered about that, but in the staff report it's correct. Ron?

Mr. Ripley: I have two disclosures on item number two. The first one is that I have a partial interest in apartment community property across the street from the church just disclosing that, I have no financial interest in the church obviously and no interest in that at all. And the second is that they've listed TowneBank is their lender and since TowneBank is listed as the lender on the application, I need to disclose that I'm a member of the TowneBank Board in Chesapeake advisory board. No interest in this application and the Planning Commission doesn't make the final decision, it's simply as advisory board and I'm able to participate in the transaction fairly and objectively and in the public's interest.

Ms. Oliver: Thank you, yes.

Mr. Inman: I have the same disclosure to make as Mr. Ripley concerning TowneBank, I'm in TowneBank, Virginia Beach Board and likewise, I will vote on the matter as I have no conflict of interest due to the fact that we do not make a final decision on this.

Ms. Oliver: Okay, alright.

Ms. Garrido: Vote is open.

Ms. Oliver: Thank you.

Mr. Fisher: By recorded vote of 9-0, items number one, two, three, four, five, and D2 have been approved by consent.

	AYE 9	NAY 0	ABS 0	ABSENT 2
ALCARAZ	AYE			
BARNES	AYE			
GRAHAM				ABSENT
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
WALL	AYE			
WEINER				ABSENT

CONDITIONS

1. The location of the Bulk Storage Yard shall be limited to the area depicted on the proposed site layout entitled, "Conceptual Site Layout & Landscape Plan of Bulk Storage Yard, Miller Store Road, Virginia Beach Virginia," dated 12/14/2018, prepared by MSA, P.C., which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development, and shall be subject to all applicable building and fire codes.
2. Neither the six-foot solid fence nor the storage of any materials or vehicles shall occur within any public utility easements on the site.
3. Storage containers shall not be stacked.
4. No hazardous materials shall be stored on the site.

Item#2

Emmanuel Protestant Episcopal Church

Modification of Conditions (Child Care Education Center within a Religious Use)

5181 Singleton Way

District - Kempsville

March 13, 2019

RECOMMENDED FOR APPROVAL – CONSENT

Ms. Rucinski: Thank you commissioner Redmond. The second item on the consent agenda is item number two. Emmanuel Protestant Episcopal Church is an application for a modification of use conditions for a child care Education Center within a religious used on property located at 5181 Singleton Way in the Kempsville District. Is there a representative here for that matter? Okay. Are there any objections to decide and being placed on the consent agenda? Okay, hearing none, the chair has asked Commissioner Jack Wall to read this into the record.

Mr. Wall: Thank you. In January 2000, Emmanuel Protestant Episcopal Church received a conditional use permit for church expansion for a preschool. A condition of the approval limited the hours of operation from 9 am to 12 pm. In 2018, the church completed construction on a new activity room and now desires to expand the hours of operation for the preschool from 7 am to 6 pm, Monday through Friday. Therefore, the applicant is requesting to modify the condition to allow them to also have an extended day program, the half day program will continue. It is anticipated the school will enroll a maximum of 20 students from their existing half day program into the extended day program, extended day staff will likely include two staff members as well as church building manager or custodian. Staff recommends approval and we placed this item on consent agenda.

Ms. Rucinski: Thank you Mr. Redmond. Madam Chair that was the last item on the consent agenda, I would like to move that consent agenda items number one, two, and three.

Ms. Oliver: Hold on one second.

Ms. Smith: I'm sorry, after your motion, I want to make a clarification.

Ms. Oliver: Okay, thank you. So approve items one, two, three, four, five and D2 for approval. Second for that?

Mr. Horsley: Second.

Ms. Oliver: Okay.

Ms. Smith: And I just want to clarify that item D2, the request for the assembly use was actually removed. So the advertisement in the staff report correctly reflects the request is limited to the craft brewery in the open-air market. So I think that there was on that

sheet that you're working from up there that did not have that removed and I saw that.

Ms. Oliver: I wondered about that, but in the staff report it's correct. Ron?

Mr. Ripley: I have two disclosures on item number two. The first one is that I have a partial interest in apartment community property across the street from the church just disclosing that, I have no financial interest in the church obviously and no interest in that at all. And the second is that they've listed TowneBank is their lender and since TowneBank is listed as the lender on the application, I need to disclose that I'm a member of the TowneBank Board in Chesapeake advisory board. No interest in this application and the Planning Commission doesn't make the final decision, it's simply as advisory board and I'm able to participate in the transaction fairly and objectively and in the public's interest.

Ms. Oliver: Thank you, yes.

Mr. Inman: I have the same disclosure to make as Mr. Ripley concerning TowneBank, I'm in TowneBank, Virginia Beach Board and likewise, I will vote on the matter as I have no conflict of interest due to the fact that we do not make a final decision on this.

Ms. Oliver: Okay, alright.

Ms. Garrido: Vote is open.

Ms. Oliver: Thank you.

Mr. Fisher: By recorded vote of 9-0, items number one, two, three, four, five, and D2 have been approved by consent.

	AYE 9	NAY 0	ABS 0	ABSENT 2
ALCARAZ	AYE			
BARNES	AYE			
GRAHAM				ABSENT
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
WALL	AYE			
WEINER				ABSENT

CONDITIONS

1. The conditions of the 2000 Conditional Use Permit (Church expansion for private school) shall remain in effect except to delete the portion of Condition 3 which states that the hours of operation of the school shall be from 9:00 a.m. to 12:00 noon.
2. The occupancy load for the Child Care Education Center shall be established by the City of Virginia Beach Building Official's Office.

**B & W Tattooing, LLC
Capital Finance, Inc.
Conditional Use Permit (Tattoo Parlor)
172 South Plaza Trail, Suite F
District - Beach**

March 13, 2019

RECOMMENDED FOR APPROVAL – CONSENT

Ms. Rucinski: Thank you Commissioner Wall. The next item on the agenda is item number three, B&W tattooing, LLC, which is an application for conditional use permit for a tattoo parlor on property located at 172 South Plaza Trail, suite F in the Beach District. Is there a representative here for this application? When you come to the podium, can you state your name for the record?

Mr. Boyd: Good afternoon. Wesley Boyd.

Ms. Rucinski: Okay. And are the conditions acceptable?

Mr. Boyd: Yes.

Ms. Rucinski: Alright. Thank you. Is there any opposition to this matter being placed on the consent agenda? Hearing none, the chair has asked Commissioner Mike Inman to read this into the record.

Mr. Inman: Thank you Jan. This is a conditional use permit application for a tattoo parlor within an existing shopping center at the southeastern corner of South Plaza Trail in Daytona Drive. It was a 2000 square foot facility which will employ up to eight people with operating hours from noon to 9 pm Monday through Saturday. Other than signage, there'll be no other changes to the exterior of the building. The proposed use is considered acceptable in the opinion of staff because it is compatible with other existing commercial businesses along the section of South Plaza trail. Prior to operating on the site, applicant must obtain a business license and health department must verify the business meets all the requirements of the city code. These reasons we decided to put it on the consent agenda.

Ms. Rucinski: Thank you Mr. Redmond. Madam Chair that was the last item on the consent agenda, I would like to move that consent agenda items number one, two, and three.

Ms. Oliver: Hold on one second.

Ms. Smith: I'm sorry, after your motion, I want to make a clarification.

Ms. Oliver: Okay, thank you. So approve items one, two, three, four, five and D2 for approval. Second for that?

Mr. Horsley: Second.

Ms. Oliver: Okay.

Ms. Smith: And I just want to clarify that item D2, the request for the assembly use was actually removed. So the advertisement in the staff report correctly reflects the request is limited to the craft brewery in the open-air market. So I think that there was on that sheet that you're working from up there that did not have that removed and I saw that.

Ms. Oliver: I wondered about that, but in the staff report it's correct. Ron?

Mr. Ripley: I have two disclosures on item number two. The first one is that I have a partial interest in apartment community property across the street from the church just disclosing that, I have no financial interest in the church obviously and no interest in that at all. And the second is that they've listed TowneBank is their lender and since TowneBank is listed as the lender on the application, I need to disclose that I'm a member of the TowneBank Board in Chesapeake advisory board. No interest in this application and the Planning Commission doesn't make the final decision, it's simply as advisory board and I'm able to participate in the transaction fairly and objectively and in the public's interest.

Ms. Oliver: Thank you, yes.

Mr. Inman: I have the same disclosure to make as Mr. Ripley concerning TowneBank, I'm in TowneBank, Virginia Beach Board and likewise, I will vote on the matter as I have no conflict of interest due to the fact that we do not make a final decision on this.

Ms. Oliver: Okay, alright.

Ms. Garrido: Vote is open.

Ms. Oliver: Thank you.

Mr. Fisher: By recorded vote of 9-0, items number one, two, three, four, five, and D2 have been approved by consent.

	AYE 9	NAY 0	ABS 0	ABSENT 2
ALCARAZ	AYE			
BARNES	AYE			
GRAHAM				ABSENT
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
WALL	AYE			
WEINER				ABSENT

CONDITIONS

1. A business license for the Tattoo Parlor shall not be issued to the applicant without the approval of the Health Department for consistency with the provisions of Chapter 23 of the City Code.
2. The actual application of tattoos shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
3. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar sign installed on the exterior of the building or in any window, or on the doors. Building signage designed to be a “box sign” and signage for windows shall not be permitted. A separate sign permit shall be obtained from the Planning Department for the installation of any new signs.

Item#4
North Landing Beach RV
Modification of Conditions (Add Two Community Piers)
161 Princess Anne Road
District – Princess Anne

March 13, 2019

RECOMMENDED FOR APPROVAL – CONSENT

Ms. Rucinski: Alright, thank you Commissioner Inman. The next item on the agenda is item number four, North Landing Beach RV Resort & Cottages Virginia Beach, LLC, an application for modification of conditions on property located at 161 Princess Anne Road in the Princess Anne District.

Mr. Bourdon: Thank you Madam Secretary. Excuse me. Madam Chair, members of the Commission for the record Eddie Bourdon, Virginia Beach attorney representing the applicant Mr. Phil Morrow whose companies own and operate the resort is here with us this afternoon. We appreciate being on the consent agenda. All 14 conditions are acceptable to us. Mr. Morrow want me to let you all know that there's been no one from the campground that has trespass on the adjacent property and tipped any cows and none have been reported, not by any boy scouts and also appreciate the work of Whitney McNamara on this application. Thank you.

Ms. Rucinski: Thank you. Is there anyone here opposed to this application being placed on the consent agenda? Okay, hearing none, the chair has asked Commissioner Steve Barnes to read this into the record.

Mr. Barnes: Thank you, ma'am. This conditional use permit was originally proposed or accepted by the council in 1971 and over the years it's had many numerous upgrades and renovations and been completed and approved by the council and this request for modification of the existing conditional use permit to allow two community peers is acceptable. The proposed peers on the north end of the beach was approved by the Wetlands Board in December 2018 as part of the plan to address like a violation created by a previous owner and to remedy existing shoreline erosion. The pier on the southern end of the beach has not yet been considered by the Wetlands Board. In conversations with the applicant's agent, this pier will be reviewed by the Wetlands Board in a subsequent application for additional shoreline stabilization improvements and the staff is comfortable with moving forward without Wetlands approval as a condition is recommended below that the approval be obtained prior to the issuance of the building permit. Since purchasing the campground in 2015, the applicant has significantly improved and renovate the campground to make it one of the top rated campgrounds in the country. The proposed piers will add additional recreation amenities to attract visitors to the city to the Virginia Beach and offer further opportunities for enjoyment of the city's unique natural resources. There's no opposition that we know, so we put it on the consent agenda.

Ms. Rucinski: Thank you Mr. Redmond. Madam Chair that was the last item on the consent agenda, I would like to move that consent agenda items number one, two, and three.

Ms. Oliver: Hold on one second.

Ms. Smith: I'm sorry, after your motion, I want to make a clarification.

Ms. Oliver: Okay, thank you. So approve items one, two, three, four, five and D2 for approval. Second for that?

Mr. Horsley: Second.

Ms. Oliver: Okay.

Ms. Smith: And I just want to clarify that item D2, the request for the assembly use was actually removed. So the advertisement in the staff report correctly reflects the request is limited to the craft brewery in the open-air market. So I think that there was on that sheet that you're working from up there that did not have that removed and I saw that.

Ms. Oliver: I wondered about that, but in the staff report it's correct. Ron?

Mr. Ripley: I have two disclosures on item number two. The first one is that I have a partial interest in apartment community property across the street from the church just disclosing that, I have no financial interest in the church obviously and no interest in that at all. And the second is that they've listed TowneBank is their lender and since TowneBank is listed as the lender on the application, I need to disclose that I'm a member of the TowneBank Board in Chesapeake advisory board. No interest in this application and the Planning Commission doesn't make the final decision, it's simply as advisory board and I'm able to participate in the transaction fairly and objectively and in the public's interest.

Ms. Oliver: Thank you, yes.

Mr. Inman: I have the same disclosure to make as Mr. Ripley concerning TowneBank, I'm in TowneBank, Virginia Beach Board and likewise, I will vote on the matter as I have no conflict of interest due to the fact that we do not make a final decision on this.

Ms. Oliver: Okay, alright.

Ms. Garrido: Vote is open.

Ms. Oliver: Thank you.

Mr. Fisher: By recorded vote of 9-0, items number one, two, three, four, five, and D2 have been approved by consent.

	AYE 9	NAY 0	ABS 0	ABSENT 2
ALCARAZ	AYE			
BARNES	AYE			
GRAHAM				ABSENT
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
WALL	AYE			
WEINER				ABSENT

CONDITIONS

1. All conditions attached to the Conditional Use Permit granted by the City Council on October 6, 2015 are deleted and are replaced with the conditions listed below.
2. The site shall be developed substantially in conformance with the exhibit entitled, “North Landing RV Park, 160 Princess Anne Road, Virginia Beach, VA for RV Management Services – VB, LLC, Proposed Improvements,” prepared by KLO & Associates, dated July 1, 2015, which has been exhibited to the Virginia Beach City Council and is on file in the Planning Department.
3. The plant material, at a minimum, shall be installed as depicted on the exhibit entitled, “North Landing Beach RV Resort, sheets L-01 & L-02,” prepared by RV Management Services, dated June 28, 2015, which has been exhibited to the Virginia Beach City Council and is on file in the Planning Department. All other planting and screening requirements shall be met, as per City requirements.
4. When the building and improvements are constructed and installed, they shall be in substantial conformance with the exhibits entitled, “Rendering – Craft & Game Ctr.,” “Renderings – Recreations Ctr.,” both prepared by Ionic DeZign Studio, the photographs entitled, “Maintenance Storage Buildings,” “Refuse Enclosure,” “Beach Monitor Shack,” all of which have been exhibited to the Virginia Beach City Council and are on file in the Planning Department.
5. The berms along Princess Anne, entrance or signage landscaping and any foundation landscaping for new structures fronting Princess Anne required by the Virginia Beach Code shall be depicted on the final site plan. All plant species shall be approved by the DSC Landscape Architect.
6. All park model trailers shall be licensed and road ready to be relocated out of the Special Flood Hazard Area in the event of the issuance of a hurricane warning for the City of Virginia Beach and also prior to any approaching significant storm or wind tide flooding. Evidence of

such licensing shall be maintained by the campground and submitted to the Planning Department upon request.

7. The beach monitor shack, as depicted on the exhibit identified in Condition 2 above, shall be a non-permanent structure and shall be relocated out of the Special Flood Hazard Area in the event of the issuance of a hurricane warning for the City of Virginia Beach and also prior to any approaching significant storm.

8. For safety reasons, lights shall be installed either on or adjacent to the maintenance buildings' access doors so as to provide lighted entries.

9. As it pertains to the new buildings, the campground shall comply with all required fire and safety codes, per City ordinances and site plan review.

10. The pool spa plans shall be submitted to and approved by the Virginia Beach Health Department prior to the issuance of a building permit.

11. Any recreational vehicles stored on the site year-round and available for lease shall obtain any necessary permits, inspections and certificates of occupancy as required by State law, as determined by the Building Code Official of the City of Virginia Beach.

12. Encroachment into any environmentally sensitive portion of the property, including but not limited to the 50-foot Southern Rivers buffer, the Special Flood Hazard Area, tidal or non-tidal wetlands, and the floodplain mitigation area as required by the 2005 Floodplain Variance and Conditional Use Permit approval, for any permanent or temporary structures shall be prohibited without obtaining all applicable permits from federal, state, and local agencies.

13. The proposed pier at the Southern end of the beach shall be approved by the Wetlands Board prior to the issuance of a building permit.

**Item#5
B&L Investment
Conditional Use Permit (Motor Vehicle Sales)
202 S Newtown Road
District – Kempsville**

March 13, 2019

RECOMMENDED FOR APPROVAL – CONSENT

Ms. Rucinski: Thank you Commissioner Barnes. The next item on the consent agenda is item number five, which is B & L Investment Group LLC, which is an application of a conditional use permit motor vehicle sales on property located at 202 South New Town Road in the Kempsville District.

Mr. Bourdon: Thank you madam secretary, Madam Chair, members of the commission again Eddie Bourdon Virginia Beach attorney representing B & L Investment Group LLC on this application. We again appreciate being on the consent agenda, all 16 conditions including the lowering the sign to six feet and the limitation because it is a transitional or holding pattern use are all acceptable to my client, I appreciate the efforts of both Mr. Landfair and Robert Davis on this application.

Ms. Rucinski: Thank you. Is there anyone here in opposition of this application being placed on the consent agenda? Okay, hearing none, the chair has asked Commissioner Ron Ripley to read this into the record.

Mr. Ripley: As it was read, this is a conditional use permit for motor vehicle sales at this location, and it's a 31,516 square foot corner location on the corner of Newtown Road in Arrowhead Drive. It's an existing building that was built in 1979 and the applicant wishes to use it for this motor vehicle sales, displaying about 28 cars. There's some additional landscaping being provided, the usual conditions as the council except it doesn't allow for any kind of cars that are disabled to be parked, lighting or noise and those types of things have been mitigated by those conditions. There's limitations on the hours of operations, staff believed it was appropriate to prove this planning commission considered it and we recommend it for consent.

Ms. Rucinski: Thank you Mr. Redmond. Madam Chair that was the last item on the consent agenda, I would like to move that consent agenda items number one, two, and three.

Ms. Oliver: Hold on one second.

Ms. Smith: I'm sorry, after your motion, I want to make a clarification.

Ms. Oliver: Okay, thank you. So approve items one, two, three, four, five and D2 for approval. Second for that?

Mr. Horsley: Second.

Ms. Oliver: Okay.

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Ms. Oliver: Thank you, yes.

Mr. Inman: I have the same disclosure to make as Mr. Ripley concerning TowneBank, I'm in TowneBank, Virginia Beach Board and likewise, I will vote on the matter as I have no conflict of interest due to the fact that we do not make a final decision on this.

Ms. Oliver: Okay, alright.

Ms. Garrido: Vote is open.

Ms. Oliver: Thank you.

Mr. Fisher: By recorded vote of 9-0, items number one, two, three, four, five, and D2 have been approved by consent.

	AYE 9	NAY 0	ABS 0	ABSENT 2
ALCARAZ	AYE			
BARNES	AYE			
GRAHAM				ABSENT
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
WALL	AYE			
WEINER				ABSENT

CONDITIONS

1. As the use is not specifically consistent with the vision of the Newtown Strategic Growth Area Plan, the Conditional Use Permit shall be limited to 10 years from the date of City Council approval.
2. When the property is redeveloped, it shall be in substantial conformance with the concept plan found on page six of this report entitled, “Conditional Land Use Exhibit Car Dealership, 202 South Newtown Road Virginia Beach, VA, Prepared by Synerton Engineering, dated February 9, 2019, Sheet 1 of 2,” which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
3. Prior to the proposed future expansion (display area/building additions) depicted on the concept plan identified in Condition 1, a Modification of Conditions shall be required.
4. All vehicles for sale shall be located on a paved surface within the designated display area identified on the plan referenced in Condition 2 above. No vehicles shall be displayed on raised platforms, earthen berms, landscape islands, or any other structure designated to display a vehicle higher than the elevation of the main parking lot.
5. The parking lot shall be restriped to reflect all parking spaces required by the Zoning Ordinance, including handicap spaces in accordance with the Americans with Disabilities Act (ADA).
6. A Landscape Plan shall be submitted to the Development Services Center of the Planning and Community Development Department for review and ultimate approval prior to the issuance of a Certificate of Occupancy. The Plan shall include, but not be limited to, screening and buffering,

display area landscaping, and streetscape plantings as referenced in the Staff report and as depicted on the concept plan referenced in Condition 2 above.

7. There shall be no storage of tires, merchandise, or debris of any kind outside of the building.

8. No outside storage of vehicles in a state of obvious disrepair shall be permitted on the site.

9. There shall be no auto repair or service on the site.

10. There shall be no outside audio speakers for any purpose.

11. All signage on the site shall meet the requirements of the Zoning Ordinance. A separate sign permit shall be obtained from the Planning Department for the installation of any signage.

12. The building sign mounted on the front of the structure shall not be a “box sign” and shall be non-illuminated and in substantial conformance with the exhibit depicted on page seven of the Staff report. No additional building signage shall be permitted.

13. Any freestanding sign shall be a monument-style freestanding sign with a brick base, as depicted on page seven of this report, with the exception that the sign shall be no taller than six feet in height measured from the ground to the top of the sign.

14. 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.

15. There shall be no neon or electronic display signs or accents installed on any wall area of the exterior of the building, in or on the windows, or on the doors. No window signage shall be permitted.

16. All lighting shall be contained on the subject property. The source of the light is to be shielded so as to not be visible from the property line of adjacent residential properties.

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.

March 13, 2019

DEFERRED

Ms. Oliver: Thank you. The next order of business is to address those items to be deferred or withdrawn. If anyone here has an item to withdraw or to be deferred, please come forward.

Mr. Royal: Good afternoon, Randy Royal, Kimley-Horn and Associates representing the Virginia Beach development authority on item D3, and we need to request a deferral for addressing some legal document issues for another 30 days.

Ms. Oliver: Great. Thank you very much. Is there any opposition to this being deferred today, thank you. The chair is also aware of they follow the other item being deferred, which is agenda item number D1.

Mr. Kemp: That correct Chairman, the city would respectfully request a deferral of item D1, the food truck ordinance, it will come back to you at a later date. Thank you.

Ms. Oliver: Thank you. So do I have a motion on the floor to defer items D1 and D3?

Ms. Wilson: Madam Chair, I'd like to make a motion to defer items D1 one D3.

Mr. Horsley: Second.

Ms. Oliver: Second.

Ms. Garrido: Vote is open.

Mr. Fisher: By recorded vote of 9-0, items D1 D3 have been deferred.

	AYE 9	NAY 0	ABS 0	ABSENT 2
ALCARAZ	AYE			
BARNES	AYE			
GRAHAM				ABSENT
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
WALL	AYE			
WEINER				ABSENT

**Item#D2
Pleasure House Brewery
Conditional Use Permit (Craft Brewery)
2032 Pleasure House Road
District – Bayside**

March 13, 2019

RECOMMENDED FOR APPROVAL – CONSENT

Ms. Rucinski: Thank you Commissioner Ripley. The next item on the consent agenda is item number D2 Pleasure House Brewing, LLC. An application for a conditional use permit craft brewery assembly use and open-air market on property located at 2032 Pleasure House Road in the Bayside District, is there a representative here for this application, when you come to the podium, could you please state your name for the record?

Mr. Stevenson: My name is Charles Stevenson.

Ms. Rucinski: And are the conditions acceptable?

Mr. Stevenson: They are.

Ms. Rucinski: Alright, thank you. Is there anyone here in opposition to this application being placed on the consent agenda? Okay, hearing none, the chair has asked for Commissioner Dave Redmond to read this into the record.

Mr. Redmond: Thank you, Ms. Rucinski. This is an application for a conditional use permit for craft brewery assembly use on property on Pleasure House Road. This is a, it's an existing building of about 6000 square feet, 6786 square feet to be exact and the applicant intends to use about two thirds of it or about 4000 square feet for the manufacturing and storage of the beer product and then have three small tasting rooms that would in total be about 2400 square feet. Additionally, they intend to have a 260 square foot patio for outdoor seating and enjoyment. This application is actually taken a number of elements that show great care. Obviously, they meet the parking requirement, the food truck element, which is to be along the side and rear of the property. They intend to install an electrical hookup so there's no noise from a generator and in addition, a plan along the back to the adjacent neighborhood, a noise reducing fence to limit the impact on this community. This is a stretch of Pleasure House Road that could use some improvement and this is a small but growing business and we're fortunate to have that kind of activity and grateful for it. So, it seems to be a very fitting use that will bring some life and some activity and some energy to this particular piece of Pleasure House Road. I'm well familiar with it. I travel it every day, nearly every day and Mr. Ripley does too I know so; there's lots of like about this application. The staff recommends approval and the commission concurs by consent. Thank you.

Ms. Rucinski: Thank you Mr. Redmond. Madam Chair that was the last item on the consent agenda, I would like to move that consent agenda items number one, two, and three.

Ms. Oliver: Hold on one second.

Ms. Smith: I'm sorry, after your motion, I want to make a clarification.

Ms. Oliver: Okay, thank you. So approve items one, two, three, four, five and D2 for approval. Second for that?

Mr. Horsley: Second.

Ms. Oliver: Okay.

Ms. Smith: And I just want to clarify that item D2, the request for the assembly use was actually removed. So the advertisement in the staff report correctly reflects the request is limited to the craft brewery in the open-air market. So I think that there was on that sheet that you're working from up there that did not have that removed and I saw that.

Ms. Oliver: I wondered about that, but in the staff report it's correct. Ron?

Mr. Ripley: I have two disclosures on item number two. The first one is that I have a partial interest in apartment community property across the street from the church just disclosing that, I have no financial interest in the church obviously and no interest in that at all. And the second is that they've listed TowneBank is their lender and since TowneBank is listed as the lender on the application, I need to disclose that I'm a member of the TowneBank Board in Chesapeake advisory board. No interest in this application and the Planning Commission doesn't make the final decision, it's simply as advisory board and I'm able to participate in the transaction fairly and objectively and in the public's interest.

Ms. Oliver: Thank you, yes.

Mr. Inman: I have the same disclosure to make as Mr. Ripley concerning TowneBank, I'm in TowneBank, Virginia Beach Board and likewise, I will vote on the matter as I have no conflict of interest due to the fact that we do not make a final decision on this.

Ms. Oliver: Okay, alright.

Ms. Garrido: Vote is open.

Ms. Oliver: Thank you.

Mr. Fisher: By recorded vote of 9-0, items number one, two, three, four, five, and D2 have been approved by consent.

	AYE 9	NAY 0	ABS 0	ABSENT 2
ALCARAZ	AYE			
BARNES	AYE			
GRAHAM				ABSENT
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
WALL	AYE			
WEINER				ABSENT

CONDITIONS

Conditional Use Permit (Craft Brewery)

1. With the exception of any modifications required by any of these conditions or by any City regulations, the site shall be configured in conformance with the submitted layout plan shown on page six of this report. Said plan has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development.
2. Consistent with the Shore Drive Design Guidelines, the building façade shall be a neutral or earth tone color. No primary colors shall be permitted.
3. The existing plant material shall remain and be maintained. Any supplemental plant material shall be consistent with the Shore Drive Design Guidelines.
4. The existing chain link fence shall be removed from the site and shall be replaced with a solid eight-foot tall noise-dampening fence along the rear property line and extended westward 12 feet along both north and south property lines. A solid six-foot tall privacy fence shall be installed along the remainder of the northern property line to the rear of the building and 65 feet along the remainder of the southern property line. Said fencing shall be in keeping with the Shore Drive District Design Guidelines for fences and shall be painted or stained wood or shall be a decorative vinyl fence that is compatible with the architectural style of the building.
5. The occupancy load for the Craft Brewery shall be established by the City of Virginia Beach Building Official’s Office.
6. A Certificate of Occupancy shall be obtained prior to the operation of the Craft Brewery.
7. Any conditions associated with the license issued by the Virginia Alcoholic Beverage Control Board shall be incorporated as conditions with this Conditional Use Permit.

8. Only beer or other fermented malt beverages and non-alcoholic beverages may be served on the premises. There shall be no sale or consumption of alcoholic beverages on the premises between midnight and 10:00 a.m.

9. All signage onsite shall meet the requirements of the City Zoning Ordinance. There shall be no neon or electronic display signs or accents installed on any wall area of the exterior of the building, in or on the windows, or on the doors. A sign plan shall be submitted to the Zoning Office for review and permitting prior to the installation of any signage. Any existing signs that did not receive required permits shall be submitted to the Zoning Office for review.

10. As per Section 230 of the Zoning Ordinance, live music shall be allowed only inside the establishment when all the doors and windows are closed. No live music, amplification of music, use of speakers, or monitors will be permitted outdoors in association with the brewery use.

11. All lighting shall be contained on the subject property. The source of the light is to be shielded so as to not be visible from the property line of adjacent residential properties.

Conditional Use Permit (Open-Air Market)

1. Unless otherwise authorized by the Zoning Ordinance, the Open-Air Market shall be limited to one food truck which shall be located in conformance with the submitted layout plan, shown on page six of this report. Said plan has been exhibited to the Virginia Beach City Council and is on file in the Virginia Beach Department of Planning and Community Development.

2. No more than one food truck shall be permitted to operate on the site at a given time and shall be prohibited to operate on the site between the hours of 10:00 p.m. and 8:00 a.m.

3. Any food truck on site shall use an electrical outlet in lieu of a gas generator in order to minimize noise that would otherwise arise from generators commonly used by food trucks. Use of generators by food trucks is not permitted.

**Item #D3
Virginia Beach Development Authority
Modification of Proffers
Conditional Use Permit (Outdoor Recreation Facility)
Northeast Corner of Landstown Road & Landstown Centre Way
District – Princess Anne**

March 13, 2019

DEFERRED

Ms. Oliver: Thank you. The next order of business is to address those items to be deferred or withdrawn. If anyone here has an item to withdraw or to be deferred, please come forward.

Mr. Royal: Good afternoon, Randy Royal, Kimley-Horn and Associates representing the Virginia Beach development authority on item D3, and we need to request a deferral for addressing some legal document issues for another 30 days.

Ms. Oliver: Great. Thank you very much. Is there any opposition to this being deferred today, thank you. The chair is also aware of they follow the other item being deferred, which is agenda item number D1.

Mr. Kemp: That correct Chairman, the city would respectfully request a deferral of item D1, the food truck ordinance, it will come back to you at a later date. Thank you.

Ms. Oliver: Thank you. So do I have a motion on the floor to defer items D1 and D3?

Ms. Rucinski: Madam Chair, I'd like to make a motion to defer items D1 one D3.

Mr. Horsley: Second.

Ms. Oliver: Second.

Ms. Garrido: Vote is open.

Mr. Fisher: By recorded vote of 9-0, items D1 and D3 have been deferred.

	AYE 9	NAY 0	ABS 0	ABSENT 2
ALCARAZ	AYE			
BARNES	AYE			
GRAHAM				ABSENT
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
WALL	AYE			
WEINER				ABSENT