

**Virginia Beach Planning Commission**

Public Hearing Minutes

May 8<sup>th</sup>, 2019

Ms. Oliver: And we're all glad to have you here with us today. I am Dee Oliver. I am the chairman of the Planning Commission, and welcome. Before we get started, I've asked Commissioner Redmond to lead us in the prayer and this will be followed by the pledge by Commissioner Ripley. So if you all please stand. Thank you.

Mr. Redmond: Thank you. Let's bow our heads please. Heavenly Father, we thank you for the opportunity to come together as friends and as a body to advance the interests of this wonderful community. We ask you to guide us that our work might be fair, compassionate, and intelligent. We are ever mindful Lord of the sacrifices of your son, Jesus Christ, who died so that we might be absolved of our sins. We appreciate this life. We appreciate this opportunity. We pray all these things in Jesus' name, amen.

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

Ms. Oliver: Thank you commissioner Redmond and Commissioner Ripley for that. I've asked Commissioner Weiner to please introduce the members.

Mr. Weiner: Thank you, Mrs. Oliver. Down on my far right is Kay Wilson. Kay is our city attorney. Next to Kay is George Alcaraz. George is a contractor and he represents the Beach District. Next to me is Jack Wall, Jack is a civil engineer and he represents a Rose Hall District. My name is David Weiner. I'm in commercial sales and I represent the Kempsville District. The empty chair next to me is Don

Horsley. Don is a farmer and he is At-large. Next is Ron Ripley. Ron is in real estate management development and he is also At-large. Next is Dee Oliver, Dee is our Chair of the Planning Commission, she is a funeral director and she is At-large. Next is Jan Rucinski, Jan is the vice chair of the Planning Commission. She's in property management and she represents the Centerville District. The other empty chair is Mike Inman. Mike is an attorney and he is At-large not here today, and then Dave Redmond, Dave Redmond is in commercial real estate and he represents the Bayside district. Then we have Whitney Graham, Whitney is in land development and he represents Lynnhaven district and then Steve Barnes. Steve Barnes is a farmer and he represents the Princess Anne District. And then we have Bobby Tahan, Bobby is our Director of the planning department and Mr. Tahan would you introduce your staff please.

Mr. Tajan: Yes, clerking today we have Nicole Garrido and Carol Dozier and planning staff and city staff, we have Carolyn Smith, Marchelle Coleman, Bill Landfair, Kevin Kemp, Whitney McNamara and with our city attorney's office, Tori Rice.

Ms. Oliver: Great. Thank you and our attorney, Kay Wilson is going to start us with one resolution.

Ms. Wilson: First on the agenda is a resolution to schedule monthly meetings for the Planning Commission from June 2019 to May 2020. Each month is listed out as to what day it will be on and this would help us if there should be a cancellation of a meeting, that meaning would not be re-advertised.

Ms. Oliver: Right. Thank you very much. Do we need to vote on that?

Ms. Wilson: We need a motion.

Ms. Oliver: We need a motion.

Ms. Rucinski: I'll make a motion to approve the resolution.

Mr. Ripley: Second.

Ms. Oliver: Okay.

Ms. Garrido: Vote is open.

Ms. Dozier: By vote of 9-0, the resolution to scheduled meetings for June 2019 through May 2020 has been approved.

Ms. Oliver: Great. Thank you very much. The next order of business is going to be the explanation of the rules that we use to run the meetings. Jan.

Ms. Rucinski: Okay. Thank you, Chairman Oliver. 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 members of the Commission with respect and civility. The commission request that if you have a cell phone to please silence it or turn it off at this time. This is an abbreviated explanation of the rules. A complete set of the rules is found in the front of the Planning Commission agenda for today. Consent Agenda. So following is the order of this public hearing. Withdrawals and deferrals, the chairman will ask if there's a request for an item to be withdrawn or deferred. The consideration of these items is made first. The consent agenda is the second order of business and that's

the consideration of the agenda items which the Planning Commission believes are unopposed and have favorable staff recommendation. Regular agenda, the Commission will then proceed with the remaining items on the agenda. Please note that action taken by the Commission today are in the form of a recommendation to the Virginia Beach City Council. The final decision for approval or denial of any application is made by city council. The Commission thanks you for your attendance and we hope that your experience here today leaves you feeling that you have been heard and treated fairly. Thank you.

**Item #1**

**DML Designs, LLC T/A Trinity Tattoo Co.**

**Conditional Use Permit (Tattoo Parlor & Body Piercing Establishment)**

**2720 N. Mall Drive, Suite 112 & 116**

**District – Rose Hall**

**May 8<sup>th</sup>, 2019**

**RECOMMENDED FOR APPROVAL – CONSENT**

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

Ms. Rucinski: Thank you Madam Chair. This afternoon we have seven items on the consent agenda. The first matter is agenda item number one. This is an application from DML Designs LLC, trading as Trinity Tattoo Company and application for a Conditional Use Permit for a Tattoo Parlor and a Conditional Use Permit for a Body Piercing Establishment on property located at 2720 North Mall Drive, Suite 112 and 116 in the Rose Hall District. Is there a representative for this application?  
Good afternoon. Could you state your name for the record?

Ms. Lukeson: Good afternoon. My name is Melissa Lukeson.

Ms. Rucinski: And are the conditions acceptable?

Ms. Lukeson: Absolutely.

Ms. Rucinski: Okay.

Ms. Oliver: Thank you. The Chairman has asked Commissioner Jack Wall to read this into the record.

Mr. Wall: Thank you. Okay, this is a Conditional Use Permit for a Tattoo Parlor and a Conditional Use Permit for Body Piercing Establishment. The applicant proposes to merge two existing tattoo parlors one located along Bonnie Road and a second located within the Lynnhaven Mall into one operation within a 5,000 square foot unit and the Lynnhaven North Shopping Center. In addition, the applicant proposes to offer body piercing within the same establishment. Based on the conditional use permits for both, a tattoo parlor and for a body piercing establishment are requested. There are an anticipated 21 employees, 13 of which will be tattoo artists. The hours of operation are expected to be 10 a.m. to 9 p.m. Monday through Saturday and 11 a.m. to 6 p.m. on Sunday. No changes to the building exterior proposed other than proposed channel-letter signage. Staff recommends approval; and the conditions are acceptable to the applicant. For these reasons, we have placed this application on the consent agenda.

Ms. Rucinski: Alright, thank you. Perfect. Alright. Like I said, that is the last item. So I would like to move that items number one, four, five, six, ten, eleven, and D1 be approved.

Ms. Oliver: Alright, I have a motion made by the vice chair. May I have a second?

Ms. Weiner: Second.

Ms. Oliver: Second by Commissioner Weiner.

Ms. Garrido: Vote is open.

Ms. Dozier: By recorded vote of 9-0 items one, four, five, six, ten, eleven, and D1 have been approved by consent with Commissioner Barnes abstaining from item four.

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

### **CONDITIONS**

1. A business license for the Tattoo Parlor and Body Piercing Establishment shall not be issued to the applicant without the approval of the Health Department to ensure consistency with the provisions of Chapter 23 of the City Code.
2. The actual application of tattoos and body piercing 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. A separate sign permit shall be obtained from the Planning Department for the installation of any new signs.

**Item #2**

**John E. & Jennifer K. Alex**

**Street Closure**

**Property located adjacent to 536 Vanderbilt Avenue**

**District – Beach**

**May 14, 2019**

**DEFERRED**

Ms. Oliver: Thank you very much. The next order of business is to address those items to be deferred or withdrawn. The chair is aware of item number D2 being withdrawn. Is there any objection to that being withdrawn today? All right, hearing none. I need a motion to have this item withdrawn.

Ms. Rucinski: I'll make a motion to withdraw item D2.

Mr. Ripley: Second.

Ms. Oliver: Great. Thank you.

Ms. Garrido: Vote is open.

Ms. Oliver: The chair is also aware the following items that have been requested to be deferred. If you have an item to be requested, or sorry, been deferred if you would like to come up, we can do that now, item number two. And this is a little confusing today because we've got a lot of deferrals. Item number three, welcome. Would you state your name for the record please?

Ms. Berlin:Bruce Berlin with Venture Realty Group, item three, we request deferral for a month.

Ms. Oliver: Okay, great. Thank you very much. Is there someone here that would like to speak or like to be heard about this particularly? Okay, great. Thank you. The next item that has been requested to be deferred is item number seven. Is there a representative for an item number seven, any oppositions to it? And then the next is item number eight, is there a representative for number eight, item number eight and is there any objection to this being deferred? Right, great. Then may I have a motion on the deferred items number two, three, seven and eight?

Ms. Rucinski: Madam Chair, I'll make a motion to defer items two, three, seven and eight.

Mr. Graham: I second.

Ms. Oliver: Great, thank you second by Commissioner Graham.

Ms. Garrido: Vote is open.

Ms. Dozier: By a vote of 9-0, items two, three, seven, and eight has been deferred and item D2 was withdrawn.

Ms. Oliver: Thank you very much.

Mr. Tajan: Just to clarify for the record. Those items are deferred to the June public hearing for the Planning Commission.

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

**Item #3**

**General Booth Venture, LLC**

**Conditional Use Permit (Automobile Service Station)**

**Property located at the Northeast Corner of General Booth Blvd & Prosperity Road**

**District - Beach**

**May 14, 2019**

**DEFERRED**

Ms. Oliver: Thank you very much. The next order of business is to address those items to be deferred or withdrawn. The chair is aware of item number D2 being withdrawn. Is there any objection to that being withdrawn today? All right, hearing none. I need a motion to have this item withdrawn.

Ms. Rucinski: I'll make a motion to withdraw item D2.

Mr. Ripley: Second.

Ms. Oliver: Great. Thank you.

Ms. Garrido: Vote is open.

Ms. Oliver: The chair is also aware the following items that have been requested to be deferred. If you have an item to be requested, or sorry, been deferred if you would like to come up, we can do that now, item number two. And this is a little confusing today because we've got a lot of deferrals. Item number three, welcome. Would you state your name for the record please?

Ms. Berlin: Rous Berlin with Venture Realty Group, item three, we request deferral for a month.

Ms. Oliver: Okay, great. Thank you very much. Is there someone here that would like to speak or like to be heard about this particularly? Okay, great. Thank you. The next item that has been requested to be deferred is item number seven. Is there a representative for an item number seven, any oppositions to it? And then the next is item number eight, is there a representative for number eight, item number eight and is there any objection to this being deferred? Right, great. Then may I have a motion on the deferred items number two, three, seven and eight?

Ms. Rucinski: Madam Chair, I'll make a motion to defer items two, three, seven and eight.

Mr. Graham: I second.

Ms. Oliver: Great, thank you second by Commissioner Graham.

Ms. Garrido: Vote is open.

Ms. Dozier: By a vote of 9-0, items two, three, seven, and eight has been deferred and item D2 was withdrawn.

Ms. Oliver: Thank you very much.

Mr. Tajan: Just to clarify for the record. Those items are deferred to the June public hearing for the Planning Commission.

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

**Item #4**

**Indian Cove Resort Association, Inc.**

**Modification of Conditions (Camground)**

**1053 Sandbridge Road**

**District – Princess Anne**

**May 8<sup>th</sup>, 2019**

**RECOMMENDED FOR APPROVAL – CONSENT**

Ms. Rucinski: Thank you. Now, the next item is agenda item number four that is for Indian Cove Resort Associations, Inc, an application for a modification of conditions granting a campground on property located at 1053 Sandbridge Road in the Princess Anne District. Is there a representative here for that matter? Could you come forward and state your name for the record?

Ms. Livingston: Jackie Livingston

Ms. Rucinski: Thank you and are the conditions acceptable?

Ms. Livingston: Yes.

Ms. Rucinski: Alright. Thank you. The chairman has asked Commissioner David Weiner to read this into the record.

Mr. Weiner: Thank you Ms. Rucinski. This is a modification of conditions. The conditional use permit permitting a 308 site campground was approved by city council in 1969, and modification of the conditional use permit was approved in 1981 to expand the existing

campground to 509 camp sites. The application proposes the use of an adjacent site for overflow parking for members, a modification of the conditional use permit is requested in order to officially incorporate this additional property into the campground. We recommended approval and put it on the consent agenda.

Ms. Rucinski: Alright, thank you. Perfect. Alright. Like I said, that is the last item. So I would like to move that items number one, four, five, six, ten, eleven, and D1 be approved.

Ms. Oliver: Alright, I have a motion made by the vice chair. May I have a second?

Ms. Weiner: Second.

Ms. Oliver: Second by Commissioner Weiner.

Ms. Garrido: Vote is open.

Ms. Dozier: By recorded vote of 9-0 items one, four, five, six, ten, eleven, and D1 have been approved by consent with Commissioner Barnes abstaining from item four.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 1</b>	<b>ABSENT 2</b>
<b>ALCARAZ</b>	<b>AYE</b>			
<b>BARNES</b>			<b>ABS</b>	
<b>GRAHAM</b>	<b>AYE</b>			
<b>HORSLEY</b>				<b>ABSENT</b>
<b>INMAN</b>				<b>ABSENT</b>
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>RIPLEY</b>	<b>AYE</b>			
<b>RUCINSKI</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

## CONDITIONS

1. All conditions attached to the Conditional Use Permit granted by the City Council on November 23, 1981 are deleted and are hereby replaced with the conditions listed below.
2. A buffer zone of 400 feet shall be provided between the on-site, private sewage plant and any campsites for habitation, and a well lot 100 feet x 100 feet shall be centered on the wells and enclosed with a minimum six-foot chain link fence. The well site must be dedicated and recorded in the Office of the Clerk of the Circuit Court.
3. The developer shall dedicate an easement for Canal No. 1 along Hells Point Creek 150 feet from the center line of the canal.
4. The proposed parking area shall be limited to the temporary parking of boat trailers, golf carts, and private vehicles of members while on site. In no case shall this area be used for parking or storage of vehicles for greater than 90 days.
5. The removal of any existing healthy tree canopy or understory woody vegetation shall be prohibited. Any damaged or removed vegetation shall be mitigated at a 3 to 1 ratio.
6. Permanent and / or temporary soil stabilization measures shall be applied to all disturbed / denuded area(s). All disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations.
7. All recreational vehicles 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, as well as prior to any approaching significant storm or wind tide flooding.
8. No dredging, filling, bulkheading or other waterfront related activities shall be allowed without the proper permits from the appropriate local, state, and federal agencies.
9. 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, and tidal or non-tidal wetlands for any development or land disturbance, including permanent or temporary structures, shall be prohibited without obtaining all applicable permits from federal, state, and local agencies.

**Item #5**

**AT Associates, LLP**

**Conditional Use Permit (Car Wash Facility)**

**2677 Virginia Beach Boulevard**

**District – Beach**

**May 8, 2019**

**RECOMMENDED FOR APPROVAL – CONSENT**

Ms. Rucinski: Okay, the next item on the agenda is item number five and that's an application for AT Associates, LLP which is an application for Conditional Use Permit for a Car Wash Facility on property located at 2677 Virginia Beach Boulevard in the Beach District. Is their representative for this? You can state your name for the record.

Mr. Scifres: Grig Scifres, an attorney with Williams Mall. I represent the applicant and it's actually a AT Associates.

Ms. Rucinski: Oh, it's AD?

Mr. Scifres: AT, as a time.

Ms. Rucinski: And the conditions are acceptable?

Mr. Scifres: Yes, they are.

Ms. Rucinski: Alright. Thank you.

Mr. Scifres: Thank you.

Ms. Rucinski: Thank you. Alright, the Chairman has asked Commissioner George Alcaraz to read this into the record.

Mr. Alcaraz: Thank you. In April 2017, a Conditional Use Permit for a Bulk Storage Yard was granted on the property to store up to 75 automobiles in association with the nearby Beach Ford car dealership. The applicant is now requesting to replace the storage area with a car wash. The proposal request for the Conditional Use Permit for a Car Wash, in staff's opinion, is an acceptable use and is compatible with other uses, many of which are motor vehicle related along this section of Virginia Beach Boulevard. As stated previously, I'm sorry, I skipped a line here. Sorry about that. The applicant intends to maintain existing street frontage landscaping and will provide additional plantings to conform with the requirements of the Virginia Beach Landscaping Guide. The parking provided on the site meets the requirements in Section 203 of the Zoning Ordinance, exceeding the minimum parking spaces required by seven additional parking spaces. The applicant worked with staff to ensure high quality site layout and an attractive building design based on the considerations above staff recommends approval and it's on consent agenda.

Ms. Rucinski: Alright, thank you. Perfect. Alright. Like I said, that is the last item. So I would like to move that items number one, four, five, six, ten, eleven, and D1 be approved.

Ms. Oliver: Alright, I have a motion made by the Vice Chair. May I have a second?

Ms. Weiner: Second.

Ms. Oliver: Second by Commissioner Weiner.

Ms. Garrido: Vote is open.

Ms. Dozier: By a recorded vote of 9-0 items one, four, five, six, ten, eleven, and D1 have been Approved by Consent with Commissioner Barnes abstaining from item four.

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

## **CONDITIONS**

1. The Conditional Use Permit for a Bulk Storage Yard, granted by City Council on April 19, 2017, is hereby voided with City Council's approval of this request.
2. When the site is developed, it shall be in substantial conformance with the site layout entitled "BEACH FORD CAR WASH, 2677 VIRGINIA BEACH BLVD, VIRGINIA BEACH, VA 23452", prepared by Clark Nexsen.
3. When the site is developed, the building shall have the architectural style, colors and materials with the rendering entitled "BEACH FORD CAR WASH, 2677 VIRGINIA BEACH BLVD, VIRGINIA BEACH, VA 23452", prepared by Clark Nexsen.
4. All signage on the site must be in accordance with sign regulations of the Zoning Ordinance.
5. Any freestanding sign on the site shall be monument style, no taller than eight feet and have a brick base.
6. No vehicles shall be parked within any portion of the public right-of-way.
7. No water produced by activities at the facility lot shall be permitted to fall upon or drain across the public streets or sidewalks or adjacent properties.

8. There shall be no signs that contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving devices on the site. There shall be no signs that are pasted or attached to 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.
9. If at any time the existing landscaping on the site is removed or dies, the applicant shall replace it with plant material as recommended in the Virginia Beach Landscape Guide.

**Item #6**

**Timberlake Shopping Center Associates, LLC**

**Amendment to the Timberlake PD-H1 Land Use Plan to add an Indoor Recreational Facility over 7500 square feet as a permitted use**

**4239 Holland Road**

**District – Rose Hall**

**May 8, 2019**

**RECOMMENDED FOR APPROVAL - CONSENT**

Ms. Rucinski: Alright, thank you. The next item is item number six, Timberlake Shopping Center Associates, LLC, an amendment to the Timberlake PD-H1 Land Use Plan to add an Indoor Recreational Facility over 7500 square feet as permitted use on the property located at 2439 Holland Road in the Rose Hall District. Hi.

Mr. Bourdon: Thank you. Thank you, Ms. Rucinski. Madam Chair, for the record Eddie Bourdon, Virginia Beach Attorney representing the applicant owner, as well as the prospective tenant on this somewhat unique application to amend the PD-H1 Land Use Plan. I appreciate all of Marchelle's hard work, as well as the assistance from Ms. Wilson, and I appreciate being on the Consent Agenda.

Ms. Rucinski: Alright. Thank you.

Mr. Bourdon: Thank you.

Ms. Rucinski: The Chair has asked Commissioner Whitney Graham to read this into the record. Mr. Graham: Thank you. Timberlake Shopping Center Associates, LLC

is requesting to amend the PD-H1 Land Use Plan for Timberlake to add an Indoor Recreational Facility with a floor area greater than 7500 square feet as permitted use at this location. Amending the plan will allow the applicant to operate a 17,728 square foot fitness facility. This is not a blanket change to the Timberlake PD-H1 Land Use Plan. This application will only amend the PD-H Land Use Plan for this location. The applicant will have approximately 15 employees at the facility. It will operate between 5 am to 11 pm Monday through Friday and 7 am to 8 pm on Saturday and Sunday. Staff recommends approval and this is on the Consent Agenda.

Ms. Rucinski: Alright, thank you. Perfect. Alright. Like I said, that is the last item. So I would like to move that items number one, four, five, six, ten, eleven, and D1 be approved.

Ms. Oliver: Alright, I have a motion made by the Vice Chair. May I have a second?

Ms. Weiner: Second.

Ms. Oliver: Second by Commissioner Weiner.

Ms. Garrido: Vote is open.

Ms. Dozier: By a recorded vote of 9-0 items one, four, five, six, ten, eleven, and D1 have been Approved by Consent with Commissioner Barnes abstaining from item four.

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

**PROFFERS**

**PROFFER 1:**

The PD-H1 Land Use Plan applicable to the Property shall be modified to allow that portion of the building containing approximately 17,728 square feet and currently designated as Suite 764 in the Timberlake Shopping Center to be renovated and used as a Recreation Facility, other than one of an outdoor nature, with a floor area greater than 7,500 square feet substantially as depicted on the “PHYSICAL SURVEY OF TIMBERLAKE SHOPPING CENTER”, dated 6-30-95, prepared by Basgier & Associates which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning (‘Physical Survey”).

**PROFFER 2:**

When the Suite is renovated, the building mounted sign will be substantially as depicted on the “SIGN RENDERING FOR BLINK FITNESS” dated April 4, 2019, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning (“Sign Rendering”).

**PROFFER 3:**

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

**Item #7**

**City of Virginia Beach**

**An Ordinance to Amend Sections 210.2, 2210 and 2211 of the City Zoning Ordinance pertaining to definitions of sign types, sign regulations in the CBC Central Business Core District and Sign Design Guidelines for the CBC Central Business Core District**

**May 14, 2019**

**DEFERRED**

Ms. Oliver: Thank you very much. The next order of business is to address those items to be deferred or withdrawn. The chair is aware of item number D2 being withdrawn. Is there any objection to that being withdrawn today? All right, hearing none. I need a motion to have this item withdrawn.

Ms. Rucinski: I'll make a motion to withdraw item D2.

Mr. Ripley: Second.

Ms. Oliver: Great. Thank you.

Ms. Garrido: Vote is open.

Ms. Oliver: The chair is also aware the following items that have been requested to be deferred. If you have an item to be requested, or sorry, been deferred if you would like to come up, we can do that now, item number two. And this is a little confusing today because we've got a lot of deferrals. Item number three, welcome. Would you state your name for the record please?

Ms. Berlin: Rous Berlin with Venture Realty Group, item three, we request deferral for a month.

Ms. Oliver: Okay, great. Thank you very much. Is there someone here that would like to speak or like to be heard about this particularly? Okay, great. Thank you. The next item that has been requested to be deferred is item number seven. Is there a representative for an item number seven, any oppositions to it? And then the next is item number eight, is there a representative for number eight, item number eight and is there any objection to this being deferred? Right, great. Then may I have a motion on the deferred items number two, three, seven and eight?

Ms. Rucinski: Madam Chair, I'll make a motion to defer items two, three, seven and eight.

Mr. Graham: I second.

Ms. Oliver: Great, thank you second by Commissioner Graham.

Ms. Garrido: Vote is open.

Ms. Dozier: By a vote of 9-0, items two, three, seven, and eight has been deferred and item D2 was withdrawn.

Ms. Oliver: Thank you very much.

Mr. Tajan: Just to clarify for the record. Those items are deferred to the June public hearing for the Planning Commission.

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

**Item #8**

**City of Virginia Beach**

**An Ordinance to Amend Section 506 of the City Zoning Ordinance Pertaining to Lot size and Lot width requirements of two single-family dwellings located on a single lot in the North End Overlay District**

**May 14, 2019**

**DEFERRED**

Ms. Oliver: Thank you very much. The next order of business is to address those items to be deferred or withdrawn. The chair is aware of item number D2 being withdrawn. Is there any objection to that being withdrawn today? All right, hearing none. I need a motion to have this item withdrawn.

Ms. Rucinski: I'll make a motion to withdraw item D2.

Mr. Ripley: Second.

Ms. Oliver: Great. Thank you.

Ms. Garrido: Vote is open.

Ms. Oliver: The chair is also aware the following items that have been requested to be deferred. If you have an item to be requested, or sorry, been deferred if you would like to come up, we can do that now, item number two. And this is a little confusing today because we've got a lot of deferrals. Item number three, welcome. Would you state your name for the record please?

Ms. Berlin: Rous Berlin with Venture Realty Group, item three, we request deferral for a month.

Ms. Oliver: Okay, great. Thank you very much. Is there someone here that would like to speak or like to be heard about this particularly? Okay, great. Thank you. The next item that has been requested to be deferred is item number seven. Is there a representative for an item number seven, any oppositions to it? And then the next is item number eight, is there a representative for number eight, item number eight and is there any objection to this being deferred? Right, great. Then may I have a motion on the deferred items number two, three, seven and eight?

Ms. Rucinski: Madam Chair, I'll make a motion to defer items two, three, seven and eight.

Mr. Graham: I second.

Ms. Oliver: Great, thank you second by Commissioner Graham.

Ms. Garrido: Vote is open.

Ms. Dozier: By a vote of 9-0, items two, three, seven, and eight has been deferred and item D2 was withdrawn.

Ms. Oliver: Thank you very much.

Mr. Tajan: Just to clarify for the record. Those items are deferred to the June public hearing for the Planning Commission.

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

**Item #9**

**City of Virginia Beach**

**An Ordinance to Amend Sections 501, 801, 1001, and 1110 of the City Zoning Ordinance pertaining to Home-Based Wildlife Rehabilitation**

**May 8<sup>th</sup>, 2019**

**DEFERRED INDEFINITELY**

Ms. Oliver: Thank you. The next order of business will be addressed the remaining matters on our agenda and that would be an item that was to be deferred, which was item number nine. And so if I could have our zoning administrator, Kevin Kemp, come up and read that for us, please.

Mr. Kemp: Thank you chair and commission. This is an ordinance that was sponsored and brought to staff's attention by Councilwoman Wooten; it is in regards to Home Based Wildlife Rehab. This is a service that is needed in our city, the city facilities just can't handle the amount of animals that are needed. You have seen many come through with conditional use permits what this amendment would do, would change those to be permitted by right, just to remind you this use is heavily regulated by the Virginia Department of Game and Inland Fishery. They are the ones who really do the inspection and the renewal of the license in this amendment to be permitted by right, they would have to meet the requirements of Section 240 2.3 of the zoning ordinance, which were written to me are pretty closely the requirements of the Virginia Department of Game and Inland Fisheries. If there are any questions, I'm here to answer. Thank you.

Ms. Oliver: Right. Thank you. Do we have any questions for Mr. Kemp? Thank you.

Mr. Kemp: Thank you. So I'm going to close this now and open it up to the commissioners for discussion and or a motion, yes, Commissioner Redmond.

Mr. Redmond: Madam Chairwoman, it's coming to my attention that there are some elements of this ordinance that require some further discussion, some outreach, and some consultation that is required at this point, such that it's not quite ready for our consideration. And so for that reason, I would move that we indefinitely defer this item.

Ms. Oliver: Okay. I second.

Ms. Garrido: Vote is open.

Ms. Oliver: Great, thank you.

Ms. Dozier: By vote of 9-0, item nine, an ordinance to amend zoning ordinance pertaining to home based wildlife rehabilitation has been indefinitely deferred.

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

**Item #10**

**City of Virginia Beach**

**An Ordinance to Amend Section 107 of the City Zoning Ordinance pertaining to the time limitations of City Council referral of Zoning Amendments to Planning Commission for action.**

**May 8<sup>th</sup>, 2019**

**RECOMMEND FOR APPROVAL – CONSENT**

Ms. Rucinski: Thank you. The next item is Number 10. It is the City of Virginia Beach, an ordinance to amend Section 107 of the City's Zoning Ordinance pertaining to time limitations for city council referrals to zoning amendments to the Planning Commission for action and the chair has asked Zoning Administrator Kevin Kemp to read this.

Mr. Kemp: Thank you commissioner. This ordinance will amend Section 107, the Zoning Ordinance and sync our Zoning Ordinance up with recently passed state legislation. What it is basically is if city council refers an item for your consideration they are going to expect you to consider it in less than 100 days. There's additional requirements that need to be met particularly advertising through the paper and on the website. Staff recommends approval of this amendment.

Ms. Rucinski: Alright. Thank you. The next item is also a City of Virginia Beach item. It's an ordinance to amend Section 103 of the City's Zoning Ordinance pertaining to notification to property owners and again, Mr. Kemp would you read it.

Mr. Kemp: Yes, thank you, what this does is again syncs our Zoning Ordinance with recent state legislation. What it does is it adds certified mail as an acceptable form of notification to which when someone receives it, the appeal period can begin. It is currently zoning's practice of using registered mail. I don't anticipate that practice will change but this will add the option to send certified as well.

Ms. Rucinski: Right. Thank you.

Mr. Kemp: Thank you.

Ms. Rucinski: Alright, thank you. Perfect. Alright. Like I said, that is the last item. So I would like to move that items number one, four, five, six, ten, eleven, and D1 be approved.

Ms. Oliver: Alright, I have a motion made by the vice chair. May I have a second?

Ms. Weiner: Second.

Ms. Oliver: Second by Commissioner Weiner.

Ms. Garrido: Vote is open.

Ms. Dozier: By recorded vote of 9-0 items one, four, five, six, ten, eleven, and D1 have been approved by consent with Commissioner Barnes abstaining from item four.

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

**Item #11**

**City of Virginia Beach**

**An Ordinance to Amend Section 103 of the City Zoning Ordinance pertaining to Notification of Property Owners.**

**May 8<sup>th</sup>, 2019**

**RECOMMEND FOR APPROVAL – CONSENT**

Ms. Rucinski: Alright. Thank you. The next item is also a City of Virginia Beach item. It's an ordinance to amend Section 103 of the City's Zoning Ordinance pertaining to notification to property owners and again, Mr. Kemp would you read it.

Mr. Kemp: Yes, thank you, what this does is again syncs our Zoning Ordinance with recent state legislation. What it does is it adds certified mail as an acceptable form of notification to which when someone receives it, the appeal period can begin. It is currently zoning's practice of using registered mail. I don't anticipate that practice will change but this will add the option to send certified as well.

Ms. Rucinski: Right. Thank you.

Mr. Kemp: Thank you.

Ms. Rucinski: Alright, thank you. Perfect. Alright. Like I said, that is the last item. So I would like to move that items number one, four, five, six, ten, eleven, and D1 be approved.

Ms. Oliver: Alright, I have a motion made by the vice chair. May I have a second?

Ms. Weiner: Second.

Ms. Oliver: Second by Commissioner Weiner.

Ms. Garrido: Vote is open.

Ms. Dozier: By recorded vote of 9-0 items one, four, five, six, ten, eleven, and D1 have been approved by consent with Commissioner Barnes abstaining from item four.

Ms. Oliver: Alright. Thank you. I'd like to thank all the applicants that came down today that had a matter on the consent agenda.

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

**Item #D1**

**Glassell S. Scott, Jr. [Applicant]**

**Street Closure Vacant Parcel on Vanderbilt Avenue,  
Approximately 263 feet from Croatan Road  
(Lot 18, Block 18, Croatan Beach)  
(Adjacent GPIN 2426383787)  
Council District - Beach**

**May 8, 2019**

**Recommended for Approval - Consent**

**Jan Rucinski:** Okay and the last item on the consent agenda is item number D1, for Glassell S. Scott, Jr. An application of a Street Closure next to a vacant parcel on Vanderbilt Avenue approximately 263 feet from Croatan Road, Lot 18, Block 18, Croatan Beach in the Beach District.

**Eddie Bourdon:** Thank you. Madame Secretary and Chair, for the record, again, Eddie Bourdon, Virginia Beach Attorney representing the applicant. I appreciate the work of Mr. Landfair and the staff. I want to mention, too, because Mr. Wall asked the question in the informal, the closing of these alleys in Croatan has been a City policy/priority since Linwood Branch was on Council and we have been – and (inaudible – sounds like – “they come in fits and starts”) to be closed, you know, these portions of alleys and all these alleys, none of which have ever been improved going back over 30/35 years. I appreciate it being on the consent agenda. Thank you.

**Jan Rucinski:** Thank you. Madame Chair that was the last item on the consent agenda and we have asked for Ron Ripley to read this one into record.

**Ron Ripley:** Well I think Mr. Bourdon did a pretty good job.

**Group:** Yes, he did.

**Ron Ripley:** I appreciate that, and I would have said something similar to that because I have seen these closings happen a lot. It is an alley that is behind these lots that the owners tend to want to own and the viewers have been out to look at it and determine if there is any public interest in this alley and they have determined that they didn't think there were any and staff looked at it and recommended that we approve this so we put this on our consent agenda. It's only a 7 1/2 by 50-foot strip of land in the back of this lot. As Mr. Bourdon said, I know I have seen dozens and dozens of these come through the Planning Commission while I have been up here, and it is a normal thing – pretty routine so we put it on consent.

**Jan Rucinski:** Alright, thank you. Like I said, that is the last item so I would like to move that items number 1, 4, 5, 6, 10, 11 and D1 be approved.

**Dee Oliver:** Alright, a motion made by the vice chair and the second?

**David Weiner:** Second

**Dee Oliver:** Second by Commissioner Weiner.

**Clerk Garrido:** The vote is open.

**Clerk Dozier:** By a recorded vote of 9 to 0, items 1, 4, 5, 6, 10, 11 and D1 have been approved by consent with Commissioner Barnes abstaining from item 4.

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

**CONDITIONS**

1. The City Attorney’s Office will make the final determination regarding ownership of the underlying fee. The purchase price to be paid to the City shall be determined according to the “Policy Regarding Purchase of City’s Interest in Streets Pursuant to Street Closures,” approved by City Council.
2. The applicant shall resubdivide the property and vacate internal lot lines to incorporate the closed area into the adjoining parcel. The resubdivision plat shall be submitted and approved for recordation prior to final street closure approval.
3. The applicant shall verify that no private utilities exist within the right-of-way proposed for closure. If private utilities do exist, easements satisfactory to the utility company must be provided.
4. Closure of the right-of-way shall be contingent upon compliance with the above stated conditions within 365 days of approval by City Council. If the conditions noted above are not accomplished and the final plat is not approved within one year of the City Council approval, said approval shall be considered null and void.

**Item #D2**

**Virginia Beach Development Authority**

**Modification of Conditions and Conditional Use Permit (Outdoor Recreational Facility)**

**Northeast Corner of Landstown Road & Landstown Centre Way**

**District – Princess Anne**

**May 14, 2019**

**WITHDRAWN**

Ms. Oliver: Thank you very much. The next order of business is to address those items to be deferred or withdrawn. The chair is aware of item number D2 being withdrawn. Is there any objection to that being withdrawn today? All right, hearing none. I need a motion to have this item withdrawn.

Ms. Rucinski: I'll make a motion to withdraw item D2.

Mr. Ripley: Second.

Ms. Oliver: Great. Thank you.

Ms. Garrido: Vote is open.

Ms. Oliver: The chair is also aware the following items that have been requested to be deferred. If you have an item to be requested, or sorry, been deferred if you would like to come up, we can do that now, item number two. And this is a little confusing today because we've got a lot of deferrals. Item number three, welcome. Would you state your name for the record please?

Ms. Berlin: Rous Berlin with Venture Realty Group, item three, we request deferral for a month.

Ms. Oliver: Okay, great. Thank you very much. Is there someone here that would like to speak or like to be heard about this particularly? Okay, great. Thank you. The next item that has been requested to be deferred is item number seven. Is there a representative for an item number seven, any oppositions to it? And then the next is item number eight, is there a representative for number eight, item number eight and is there any objection to this being deferred? Right, great. Then may I have a motion on the deferred items number two, three, seven and eight?

Ms. Rucinski: Madam Chair, I'll make a motion to defer items two, three, seven and eight.

Mr. Graham: I second.

Ms. Oliver: Great, thank you second by Commissioner Graham.

Ms. Garrido: Vote is open.

Ms. Dozier: By a vote of 9-0, items two, three, seven, and eight has been deferred and item D2 was withdrawn.

Ms. Oliver: Thank you very much.

Mr. Tajan: Just to clarify for the record. Those items are deferred to the June public hearing for the Planning Commission.

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

Ms. Oliver: Thank you very much. Well, is there any other further business for today? Yes.

Mr. Tajan: Madam Chair, I forgot to notify the commission in the informal session, you received a printout of the Pints for Preservation and I know way to celebrate the historic preservation month is going on right now. Last night, the mayor read a proclamation for the preservation for may, all the proceeds that go to this, go to help Preservation Virginia maintain the Cape Henry Lighthouse. So in an effort to continue to raise funds to maintain our historic resources, we wanted to make sure we brought this to your attention and hopefully, enjoy a craft beverage at one point in time, so.

Ms. Oliver: Great. Thank you very much. We will all look forward to participating in that. And if there's any other furthers business, if not on behalf of my fellow Commissioners, I'd like to thank everyone for attending today and thank the planning director and his staff for their excellent work in preparing today's agenda. Therefore, the meeting of May is adjourned.