

Virginia Beach Planning Commission

Public Hearing Minutes

September 11th, 2019

Ms. Oliver: Event meeting 2019 of the Virginia Beach Planning Commission. My name is Dee Oliver and I serve as the chairman of the Commission. Before we get started, I've asked Pastor Vickers to please lead us in prayer and this will be followed by the pledge led by Commissioner Ripley. Thank you.

Pastor Vickers: Thank you. Heavenly Father, we thank you for this day. We thank you for our city and for our nation and for the freedoms that we enjoy living here. On this momentous day in the history of our country, we just, we thank you, Lord, for your goodness to us. We pray for all of those who are mourning the loss of their loved ones, even these many years later. All we just pray that you will bring unity and strength to our nation, Lord, that you will bring an end to the violence that we see not only around the world, but even in our own country. We pray for your blessing and your protection. We pray for this Commission who meets today to discuss the planning projects for our city and how our city is going to proceed forward and we just pray that you give them wisdom and give them all the understanding that they need to do their jobs efficiently and effectively, in the best interest of our town, we love you and we praise you and we ask these things in the name of your son and our Savior Jesus, and Amen and Amen and Amen.

Ms. Oliver: Thank you.

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

Ms. Oliver: Thank you, Pastor Victor, I appreciate you taking the time and coming down and leading us in prayer today and thank you Commissioner Ripley. I've asked Commissioner Weiner to introduce the members of our commission today.

Mr. Weiner: Thank you Madam Chair. To far end on my right is Kay Wilson. She is our city attorney. Next is George Alcaraz. George is a contractor and he represents the Beach District. Sitting next to me is Jack Wall. Jack is a civil engineer and he represents Rose Hall District. My name is David Wiener. I'm in commercial sales and I represent the Kempsville District. The empty seat 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 and development he is At-Large. Next is Dee Oliver, Dee is our chairman of the Planning Commission and she is a funeral director and she is At-Large. Next is Jan Rucinski. Jan is the vice chair of the Planning Commission, and she's a property management and she represents the Centerville District. Next is

Mike Inman, Mike is an attorney and he is At-Large. Next is Dave Redmond, Dave is in commercial real estate and he represents the Bayside District. And then we have Whitney Graham, Whitney is in land development and he represents the Lynnhaven District. And next to Steve Barnes, Steve is a farmer and he represents the Princess Anne District. And then Bobby Tajan is our planning director and Mr. Tajan, would you please introduce your staff?

Mr. Tajan: Yes. Today we have clerking the meeting, Carol Dozier and Pam Sandloop and with the planning department staff in addition, we have Carolyn Smith, our planning administrator, Bill Landfair, Marshall Coleman, Jonathan Sanders, and Kevin Kemp, our zoning administrator, and Tori Rice with the city attorney's office. In addition, we have Karen Petrillo with housing here as well for any future questions.

Ms. Oliver: Great. Thank you. And thank you, Commissioner Weiner. The first order of our business is the explanation of our rules on how we run our meetings and our city clerk will read this for us now.

Ms. Sandloop: Thank you Madam Chair. The Virginia Beach Planning Commission takes pride and being fair and courteous to all parties and attendance. It is important that all involved understand how the commission normally conducts its meetings. It is equally important that everyone treat each other and the members of the Commission with respect and civility. The Commission requests that if you have a cell phone, please either silence it or turn it off. This is an abbreviated explanation of the rules. The complete set of rules is located in the front of the Planning Commission agenda. Following is the order of business for this public hearing, withdrawals and deferrals. The chairman will ask if there are any requests to withdraw or differ an item on the agenda, consideration of these requests will be heard First, the consent agenda. The second order of business is a consideration of the consent agenda, which are those items that the Planning Commission believes are unopposed and which have favorable staff recommendation, and then the regular agenda. The Commission will then proceed with the remaining items on the agenda. Please note that the actions taken by the Commission today are in the form of a recommendation to the Virginia Beach City Council. The final decision to approve or disapprove an application will be made by the City Council. The Commission thanks you for your attendance and we hope your experience here today leaves you feeling that you have been heard and treated fairly. Thank you.

Item #1
The Glam Life Beauty Bar, LLC
Conditional Use Permit (Tattoo Parlor)
4663 Haygood Road, Suite 207
District – Bayside

September 11th, 2019

RECOMMENDED FOR APPROVAL - CONSENT

Ms. Oliver: Thank you very much. Alright, the next order of business, we're going to address those that have been placed on the consent agenda and our vice chair will handle this portion of the agenda.

Ms. Rucinski: Thank you Madam Chair. This afternoon, we have, I believe five items on the consent agenda. The first matter on the agenda is item number one, and that is an application of The Glam Life Beauty Bar, LLC and KH HR Haygood, LLC is a conditional use permit for a tattoo parlor at 4663 Haygood road suite 207 and that is in the Bayside District. Do we have a representative for that application? Could you come forward, please? Could you state your name for the record and then just tell us a little bit about your application?

Ms. Siegler: Okay, Alicia Siegler. I'm requesting a conditional use permit for permanent makeup with the microblading. We're not actually going to be doing body tattoos just microblading.

Ms. Rucinski: Okay, thank you.

Ms. Oliver: Thank you.

Ms. Rucinski: Is there any opposition to this application being put on the consent agenda? Okay, hearing none, the chairman has asked Commissioner Dave Redmond to review this for the record.

Mr. Redmond: Thank you. This is an application for conditional use permit to add a particular use Microblading which is also as the applicant stated, known as permanent makeup, eyebrows, other features, it's not tattoos in the sense of an anchor on someone's shoulder. It's a very specific function in an existing business in an existing space on Haygood Road, which is operated without incident. The staff recommends approval we are unaware of any opposition, and the commission agrees therefore by consent. Thank you.

Ms. Sandloop: The vote is open. By recorded vote of 10-0, agenda items one, two, number two with conditions as amended, four and six have been approved by consent.

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

CONDITIONS

1. A business license for the Tattoo Parlor 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. This Conditional Use Permit for a Tattoo Parlor shall be limited to only microblading, a tattooing technique used in the application of permanent make-up. No other form of tattooing shall be permitted.
3. The actual application of permanent make-up shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
4. 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
David & Carol Hawkins
Conditional Use Permit (Residential Kennel)
2125 Tennyson Court
District – Princess Anne**

September 11th, 2019

RECOMMENDED FOR APPROVAL - CONSENT

Ms. Rucinski: Thank you. The next item on the consent agenda is item number two, that's an application for David and Carol Hawkins and it is for a conditional use permit for residential kennel at 2125, Tennyson Court in the Princess Anne District. Is there the applicant available? Thank you if you could state your name for the record and tell us about your application?

Mr. Hawkins: Sure. My name is David Hawkins. We're asking for a conditional use permit to maintain the six dogs we currently have until the age out and we get down to the four dogs that are marked by the city and that's pretty much it. We've licensed all our dogs for years and years and then I guess, some records and something came up and they said you've got too many.

Ms. Rucinski: And I understand that you're asking for the condition number two to be removed because you do have one.

Mr. Hawkins: Yes, I do. We have one female dog that is still a breeding age and she is expecting dual pups in mid-October. So, I'm asking to be able to have that one removed.

Mr. Rucinski: Okay, thank you.

Mr. Hawkins: And then once a dog hits about seven years, seven and a half years we stop breeding and they're just our pets.

Ms. Rucinski: Okay, thank you. Do we have any opposition to this matter being placed on the consent agenda? Okay, see none. The chairman has asked Commissioner Steve Barnes to review this for the record.

Mr. Barnes: Thank you, ma'am. The request for conditional use permit for residential kennel is in the staff's opinion acceptable according to the animal control. There are no recent complaints registered regarding the dogs on this property, however, in 2010 there were a few calls in regards to excessive barking, a summons was issued, the case was resolved. There's been no complaint set, based on these considerations, the staff has recommend approval of this request and we're not aware of any opposition. There

are seven recommended conditions with this permit. Number two, if I recall, it's going to be changed. It says no breeding of dogs on the property what I understand there be one time a year, is that correct? Okay. So, we put it on a consent agenda since there's no opposition.

Ms. Sandloop: The vote is open. By recorded vote of 10-0, agenda items one, two, number two with conditions as amended, four and six have been approved by consent.

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

CONDITIONS

1. This Conditional Use Permit shall be limited to a maximum of six (6) adult dogs. At any such time if any of the dogs covered by this Conditional Use Permit are removed from this property for any reason, no other dog(s) of any kind, gender, age, or breed shall be permitted on the property to replace the dog(s). The applicant may keep up to four dogs as allowed by the Zoning Ordinance without a Conditional Use Permit.
1. In accordance with Section 223 of the Zoning Ordinance, the dogs must be kept in a soundproof/insulated and air-conditioned building.
2. All animal waste from the dogs shall be collected and disposed of in a lawful manner on a daily basis.
3. The applicant shall ensure that all dogs are properly vaccinated and immunized and are licensed through the City of Virginia Beach.
4. The existing fences on the property shall be maintained in good condition.
5. No dog shall be left outdoors unattended for long periods of time. As volunteered by the applicant, the dogs shall be inside of the single-family dwelling for the majority of the day, with an exception to breaks for urination, defecation, and daily exercise.

**Item #3
Halle Properties, LLC
Conditional Use Permit (Automobile Repair Garage)
1657 Laskin Road
District – Beach**

September 11th, 2019

RECOMMENDED FOR APPROVAL - HEARD

Ms. Oliver: Right. I'd like to thank all the applicants that had a matter on the consent agenda today for coming down and this hearing and they will be scheduled on the website for the next city council meeting and so thank you very much. The next order of business will address the remaining matters on our agenda and if you would, please call the first item.

Ms. Smith: Thank you Madam Chair. The next item to be heard is agenda Item number three Halle Properties, LLC. It's an application for a conditional use permit automobile repair garage on property located at 1657 Laskin Road in the Beach District with the applicant or the applicant's representative please step to the podium.

Ms. Oliver: State your name for the record please.

Ms. Palmer: Thank you. Yeah, my name is Grady Palmer, I'm an attorney, and I represent Halle properties Discount Tire. This would be the third Discount Tire location in the city. Actually, the fourth, there is one currently under construction at Virginia Beach, Boulevard at Thalia. There are two others that are currently operating. I understand that there's some opposition to this matter; certainly understand those concerns, you know, first thing I would note, we understand that this location is in the strategic growth area for hilltop. We try to balance the technical inconsistencies with architecture and landscaping and so I think this would be a good use for this property. This property is currently vacant, was a mattress store for many years. We think this would be a good investment for the property owners; also it would be on a ground lease, so that's important from a redevelopment perspective, this property would be available for redevelopment in the future as it comes in this direction to Hilltop. But also like to point out, there are a couple of stipulations; staff has recommended that we agree with. We agree with all the stipulations, but I was going to highlight a few stipulations that would prevent outdoor storage, any outdoor storage, or any outdoor work of any kind and for those of you that have seen or maybe visited, the current Discount Tire operation, they're very clean, they're very well run, then they are entirely self-contained and so from that perspective, I think this would be a good use for this property. I'll stand by for any

questions that you have, certainly if there is a need to defer this matter. We're certainly not opposed to that, but we would request that you support the application. Thank you.

Ms. Oliver: Thank you, Mr. Palmer.

Ms. Sandloop: We have two speakers, William Jennings.

Ms. Oliver: Hello Mr. Jennings, how are you?

Mr. Jennings: Hi. My name is William Jennings and I am representing, I'm employed by 1636 Industrial Park Road, LLC 601 Nevan Road, LLC. We call it the Glidden Shopping Center. It's a three brother's partnership and I said 636 First Colonial Road as well that properties are currently up for sale and as you can see from the literature is going around, it's adjacent there to the location and then one of the properties 1636 Industrial Park Road is on the back side on the corner.

Ms. Oliver: Mr. Jennings, would you just take, I'm going to interrupt you if you there's a pointer right there and if you could just point to the pieces of property that you are representing that would be great.

Mr. Jennings: Okay. It actually goes off the screen there, but I'll start right here it goes down here all the way over here, that's clear, all of this, all of this.

Ms. Oliver: Well go ahead and we'll, oh there it is, okay.

Mr. Jennings: So I was up here, goes through here comes over here, over here, all the way down here again. So it's almost this whole square except for that place there and the gas station. These people actually rent at parking lot from us. The other property is right here, which is all this right here.

Ms. Oliver: Okay.

Mr. Jennings: And together this has been a little over four acres, we have in there you will see an altar survey, as well as this one is more than an acre. So it's a total of more than five acres, but this is for redevelopment, and we're hoping for and the reason that we are trying to do that is to get a buyer that is interested in redeveloping and as you can see from that brochure, in the strategic growth area, because that gives the owners the highest and best value for their property. And it's a chance to redevelop that whole area, certainly that rectangle. And so, that's part of the reason that we were kind of, it's a good area because elevation 27 is there if you've heard of those folks. The elevation is actually 28-27 feet there, which is the highest other than maybe Mount Rushmore in Virginia Beach, so and the Walgreens on the corner on the opposite corner over here by first colonial and Laskin had a recorded sale of 12

million for that. So we would be against anything that would inhibit pedestrian traffic and would cause more traffic to be there, because that would inhibit our development concept and we do have it listed now with a real estate company and farming it out both here as well as nationally. Any questions?

Ms. Oliver: Any questions for Mr. James. Ripley?

Mr. Ripley: So what's the objection to this particular use, this looks like pretty modern use but I've been trying to understand what your concern is?

Mr. Jennings: Okay. They were putting the building pretty close to the roadway that's five feet and also the...

Mr. Ripley: Pretty close to what?

Mr. Jennings: The roadway on Nevan is five feet of that and then on the other and part of it was in the other hand out that I had given earlier was concerning pedestrian traffic, concerning vehicular traffic, and also noncompliance with the area that we're trying to make it look at the vision that the city had with the strategic growth area. So that, you know, three to five stories, if you look at that brochure, you can see and there's a copy of the artists concept of what they wanted to do and that's what we're trying to market it.

Mr. Ripley: Pulling the building towards the road is a concept that's promoted in the comprehensive plan I mean that's why it's been pulled up like, I'm sure the planners encourage that and so they would encourage your property owner do the same, I would think.

Mr. Jennings: Okay and I can respond to that. The issue would be that the type of businesses there is not that's why they're asking for a conditional use permit because it's not compliant and that would cause a lot more of the type of vehicular traffic including the loading and unloading of lots of tires, as we have observed out there other locations, and so that would be kind of counterproductive with the trucks and all that we would think of, for the frequency of them for pedestrian traffic in that area.

Mr. Ripley: So would your development have any trucks bringing things in coming and going and delivering and any of that?

Mr. Jennings: The folks that have proposed and I'm saying the proposals that we've had so far are for office type complexes, medical facilities, three to five story type buildings to maximize the revenue from the buildings. So I don't know that they would have that type of vehicles coming and going there. It's more of a office type of businesses and also we didn't get notified about this and so when we found out about it in a sales meeting with the marketing with a real estate company, and so then we call

the city and they told us about it and then we requested that they send us a notification that they did. We called the owner behind them, which also we know Mark Gilbert, he did not have, he said he didn't get notification. First, he'd heard of it yesterday, was when he talked to us. We talked to another owner; they said they hadn't heard of it and they weren't going to be here today, neither one of them would be because they're already, one of them is going to be out of town and the other one has another commitment that's a pretty serious thing. So I was hoping that at least, you know, the area people would be able to know, adjacent property owners at least would be able to have enough notice to be able to put things together. I really wasn't supposed to be here today to do this as what last minute thing, someone else was going to do that but they couldn't show up either.

Mr. Ripley: Thank you.

Mr. Jennings: Thank you.

Ms. Oliver: Commissioner Weiner has a question?

Mr. Weiner: So your property is just been advertised now, I mean so that I can't pull the rabbit out of your head or anything, but what kind of timeframe are you talking about, it could take years 2, 3, 5, 6, 7, 8, 10 years for that develop, to develop? I mean.

Mr. Jennings: To actually do development?

Mr. Weiner: Yeah. I mean, it could take a long time. So because, you're saying your development won't work with this?

Mr. Jennings: Yes, I'm saying that if it's not in compliant with the strategic growth area for one reason, for one thing, and because that to get the highest and best use and maximize the value of what the concept of a developer would want, we needed to be in that that's how we're marketing and as the strategic growth area for the vision, the concept that the city had and so anything that takes away from that that's adjacent to it, is going to be detrimental to us especially on pedestrian type things and safety and traffic of trucks.

Mr. Weiner: I understand what you're saying, but just been there, because it's a long time and you know, you just don't know when you're just gonna go what happened? So this is just hard, because this area they've been, my opinion would look good in this area to be redevelopment of the area with nothing has been done there for a long time?

Mr. Jennings: Right, we have had a number of letters of intent and so we've been sifting through those, and we're looking for our best offer, because we've already had lots of folks as you can imagine, because it's a pretty prime piece of property.

Mr. Weiner: Sure.

Mr. Jennings: And being all jointly there together, the folks that run the gas station, they're going to be, you know, they have to [Inaudible] [00:30:37] and their gas tanks on the ground are going to be because of the widening of the road going to be losing that. So you know, they've asked make us offer. So you could have that whole block, you know, could be potentially all.

Ms. Oliver: Yes Whitney.

Mr. Graham: Correct me if I'm wrong, Nevan Road is the entrance to the Super Wal-Mart?

Mr. Jennings: That is correct.

Mr. Graham: Okay.

Mr. Jennings: Well, this is one of the entrances, there is other entrance from Donna.

Mr. Graham: Okay.

Mr. Jennings: Yeah, and there is a traffic light there also.

Mr. Graham: This will be a brand-new building?

Mr. Jennings: This would-be brand-new development, yes sir. So would be redeveloping that area which is if you know the buildings there, all the buildings are pretty much old.

Mr. Graham: Yeah, it's I mean, I think you have, if I'm not mistaken, you had the Virginia Steak House; it's kind of an older building, I am afraid that's operating anymore, there's some older properties in there and this is an opportunity to have a brand new building at the, that is not a high traffic generator in front of a Super Wal-Mart?

Mr. Jennings: Right. So the concept as you were just saying is that the Virginia Steakhouse, the Halle properties tried to locate there, we oppose that. They tried to locate I believe over at the restaurant that was across the street that it closed up and I believe that target had posed that and so now they're making there, you know, we're not opposed to the business itself, of course, it's just that the location and what you're going to try to put there, if we're going to try to develop this area and try to do the vision, which I think is the highest and best use and gives us the most value for it, then we would like to see, you know, enforcing of the rules, otherwise, it wouldn't have to have a conditional use permit to, you know, because it's not inclined.

Mr. Graham: Okay.

Ms. Oliver: Yes, Commissioner Redmond.

Mr. Redmond: But a conditional use permit doesn't require conformance with a strategic growth area plan, which is very broad, okay. We have dozens of automotive facilities operating in strategic growth areas all across the city, if not hundreds.

Mr. Jennings: Yes, sir.

Mr. Redmond: Okay, so it's not exactly unusual that this kind of facility would operate in strategic growth area. This is someone else's piece of property and I understand that you don't care for, but I'm having a hard time finding anything particularly noxious about it. Because from what I see, these are some of the nicest, cleanest, predominantly brick of this kind of retailer in the city. I just, I'm having a hard time finding what's objectionable about it from an objective standpoint.

Mr. Jennings: Right.

Mr. Redmond: You can help me with that because I don't see it.

Mr. Jennings: Okay. Well, I would like to have more time to prepare material because we just got notification and we call the city and they send us out a notification. And we are an adjacent property owner at 636 Industrial Park Road, some of the other owners that's the property, I don't see it there but he's right to the bottom of that property. He didn't receive notice. So he told us that and I believe he called the city and said that he was opposed to it.

Mr. Redmond: Can you tell us a little bit about the notification and what did or didn't occur?

Mr. Tajan: I believe based on the staff just pulled up the mailing requirements for the immediately adjacent properties, these properties aren't immediately adjacent to the property. Now however, they do have the signs posted and there is a notice for the date of the meeting, which is why I believe some of the speakers are here today.

Mr. Jennings: So except one of our properties is 1636 Industrial Park Road, back up to the corner of your lot, but a lot that they're saying it's, they have a lot. It's actually two parcels D and E I believe is what they're planning there and the back part there is the E part which is a sliver that goes that way. We're right there on the back corner, behind Mr. Gilbert's property

Mr. Tajan: Understand. It looks like there's a flag lot portion that's going behind it.

Mr. Jennings: Yeah.

Ms. Oliver: Right.

Mr. Tajan: That is in between, technically in between the property that they're discussing in this property in question.

Mr. Jennings: And they're going to use that, I believe flag property is all right. They're extending that now. So anyway, other folks, we talked to some other folks, and they didn't get notice either, although they're not adjacent property owners. They are also business owners who expressed that they did not like the idea of it and wanted to hear more about it.

Mr. Redmond: Ordinance requires that they notify folks who are immediately adjacent to the property and that are also why they stick that orange sign on the property but if you're cruising down First Colonial Road, you live in the neighborhood that's how other folks are notified by that. So I think what I heard you to say is that you met the ordinances requirements for notifications, is that correct?

Mr. Tajan: That's correct, sir.

Mr. Redmond: Okay. Thank you.

Ms. Oliver: Anybody else? Yes Jack.

Mr. Wall: Yeah, I applaud Mr. Jennings and their vision for that. I think that's right on. I appreciate that. I mean, I think that that's, you know, a very good thing for people to see that identify it and you see that maybe that's not the highest and best use of that property. I do think that it's acceptable, maybe more so in the improvements and the aesthetics of the site itself, maybe just because of the landscaping, the architecture, but I mean, in my opinion.

Mr. Jennings: Do you have a question?

Mr. Wall: Absolutely, not. I don't think the question sorry, not understand the questions, but I mean, I do applaud your stand on that.

Mr. Jennings: Okay.

Ms. Oliver: Thank you very much.

Mr. Jennings: Thank you.

Ms. Sandloop: Mark Gilbert.

Mr. Gilbert: Good afternoon.

Ms. Oliver: Good afternoon.

Mr. Gilbert: My name is Mark Gilbert. I own and represent the property directly behind this building. It's a strip shopping center that would you like me to point it out?

Ms. Oliver: Sure. That'd be great.

Mr. Gilbert: This building right there. That piece of land adjacent to it. With this last week we completed a substantial remodeling of the property. We spend an awful lot of money and I'm happy that all that looks very nice.

Ms. Oliver: It does look nice.

Mr. Gilbert: Already had three new tenants in the last week. We object to this for similar reasons that Hilltop is a very pristine area, if any of all drive around there, 6 or 7 o'clock in the morning you'll see all the beautiful shopping centers are always clean, well done. And this Hilltop has been referred to by your staff and other people in the city are one of the finest shopping areas you have in the City of Virginia Beach. We've made an effort with our Senate to improve the looks and to continue with that. I was one of the first tenants in Hilltop more shopping center to sign a lease before it came out of ground and I've been a merchant at Hilltop for 48 years so I'm familiar with the area. My tenants are objecting to a number of things. Primarily, they're objecting to the noise from the air wrenches and compressors. There's nothing wrong with the tire business when Hilltop is beginning to be developed. There were several auto repair facilities at Hilltop and they all moved to more appropriate places as the development along. We object, we don't feel this is, we object that the city should not take one of their finest shopping areas and put a tire repair or auto repair facility in the middle of that area. This isn't on the edges. Towards Bird Neck Road, there are several tire stores towards London Bridge and certainly Virginia Beach Boulevard is many of them. I realize you're putting a beautiful building in it causes hardship for us because it's taken away our line of sight. We have a one-story building that's at the highest point is about 32 feet all. The buildings have been set up so none of the doors or bays face to the public areas so they'll be facing the tenants next door. We get the benefit of a self-contained building, we get the dumpster location, that's primarily objection, we don't believe that you would consider putting a tire repair facility in the middle of Pembroke and Hilltop is certainly one of your finest areas. We don't believe a tire facility should be put there. Any questions?

Ms. Oliver: Any questions? Well, thank you.

Mr. Gilbert: Yes sir?

Mr. Ripley: What is acceptable for you?

Mr. Gilbert: Retail, any retail store. Okay, a mattress store, which we had too many of and they closed did not have air compressors. I believe we'd be closing our eyes to feel that we should expect the tire facility to be pristine and neat. Unfortunately, I've heard stories when I've, the way I found out about this. I didn't want you to get the wrong impression. The city did send me a letter, but prior to a letter, one of the two signs

it was put up, ended up on my property. I don't believe it was up for more than two days and certainly on Thursday before the storm there weren't any there but that's not an objection on my part. Okay, my objection is I don't believe an auto repair facility is a tenant that you put in your finest shopping area. Can you imagine one being in Pembroke? I'm not talking about Pembroke Mall behind Pembroke Mall. I'm talking about in the new area. Hilltop has done a good job of being resilient over the past 50 years. It's been kept up. It's a beautiful area, and I believe it brings a lot of revenue to the city, that's my objection.

Ms. Oliver: Right. Thank you very much.

Mr. Gilbert: Thank you for your time.

Ms. Sandloop: Mr. Paul.

Ms. Oliver: I think that's our last speaker.

Ms. Sandloop: Yes ma'am.

Ms. Oliver: You'd like to come on.

Mr. Paul: So just in closing, I'll just keep this brief. I certainly understand the objections. My opinion and I'm biased, this is a much better, this is an improvement over what's there. Right now the site has no landscaping, no treatment of any kind. So what will be replaced, the building will be torn down, it will be set back from Nevan Road more than five feet and that's really to allow for enhanced landscaping along Nevan Road. One, you know, there are two entrances on Laskin Road Feeder Road right now one of those will be closed. So I think this will be overall a significant improvement to what's there now. I mean certainly, if you turn us down and Council turns this down, and something will come along, but, you know, I think all things considered this is something that is certainly acceptable and appropriate, and I think a major improvement over what's there now. So I'll stand by for any questions you have. Thank you.

Ms. Oliver: Thank you very much. Anybody have any questions? Yes, Commissioner Weiner.

Mr. Weiner: All work is going to be done inside the bays, there will be nothing outside, correct?

Mr. Paul: Correct.

Mr. Weiner: That's what I thought of it, okay.

Mr. Paul: Okay, and no outdoor storage of any kind, no work outside the building all that is required by the conditional use permit.

Mr. Ripley: A question to the last gentleman mentioned the dumpsters are those dumpsters are closed, will they be gated on the dumpster so they're closed and not open or what is playing there?

Mr. Paul: Yeah, we will have closed dumpsters.

Mr. Ripley: Okay. Thank you.

Ms. Oliver: Anybody else? Yes.

Mr. Redmond: Refresh my memory. There's the one under construction at Virginia Beach Boulevard in Thalia Road. There's the one that's open and operating on Holland Road in front of the Super Kroger, where's the third?

Mr. Paul: 1600 General Booth.

Mr. Redmond: General Booth, yeah thank you. All of those are street locations, is that correct?

Mr. Paul: Yes.

Mr. Redmond: They're not behind something or they're all right up on the roadway?

Mr. Paul: That's right and they want to be on up on the roadway.

Mr. Redmond: There is a pretty major turf, are they?

Mr. Paul: Yes indeed.

Mr. Redmond: Thank you.

Ms. Oliver: Anybody else?

Mr. Paul: Thank you.

Ms. Oliver: Thank you very much. All right, we're going to close the hearing now and open it up to discussion amongst the commissioners. Anybody have anything to say?

Ms. Rucinski: Yes, I do.

Ms. Oliver: Yes.

Ms. Rucinski: I'm sort of have mixed feelings about this and probably what's really guiding it is we've set about all this time planning these strategic growth areas, and the concept of what we think there needs to be to go there, but if we keep deviating from what we think should be there, then we'll never get there. So because this is an item that was not envisioned for the strategic growth area that's why I'm sort of on the fence. I've seen where there are other stores are, I do believe they do a good job with their

landscaping and how they look. I'm just concerned about the location and the fact that, you know, it's not within the vision of what we spent all this time and energy and blood, sweat and tears trying to plan for it, so that's my concern lies.

Ms. Oliver: Mr. Inman.

Mr. Inman: I think I am along the same lines as Jan, actually, you know, when I read this, this is not consistent with the recommended users identified for the Hilltop SGA plan. I mean we keep doing this time to time where we say, well, it's not quite ready yet, it's not quite ready yet and I listened to the gentleman who first spoke that they are seeking and I know, I think he's been here before and I think it's taken a while and they're working on it and they haven't achieved what they want to with the redevelopment of those areas that he passed around the map but it will come I think and as sooner than later in the history of Hilltop, you can look at what is going on the other corners with been Hilltop North, the center where there's now the New Panera and that center that's on the other corner I guess within the Northwest Corner, you look at the fact that and I know this isn't necessarily, there's, you know tire stores within a mile down on Laskin Road and I don't know I think I just I don't see why we don't stick with the plan at this point. I think this is one of those stopping points where we say no we're going to stick with, we're going to uphold the SGA plan and not approve users that are not identified as consistent with that plan.

Ms. Oliver: Yes Ron.

Mr. Ripley: I think it is consistent. I think his design criteria is met, you know, they work under the design criteria that's been set forth and I think that the use is appropriate, it's well landscape. You know, the other property is not developed yet. We don't know what that's going to be. So I tend to agree with this application.

Ms. Oliver: Okay.

Mr. Weiner: Up to like Mike and Jan, if something, it has been sitting there for such a long time and as Ron says, it does meet the criteria of the development of the landscaping in building itself and looks good, its better what's there now. There was something, a contract or something in the development that they're working on now is up and running or you're getting ready to move forward, that'd be a different story, but it could take years for that to happen, who knows how long that could take to happen. And just feel like this is going to make the area just set up a little bit, make it look better, I'm in tend to support it also, and I don't feel like a Discount Tire is going to hinder anything that they're going to develop in that area. So this because the way it looks just because the exterior, I'm going to tend to be there also.

Ms. Oliver: Mr. Redmond.

Mr. Redmond: I agree with David and I agree with Ron, this is an improvement in every respect to this property. It's an improvement in every respect, landscapes improved, periods of the building are improved. It's a nicest looking tire store, I've ever laid eyes on. If you look at the renderings, and it's just false to suggest that, gosh, you can't have this use up on the roadway. There's one on Holland Road for crying out loud was one of the busiest thoroughfares in the city. There's one on Independence Boulevard, which I can see from my office in Town Center. So, I mean, this use is particular brand, not just the use is on the roadway, and major thoroughfares, and there are of course, dozens and dozens that predate strategic growth area plans. I don't understand the objection to it frankly; I don't see any objective reason to do it if anything this is this SGA plan at work because this spot would probably would be maturing and improving absent any kind of SGA plan because that's just what market economics do. And I think that's what's happening here. It's entirely appropriate use, it's an improvement of the property in every way. I don't see how you can deny someone a productive use of this property; I just don't see any reason to do it, so I support it.

Mr. Oliver: Mr. Whitney.

Mr. Graham: I agree with Mr. Redmond, Mr. Ripley and Mr. Wiener. This shopping center has for years, been an underdeveloped shopping center before Super Wal-Mart was there, it was a K-Mart. You've got vacant buildings, it's always been kind of a hodgepodge of buildings that are, quite frankly, a lot of them are not that attractive. This is a very attractive building. I think it's a good use. I know the gentleman earlier mentioned, you know about office development, you know, we haven't seen a lot of office development in Virginia Beach and I think that you're going to probably not see a lot going forward. I think most of it, you're probably going to see, the central business district of Pembroke. I think it's a good use. Again, I think it's very attractive building and given what's there today, I think this is good. I support it.

Ms. Oliver: Yes, Mr. Wall.

Mr. Wall: I think it's a good form, I think it's going to look different than what's out there and you know, my example is the one that's on Hollins and that it is, you know, the intent is to pull it towards the street. So it is more, the buildings are more pedestrian friendly, I believe. And it will have the green space up front with new parking on the front side, but just to, I don't know if this point was brought up, but it's going to be, if one of the buildings are, you know, here, it's going to be out here. It's going to be in front and that's by design, that's by the intent of the SGA so just because it

was kind of a shock, but I know that Discount Tire in Hollins and it is more prominent than the line of buildings and that's by intent by design, but just to bring that out.

Ms. Oliver: You know that it's an SGA area and we strive to hit those goals and the design of it, bringing it to the curb and the landscaping does in fact, fill those requirements. I question the use of the business only because we have a business near something similar to that and it was supposed to have the Bays closed and the doors closed and it's not in it. It impacts us as a neighbor. It's loud. They don't like the doors down, it gets hot in the summer and it's not exactly the best view we have of our neighbor. And so that concerns me when I look at this because I know the intent and the goodwill of our neighbor was not to operate in that and our neighbor does, and we can't seem to do anything about it. And so with that next door to that, I believe east of that is a dentist office and next to that is a salon that's been there for quite some time and I'm not quite sure what else is there before, the median breaks again, but and that it is exposed, you know, it concerns me that particular entity is exposed completely, and it doesn't really meet the SGA requirements and I have to say I commend the gentleman that has five acres that's a mass that much property because I remember when the Virginia Steakhouse went out of business and so there was a lot of give and take in that particular area and that's a tough area of the Hilltop and how is exposed to first colonial road and if they can make great improvements to that, it would be a huge improvement to that Western part of West East corner, I guess is what it is. No, I guess it's the Southeast corner of Hilltop. I'm just in the fact that Mr. Palmer mentioned that this has sort of jumped from one area Hilltop to another with the same kind of opposition from all the other neighbors gives me concern that they are not as welcoming as these neighbors are either, so I'm just struggling really hard with this particular use. I have to say yes Mike.

Mr. Inman: Echoing what Dee just said, I don't think it's going to be a good neighbor. I just don't think it's the way it rolls out. It can look pretty, but it ain't going to sound pretty and I'm against it. I think it's a wrong move, but this entire store, and it's going to be noisy, and it's going to adversely impact other people developing around it because of that. I'm going to vote against it.

Ms. Oliver: Commissioner Redmond.

Mr. Redmond: I move approval of the application.

Mr. Weiner: Second.

Ms. Sandloop: The vote is open. By the recorded vote of 6-4, agenda item number three has been approved.

| | AYE 6 | NAY 4 | ABS 0 | ABSENT 1 |
|-----------------|--------------|--------------|--------------|-----------------|
| ALCARAZ | AYE | | | |
| BARNES | AYE | | | |
| GRAHAM | AYE | | | |
| HORSLEY | | | | ABSENT |
| INMAN | | NAY | | |
| OLIVER | | NAY | | |
| REDMOND | AYE | | | |
| RIPLEY | AYE | | | |
| RUCINSKI | | NAY | | |
| WALL | | NAY | | |
| WEINER | AYE | | | |

CONDITIONS

1. When the property is developed, it shall be in substantial conformance with the submitted exhibit entitled, “DISCOUNT TIRE STORE 1657 LASKIN RD VIRGINIA BEACH, VA 23454”, prepared by H & T Consultants, Inc., dated May 2019, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development.

2. The architectural style and quality of materials used for the proposed structure to be constructed on the Property, will be in substantial conformity with the exhibit entitled, “CONCEPTUAL EXTERIOR ELEVATIONS 1657 LASKIN RD VIRGINIA BEACH, VA 23451”, prepared by Architectural Resource Team, dated June 10, 2019, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development.

3. A Landscape Plan that is reflective at a minimum of the plant material shown on the submitted site layout referenced in Condition 1 and that includes street trees installed along both rights-of-way, as described in the Virginia Beach Landscaping Guide, shall be submitted and approved by the Development Services Center Landscape Architect prior to final site plan approval.

4. Any freestanding sign located on the Property shall be monument style and no taller than eight-feet, from the top of the sign to the ground level at the base of the sign. A sign permit shall be obtained from the Zoning Division prior to the installation of any free-standing sign on the site.

5. All other signage on the site shall comply with the requirements of Sections 211, 212, 213, 214, 216 and 905 of the City Zoning Ordinance. A separate sign permit shall be obtained from the Zoning Division prior to the installation of any signage.

6. 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.
7. Vehicles in a state of obvious disrepair shall not be stored outside of the building, except that they may be located outdoors for a period of no more than 24 hours from the time the vehicle is placed on the site. Following that time period, all such vehicles shall only be permitted to be stored within the building with the overhead bay doors closed.
8. There shall be no outside storage of equipment, parts, tires, or materials.
9. No outside paging or amplified music system shall be permitted.
10. All vehicle repair and tire installation shall take place inside the building.

Item #4
SAIR Enterprises, Inc.
Conditional Use Permit (Motor Vehicle Sales)
3096 S. Lynnhaven Road
District – Beach

September 11th, 2019

RECOMMENDED FOR APPROVAL - CONSENT

Ms. Rucinski: Thank you. The next matter on the consent agenda is item number four and that's an application for SAIR Enterprises Inc. and it is a conditional use permit for motor vehicle sales at 3096 South Lynnhaven Road in the Beach District. Do we have a representative for that item? Thank you when you get to the podium, could you state your name for the record and tell us about your application?

Mr. Aziz: My name is Arman Aziz representative SAIR Enterprises. Our attention is to open and use automotive sales segment for a company. We already have a premise where the automotive repair, gasoline sales and a car wash system. So, what we have done is that we have closed down our car wash segment and we want to utilize that space for automotive sales.

Ms. Rucinski: All right, thank you. Is there anybody here that has opposition of this matter being placed on the consent agenda? Okay, you can have a seat. Okay. See none, the commissioner has asked Commissioner George Alcatraz to read this to the record please.

Mr. Alcaraz: A conditional use permit for automobile service station was originally approved for the property in 1966 followed by modifications of conditions to permit a convenience store in February 2001 with service bays in August of 2003, the applicant seeks to display up to 14 automobiles for sale on the site. No exterior changes to the building or propose the office for the motor vehicles will be located in the former car wash bay and as a conditional approval staff recommends that no more than four automobiles be displayed in the parking lot along South Lynnhaven Road, rather than the six depicted on the layout. With this reduction, the onsite parking requirement can be met, staff recommends a condition for the type of motor vehicles to be displayed to be automobiles and based on these considerations staff finds this acceptable and the planning commission recommends approval.

Ms. Sandloop: The vote is open. By recorded vote of 10-0, agenda items one, two, number two with conditions as amended, four and six have been approved by consent.

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

CONDITIONS

1. All vehicles for sale shall be limited to automobiles and no more than four (4) vehicles shall be displayed for sale shall be located in the parking lot as depicted on the plan. No more than eight (8) additional vehicles for sale shall be stored to the west of the building as depicted on the plan. 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.
2. There shall be no storage of tires, merchandise, or debris of any kind outside of the building.
3. No outside storage of vehicles in a state of obvious disrepair shall be permitted on the site.
4. A six-foot-high fence is required along the edge of pavement adjacent to the inventory storage area in the rear of the property. All existing landscaping and screening must be maintained in good condition.
5. There shall be no outside audio speakers for any purpose.
6. 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.
7. There shall be no signs which contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving devices on the site or on the vehicles. There shall be no signs which are painted, pasted or attached to the windows, utility poles, trees, or fences, or in an unauthorized manner to walls or other signs. There shall be no portable or nonstructural signs, or electronic display signs on the site.

8. 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.
9. All outdoor lighting shall be shielded to direct light and glare onto the premises; said lighting and glare shall be deflected, shaded, and focused away from all adjoining property. Any new outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet.
10. All outdoor lighting fixtures shall be shielded away from the adjacent residential uses.

Item #5

Anthony & Kelly Lynn Spera

Conditional Rezoning (Conditional O-2 Office District to Conditional A-12 Apartment District)

**Northern Corner of Hinsdale Street, across from 520 Constitution Drive
District – Bayside**

September 11th, 2019

RECOMMENDED FOR APPROVAL - HEARD

Ms. Oliver: All right, thank you. Okay, our next item is agenda item five, Anthony & Kelly Lynn Spera, an application for a conditional rezoning, conditional O-2 office district to conditional A-12 apartment district on property located at the Northern corner of Hinsdale Street across from 520 Constitution Drive located in the Bayside District.

Mr. Bourdon: Madam Chair for the record, Eddie Bourdon Virginia Beach Attorney representing Tony & Kelly Lynn Spear. The Speras are here with me this afternoon. This is kind of a unique application and that was on consent. So I'll try to be brief. The request involves a separate parcel of land that was created on the original Pembroke Park subdivision Plat in 1969. And as you all know, staff spot on with their evaluation and our opinion, this piece of property was owned by the folks who operated the school and the Pembroke Manor House, the Diminos and I am personally aware of the fact that they offered to convey this property to the city on more than one occasion. City had no interest in the property. The Spears who own and live in the house that shown on all the plans at the east end of the property there, Kelly Lynn's father owns two other units that one is directly adjacent and the one over site three. They live in one, the parents and her sister lives in the other and they've lived there for a long time. In fact, Tony has maintained this piece of property for since 2003, 16 years. The Diminos sold the property, the school was on Pembroke Manor House to some folks from out of the area, they may be out of the country and it's not being maintained at all. And the Speras purchased this piece of property from the Diminos who operated the Academy. They just simply want to maintain it, put in very attractive, open style wrought iron style fence around it as a yard. No trees will be removed whatsoever. There's a small playhouse 240 square feet. It's not a garage, nor is it a shed, is very attractive structure. You got this proffered that's all that can be done on the property. It's 12 x 20 feet. It's the height at the peak of A frame roof is 14 feet. Now, there's one consent agenda. The one thing I want to point out if you can put the plan up there that's on page five of there we go and you know that the fence is all open style fence, we showed initially

and this is going to change if I can get this to work and the battery is dying. What we're going to do is, there we go, there are fences along the back of all these units.

Ms. Oliver: You're just off the map.

Mr. Bourdon: Yeah, it's just not working.

Mr. Rucinski: You are off the radar.

Mr. Bourdon: You can see, there is a cable TV box and then there's also a number of wall construction on that plank is the proposed 4 foot [Inaudible] [00:59:25] fence block that out. We're going to continue that wrought iron style fence coming all the way across seven feet where the cable TV pedestal is, seven feet off the existing fence line so that all of the units will have, you know, provide an easement. All of them will be able to get in and out of the back of their backyards where the fences are. This subdivision in 1969 was not done the way, they've been done since and frankly they stopped doing these single-family townhouse subdivisions a long, long time ago, they're all condos now. But the way they're typically done, the way they were done once somebody figured out that this was not the right way to do it, there's actually should be an easement across the back five feet of each of those sites up there where the townhomes are, and the fencing should be five feet inside the line, so everybody can get back and forth to the backyard with the lawn mower, weed wacker whatever the case may be, but that wasn't the way this was done. And so because the Speras recognize that issue when it was raised by Mr. Aguilar, we are going to continue the open style fence, but instead of going out and just tying into the existing wood fence, we're going to come seven feet off of the corner and come straight across so that there'll be a seven foot strip and it'll be visible. So it's not a policing issue like having two solid fences back to back. So you'll be able to see everything but that way each of the units will have the ability to get in and out of their backyard and will change that exhibit between now and when this goes to City Council, and with that one change, which will alleviate the issue of being able to get in and out of the back of the properties and set up a scenario that is what typically exists on the lights themselves not on this piece of property but because the Spears own three of the two that actually would be impacted by it. It makes good sense and they're saying they're good neighbors that said they've been maintaining this property for 16 years, they own the property, it is going to be re-subdivided, be a part of the residential lot, nothing else can be put on it other than this little playhouse, I will be happy to answer any questions.

Mr. Alcaraz: I got.

Ms. Oliver: Yes.

Mr. Alcaraz: Mr. Bourdon so you're going to put an easement on a plat to show Ingress/egress or something like that?

Mr. Bourdon: What they'll do is because it'll be the benefit of their units as well that they, but it'll be on this piece of property, but will be Ingress/egress setting up the kind of scenario that's been done, and once ever done correctly.

Ms. Oliver: Who maintain the easement?

Mr. Bourdon: Well I'm sure that Speras will maintain it because they're gonna be cutting the grass and they'll, two of their, Kelly Lynn's parents units will be beneficiaries of it as well. We may set it up so that we make the people who own those units do it but as I'm sure as long as Kelly Lynn's parents are there that Anthony will be cutting the grass because he likes to do that, does it for a living.

Ms. Oliver: So, any other questions for Mr. Bourdon? Thank you will get back at you.

Mr. Bourdon: Thank you.

Ms. Sandloop: We have one speaker. Ida Schimmel.

Ms. Oliver: Welcome.

Ms. Schimmel: I'm here representing the Pembroke Manor Civic League. Y'all had questions about the Orange Signs when they went up. Good afternoon, everybody, I'm sorry, I've never spoken before a group of people.

Ms. Oliver: That's quite all right, I'm gonna ask you to drop your mic a little bit so we can hear you and then raise it up. There you go and then just state your name for the record please.

Ms. Schimmel: Ida Schimmel.

Ms. Oliver: Okay, Ms. Schimmel you'll just go ahead and tell us what your thoughts are.

Ms. Schimmel: So we all saw the signs go up and a number of people did go and, you know, look at the signs and there were a lot of questions about it at first. I think a lot of people did not know that it was private property and had already been sold. A lot of us have been there a long time. We knew the Diminos when we knew the Ivy League Academy, which is what the Manor House was for many years, 20 years, possibly more. So nobody wants to infringe on somebody's right to do what they want with their own property, but some people were concerned that it was going to be a parking lot. So now we know what it's going to be but I looked all the paperwork here and so I had some questions and then I can pass this on to the next Civic League meaning. If the Spears sell the property, their property, is that

adjacent property going to continuously go with the townhome or could it be sold individually, and then something else be put on it?

Ms. Oliver: We can get Mr. Bourdon to answer that question for you.

Ms. Schimmel: Okay.

Ms. Oliver: Or staff can answer.

Ms. Kemp: Yes. So one of the proffers that were offered by the applicant where that it would be combined with a lot of that one townhouse, so it would have to go together in perpetuity.

Ms. Schimmel: In perpetuity, okay. And are they going to open up the street again on Hinsdale so that it opens up onto constitution? That's not part of the plan.

Ms. Kemp: That's a city question that we have no plans that open Hinsdale on the constitution, but what they are doing is they are, as you can see on this plan right here, part of Hinsdale street where it turns into a court it's actually on the private property, the applicant is actually going to dedicate right-of-way to the city to put that into the city's right-of-way. So that's where that comes from and we're not planning on opening at this time that I'm aware of anything towards constitution.

Ms. Schimmel: Okay, I think that's something that Civic League would be happy about because the Diminos actually paid to have that closed off. So that there wouldn't be so much traffic going past their school. And the trees are going to stay?

Ms. Oliver: Yes, ma'am.

Ms. Schimmel: Okay. So I mean, the design of it looks very pretty. I think a lot of people were thinking that that was a property that went with the Manor House and it's almost like a little park, a little green area with it, most of us that live there, we really liked that Manor House. It adds quite a lot of ambience to the community. So it was up for sale, it did get bought by somebody out of town, but then they reneged on the sailor, whatever and it has been up for sale for a while. I think a lot of us in the neighborhood wish we could buy it, but I wish that historic society would take it back over again. I think it becomes more valuable historically, as time goes on, and more is built up around the Pembroke area, but we love that area. We love our community back there that living in the shadow of the Manor House, and it's like, oh, no, are they going to start developing stuff out here? So there is just concerned, there's not that its disapproval. There was just a concern. So thank you for allowing my concerns and now I can pass it on to the meeting.

Ms. Oliver: You're welcome.

Ms. Schimmel: Thank you.

Ms. Oliver: Well thank you for taking the time to come down here.

Ms. Schimmel: Okay.

Ms. Oliver: Mr. Bourdon you good, all right. I'll close this hearing and open up to the commissioners for any discussion. Commissioner Redmond.

Mr. Redmond: I move approval of agenda Item number five.

Ms. Rucinski: Second.

Ms. Sandloop: The vote is open. By the recorded vote of 10-0 agenda item number five has been approved.

Mr. Barnes: For the record for that also to note Mr. Bourdon's offer to amend the proffer exhibit so just to include the easement as well.

Ms. Oliver: Yes.

Ms. Bourdon: Your motion includes that we will we will amend the exhibit to show the?

Ms. Oliver: To show the easement, right. Thank you very much. Is there any further 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 and preparing today's agenda and our meeting is adjourned.

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

PROFFERS

PROFFER 1:

The Grantor as the owners of the adjoining Site 6, Lot 8, Plat of Pembroke Park with their home thereon (“Site 6”), must combine the Property with Site 6 by preparing and submitting a Resubdivision Plat to the Grantee’s Development Services Center for recordation, which vacates the shared property line to create one (1) contiguous parcel. The Resubdivision Plat shall also contain a dedication of additional right-of-way along the north side of Hinsdale Street to the Grantee to incorporate the existing improved roadway, curb and gutter, and sidewalk within said right-of-way.

PROFFER 2:

No dwelling or other structure shall be permitted to be constructed or installed on the Property which is the subject of this rezoning except the 12’ x 20’ frame shed and a 4’ high vinyl clad, wrought iron style fence as depicted on the “EXHIBIT OF VACANT LOT, GPIN #14775805340000, VIRGINIA BEACH, VIRGINIA PARCEL A PEMBROKE PARK M.B. 82, P. 30 FOR: ANTHONY SPERA”, dated January 14, 2019, prepared by Gallup Surveyors & Engineers, Ltd. which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning & Community Development (“Rezoning Exhibit”).

PROFFER 3:

The frame shed and fencing depicted on the Rezoning Exhibit shall have the appearance and use the materials substantially as depicted on the exhibit entitled, “Shed and Fence Details for Parcel A, Pembroke Park”, dated May 1, 2019, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning & Community Development.

PROFFER 4:

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

Item #6
HR Kempsriver, LLC
Conditional Use Permit (Indoor Recreation Facility)
1205 Fordham Drive
District – Kempsville

September 11th, 2019

RECOMMENDED FOR APPROVAL - CONSENT

Ms. Rucinski: Alright, so we'll say that to be heard. So the next item on the consent agenda is number six. That is an application for HR Kempsriver, LLC and Bonney's Corner Associates that is a conditional use permit for indoor recreation facilities at 1205 Fordham Drive, and that is in the Kempsville District.

Mr. Nutter: Thank you Ms. Rucinski. Thank you, my name is R. J. Nutter. I'm an attorney representative of the applicant, pleasure to be here. Thank you for having me. First, thank you for putting us on the consent agenda. We appreciate that. Sanders, Mr. Weiner appreciate all your help is a great application. We're happy someone's moving into this space. All the conditions are acceptable and happy to answer any questions you might have.

Ms. Rucinski: Is there anybody with opposition to this being placed on the consent agenda? Okay, see none. The chairman has asked Commissioner Dave Weiner to read this in for the record.

Mr. Weiner: Thank you Ms. Rucinski. This is a conditional use permit for indoor recreation facility at Kems River Shopping Center. The applicant proposes to provide indoor recreation activities for a 24-hour fitness facility, zoning ordinance permits an indoor recreation facility for up to 7500 square feet as a matter of right, the proposed facility is going to be over 24,000 square feet. And it would need a conditional use permit will be required; a new storefront entrance proposed with signage above, we recommend approval and put this on a consent agenda.

Ms. Rucinski: All right, thank you, Madam Chair that was the last item on the consent agenda. I make a motion that items One, two with the removal of condition number two, item number four and number six be approved.

Ms. Oliver: Right, do we have a second?

Mr. Wall: Second.

Ms. Sandloop: The vote is open. By recorded vote of 10-0, agenda items one, two, number two with conditions as amended, four and six have been approved by consent.

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

CONDITIONS

1. The applicant shall obtain all necessary permits and inspections from the Department of Planning and Community Development Permit and Inspections Division, the Health Department, and the Fire Department. The applicant shall obtain a Certificate of Occupancy from the Building Official’s Office prior to commencing operation.

2. The maximum number of individuals within the facility shall not exceed the maximum number as determined by the Fire Marshal.

3. All exterior building signage shall comply with the requirements of the City Zoning Ordinance, unless authorized by the Board of Zoning Appeals.

Item #7
Judeo-Christian Outreach Center, Inc.
Conditional Use Permit (Single Room Occupancy Facility)
Modification of Conditions (Group Home)
1053 Virginia Beach Boulevard
District – Beach

September 11th, 2019

DEFERRED

Ms. Oliver: Thank you very much. So the next order of business is to address those items to be deferred or withdrawn. Do we have any items that need to be withdrawn? Okay. Do we have an item to be deferred, the chair is aware of one item which is item number seven.

Mr. Bourdon: Madam Chair for the record Eddie Bourdon, Virginia Beach Attorney representing the Judeo-Christian Outreach Center. We are requesting this application be deferred for the reasons that you all heard and discussed in the informal briefing this morning and we anticipate being back next month and appreciate that the matter being deferred, we did everything in our power to let everyone know, both on our side as well as the folks that we've been in contact with and staff been in contact with that had contrary feelings about our application. So we did everything we could do to make sure everyone was aware and we don't have anyone here on our side. Thank you.

Ms. Oliver: Thank you very much. I know there are a couple of people that would like to come up and speak on this deferred item, so the commission is here to listen to what you have to say at this time and the clerk have a name?

Ms. Sandloop: Yes, we have two speakers for item number seven, Barbara Clarke and Tom Musamechi.

Ms. Oliver: Great. And we just wanted time will be great and know that be mindful you have three minutes and welcome.

Mr. Musamechi: Good afternoon members of the Planning Commission. My name is Tom Musomachi. My property is at 1008 Coast Away Drive, which is in the Sea Bridge Square neighborhood, which is directly next to the Judeo-Christian Outreach Center. I will be very brief. I'm not going to oppose the deferral. I just want to make the commission aware that over the last year, city staff has met with the stakeholders in the 17th Street corridor many times, staff included deputy city manager Ron Williams, former planning director Barry Frankenfield, Kathy

Warren from the Strategic Growth office, Alan Smith from the planning department and Kevin Kemp rezoning. During that time, the stakeholders provided significant information to city staff regarding the issues surrounding the Soup Kitchen that this applicant runs. In addition, I have sent Bill Landfair significant information showing the impacts of the Soup Kitchen on our neighborhood, and we were just very, very disappointed that none of our issues were addressed in the staff report. So I'm just simply requesting that the Planning Commission direct staff to go back and reevaluate specifically the Soup Kitchen portion of this application and thank you very much.

Ms. Oliver: Thank you very much.

Ms. Sandloop: Barbara Clarke.

Ms. Oliver: Welcome.

Ms. Clarke: Thank you. Good afternoon, Chairwoman Oliver and planning commission members. My name is Barbara Clarke and I live on 16th Street at the Ocean Front. Thank you for this opportunity to share my comments with you. Well folks, hearts are in the right place, the current feeding operation has created very negative conditions which need to be realistically addressed. The excuse of I cannot control what happens outside my property is not adequate. The impacts and ripple effects on the adjacent properties in nearby neighborhoods need to be assessed. These impacts would not be allowed from any other operation in the city. In the interest of neighborhood vitality, and state stability, please ensure there is a plan of defined plan to offset these negative impacts that's clearly defined and maintainable before this aspect of the request is evaluated. Thank you for your time and kind consideration.

Ms. Oliver: Thank you very much. Is that everybody?

Ms. Smith: Yes, ma'am.

Ms. Oliver: Okay, thank you. Alright, the next order of business, we're going to address.

Ms. Rucinski: You need a motion.

Ms. Oliver: Oh, I'm so sorry. You're right. I need a motion on the deferred item number seven please.

Ms. Rucinski: I'll make a motion to defer item number seven.

Ms. Oliver: Do I have a second?

Mr. Weiner: Second.

Ms. Smith: Vote is open. By recorded vote of 10-0, agenda item number seven has been deferred.

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