

Virginia Beach Planning Commission

Public Hearing Minutes

October 9, 2019

- Ms. Oliver: 2019 Planning Commission meeting. My name is Dee Oliver and I serve as the chairperson of the Commission and before we get started, I have asked Commissioner Wall to lead us in the prayer and Commissioner Horsley to lead us in the Pledge. Please stand.
- Mr. Wall: Dear Heavenly Father, we come to you today, thanking you for your guidance in wisdom. As we begin this hearing today, guide our hearts and our minds and spirit of fairness, right thought in speech. Help us to remember our responsibility to serve our community with great insight guided by understanding, wisdom and respect for all, as we make decisions today, help us to promote the common good as we work together for the betterment of our great city. As trusted servants, we seek blessings on our deliberations and on our efforts today, Amen.
- Mr. Horsley: Please join me to pledge. [Group Pledge]
- Ms. Oliver: Thank you. I've asked commissioner Weiner to introduce the members of the Planning Commission.
- Mr. Weiner: Thank you Ms. Oliver. On the far end down here is Kay Wilson, she is our city attorney. Next is George Alcaraz. He's a contractor and he represents the Beach District. Sitting next to me is Jack Wall. Jack is a civil engineer and he represents the Rose Hall district. My name is David Weiner, I'm in commercial sales and I represent the Kempsville District. Sitting next to me is Don Horsley. Don is a farmer and he is at large. Next is Ron Ripley. Ron is in real estate management. 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 is in property management and she represents the Centerville district. The empty seat is Mike Inman, Mike is an attorney and he is At-Large. Next is Dave Redmond. Dave is in commercial real estate. He represents the Bayside District. Next is Whitney Graham. Whitney is in land development. He represents the Lynnhaven District. Next is Steve Barnes. Steve is a farmer and he represents the Princes Anne District. And next is Mr. Tajan, and he is our planning director. And would you please introduce your staff?
- Mr. Tajan: Yes, certainly Mr. Weiner. We have clerking today. We have Dalina Cartwright and Pam Sandloop, as well as Amanda Sampson, who is at training today to be working with the planning staff. The rest of the planning staff we have, Carolyn Smith our planning administrator, Bill Lanfair, our planning evaluation coordinator, Hoa Dao, planner III, Marchelle Coleman. We have let's see, Carrie Bookholt, who is our development services administrator, Tori Rice with the city attorney's office, Rick Lowman, our traffic engineer for the city, Ashby Moss

planning evaluation coordinator for this SGA office. We have two folks that are new employees to this city. We have Jenizza Badua who is an urban designer in the SGA office and we have Antionette Fowlkes who is one of our development liaisons as well.

Ms. Oliver: Great. Thank you. The next order of business is the explanation of our roles and our city clerk will take care of that for us.

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

Item #1
Greg McMakin
Conditional Use Permit (Bulk Storage Yard)
4145 Virginia Beach Boulevard
District – Lynnhaven

October 9, 2019

DEFERRED

Ms. Oliver: Thank you all so much for coming down today. The next order of business will be to address the remaining matters on our agenda and would our city clerk please call the first item?

Ms. Sandloop: Yes ma'am. Its Agenda Item Number one, Greg McMakin, which is an application for a conditional use permit Bulk Storage Yard on property located at 4145 Virginia Beach Boulevard located in the Lynnhaven District, were the applicant or the applicant's representative please step forward and state your name for the record?

Mr. McMakin: Greg McMakin.

Ms. Oliver: How do you do?

Mr. McMakin: Good. How are you?

Ms. Oliver: Great. Just a little reminder that you have three minutes that little yellow light will flash in front of you, but would you like to tell us a little bit about your um?

Mr. McMakin: Sure, yeah, um, it's been a while; probably maybe 10 years ago, a friend of mine that we just met introduced me to Mr. Mills who owns the property and the head of space in the back to the building there, where it's located that they were using tree debris and stuff from the shopping center that they have in houses that he owns, and storing it there. And I told the guy's name is Butch. I told me, hey, if I clean this up, can I keep my stuff here? He was like, yeah, let me talk to Bruce about it. So they ended up letting me allow me to keep my stuff there. And at the time, I didn't have much of anything, but over time, I have started adding more to my business as far as equipment goes, and started adding wood there too thinking you know, maybe I could sell firewood. I had no idea. I thought it was just private property and as long as I'm not causing any trouble, I'm okay. I didn't realize I had to go through this process here. So, I'll be the first to admit it started piling up on me and becoming a mess really, but I might, I might here to keep the wood there. I have no problem getting rid of that. I'm here to be able to continue to keep my equipment there.

Ms. Oliver: Okay. And does anybody have any questions? Yes.

Mr. Weiner: Have you already cleaned up the woods?

Mr. McMakin: I have pictures of when I was first told and pictures from yesterday. I don't know if it's on my phone. I could bring it up to you if you like.

Mr. Weiner: Yeah, so I just clear so where you cleaned it up.

Mr. McMakin: Yeah, I've started, I've taken probably like 15 photos out of there quite a bit and still need some more cleaning to it, but I've done quite a bit, yeah.

Ms. Oliver: Yes Jan.

Ms. Rucinski: What kind of equipment are you storing there?

Mr. McMakin: I have dump trailer. Another trailer, I have an enclosed trailer which I kept in my house, but I was renting and the owner decided she wanted to sell, so I had nowhere to bring it. So I brought that there too and has all the tools inside of it, that's more of a hobby tools. It's not really Tree Service stuff. There are tools in there that I use to fix my equipment. I have mini excavator, a skid steer, stump grinder. I have sawmill. I do have a firewood process a portable firewood process where I bought to bring on the job and process the wood, attachments for the Skid Steer and for the mini excavator.

Ms. Rucinski: So mostly landscaping tools?

Mr. McMakin: Pretty much yeah.

Ms. Oliver: Anybody else? Dave?

Mr. Redmond: Is that the business you're in?

Mr. McMakin: Yes, yes. I started in those seven on my own. I've been doing it since 98.

Mr. Redmond: Okay. All right, thank you.

Ms. Oliver: Yes Don.

Mr. Horsley: So what you, you removed trees and you bring them to this site and process and that's what you do?

Mr. McMakin: No, no, I mainly use the site because there are certain places that take certain things pretty much like Northland of firewood, they want perfect round bogs, 16 feet long, KW one, they don't want any stump grinds, or anything like that. At one point, they weren't taking anything and I think that's why the pile really started to build up on me because I just learned about Northland of firewood this year, and KW1 was the only place that I would bring it to, and I guess they were waiting for approval from city if they can continue collecting stuff there. I'm not sure what was going on. So that's the main reason why I start piling up but I got a separate like if I have a load of wood chips and log, I got a separate the wood chips and logs mainly to save costs on the dump fees. So that's why I would bring it there, separate it and I had like a piece of black walnut, I put the black walnut to the side or the cedar to the side, maybe I cut some boards. I do the sawmill thing, more for a hobby was something

I wanted to get into with my dad, but he moved to Virginia. So I pretty much stuck with it now. But yeah, it's more of a place I dumped the separate to bring to the right dumping place.

Mr. Horsley: So if you clean it all up, where are you going to dump your stuff in?

Mr. McMakin: Well nowhere, I mean, it's nothing that I had to do. It's just something that helped me save money. You know, I could pay the \$300 fee or the \$150 fee or whatever. I mean, it's just, it just helped me out. That's all. I don't necessarily have to do that.

Mr. Wall: Yeah, you had mentioned a sawmill, is it mobile or is it permanent?

Mr. McMakin: No, no, you could tow it.

Mr. Wall: Do you use it there on the site?

Mr. McMakin: I have used it there, yeah, but I've probably, I don't use it often, but I have used it there on site yeah. But it's nothing that my business counts on Business Council.

Mr. Wall: Can I ask if you allowed to use sawmill on site?

Ms. Smith: So if it's part of a conditional use permit for processing of firewood or something like that, then that would be something we would consider through an application for that.

Mr. Wall: Thank you.

Ms. Oliver: Yeah, Dave.

Mr. Horsley: Can I Carolyn, right up says that we became aware of the fact that this operation was in place because there was a complaint about which shipping activities?

Ms. Smith: Yes sir. It came to our attention via a complaint through the zoning division.

Mr. Redmond: Okay, so it was a noise complaint, somebody said there, somebody who's zipping up stuff next to me and it's too loud and make the call up zoning came around to you somebody went out looked at the side said, oh no, you don't have a conditional use permit you file for your conditional use permit and I think where I'm thinking on this myself is first off I'm here all the time. It's right near my neck of the woods, I had no ideas that this was there, I think but the point I'm making here is if you're not making a bunch of noise, nobody complains. So I mean, I think that's something that you should consider as we go forward with it.

Mr. McMakin: Absolutely.

Mr. Redmond: Okay, thanks.

Ms. Oliver: Anybody else?

Mr. Wall: So all your equipments kept on pretty much on site, you don't keep any off site at your residence?

Mr. McMakin: Oh no, not at my residence. No, I have trucks that I don't keep there, but Mr. Mills he, I guess he's owner of the property right next door where the farm fresh used to be and he allowed me to keep my trucks back there and when he first allowed me I only have one truck, but then I started wanting to invest in my business and I got a bucket truck and then I grappled truck. So I got three trucks behind the area.

Ms. Oliver: Yeah. So you have a good size business?

Mr. McMakin: As far as equipment goes, yeah, I do. I got everything it takes to get the tree down that's for sure.

Ms. Oliver: It's good. Do you have any employees?

Mr. McMakin: No, I don't have any employees. Yeah, I have. I have my brother, he occasionally helped me at it, you know, there was probably a three year span where he was back and forth, but it's been about two years now, he is full time bartending now, so he doesn't really help me much.

Ms. Oliver: Okay.

Mr. McMakin: And the main reason why I was getting all this equipment to make it easier on myself, I go out with a bucket truck and drop it. I am out with my grappled truck, pick it all up.

Mr. Ripley: Did you read the staff report?

Mr. McMakin: I have and there are some things I disagree in there. As far as what is mine that's located on a property now, of course that's all mine that's mine. There was another picture of the machine covered in the tarp. That's not mine at all. There's a couple of containers there one right next to where I keep my stuff. That's not mine. There's three further back kind of behind the trees, those are mine, but, yeah, what you see there is pretty much mine.

Mr. Ripley: Well, you know, do you understand the dilemma they have, I mean, you know, you're really an industrial type of use, and you're in a commercial residential area and it conflicts.

Mr. McMakin: Yes, 100% I understand as far as the pile of wood goes, yes.

Mr. Ripley: Always and all that storage of thing?

Mr. McMakin: I understand the noise too, yeah and a lot of the noise is from running the chainsaw or running the sawmill or moving the wood around, I probably made the most noise in the past three weeks and I have ever there really I'm only there maybe once a week if that, it's not a place I go every single day if I need that equipment I'll go there to get that equipment. If I need to make room to dump a load so I can separate it, I'll go there and make a room dump the load separate it so.

Mr. Ripley: Well and I can surmise with all this up here thing and that is that they're wrestling with the dilemma of the use and the ability for you to do your business which

nobody wants to hurt, you know, but on the other hand, we need to try to find out where the right spot for you to be as where you, what would be appropriate area for you to be and if you don't disturb you can do your business the way you need to?

Mr. McMakin: Sure, yeah and the wood is just added up on me, that's it. That's not part of my business storing wood there, I didn't, I mean, hey, I could, it's five o'clock the places are closed, I could dump it here real quick, and we get the job done that's all it's been about. I mean, if I gotta stop doing that, I have no problem at all, stopping to do that if I gotta haul every bit of wood off of there, I have no problem hauling every bit of wood off there and not bringing with their or chips or anything from a job site to there. My only concern is being able to keep my equipment there because I have quite a bit of equipment and I've looked into renting places and that is something I don't think I'd be able to afford to be quite honest with you. I mean with the amount of equipment that I have.

Mr. Ripley: So you're not paying any rent at all here?

Mr. McMakin: No, I don't pay rent. He allows me to keep it there. I take care of any kind of debris that he has, if they ever called for me chipping it was because I brought my chipper there. My chipper usually stays behind my bucket truck. I will storm a chipper there, but I brought my chipper there to chip up any debris that they brought from their rental properties. And I mean it's I just helped them keep the place clean, but at the same time I kind of made a big mess there.

Ms. Oliver: Are you the only person that uses that piece of property?

Mr. McMakin: I am, I will not allow anybody back there.

Ms. Oliver: Okay, because you mentioned that there were containers and others?

Mr. McMakin: As far as, used of the property.

Ms. Oliver: Right now conducting business but yes, storing of other things there who, I mean, I guess?

Mr. McMakin: I'm not sure who the container, I believe it's his nephew's container. He is [Crosstalk] [00:25:55].

Mr. Redmond: The landlord, the owner. There's a conex box. I think in fact there?

Mr. McMakin: Yeah, I believe so. Yeah. The type you put on a tractor trailer or something yeah.

Mr. Redmond: He can't control what someone else puts on the property without his permission

Mr. McMakin: No, that's actually further back that's behind the rug store there that those are pictures behind.

Mr. Ripley: But is the conex box, the question is, is the conex box yours?

Mr. McMakin: No.

Mr. Ripley: It's not.

Mr. McMakin: The only enclosed thing I have there is my trailer.

Mr. Ripley: Okay. And, you know, we've got to discuss it up here, but would you, I mean; right now you've got equipment back here, you've got wood back here, you're cutting the wood. You're operating your business back here but what I'm hearing from you is that you would be okay if you could just keep your equipment back here and not run your operation as far as cutting wood and storing wood?

Mr. McMakin: Yes. Okay.

Ms. Oliver: All right. All right, well, anybody have any more questions? No, all right. Well, thank you. Appreciate your time.

Mr. McMakin: No problem. Can I have a seat?

Ms. Oliver: Yeah, don't leave, but you can have a seat.

Mr. McMakin: Thank you.

Ms. Oliver: Is there any opposition or anybody, any other speakers for this application?

Ms. Carolyn: No ma'am.

Ms. Oliver: No.

Mr. Redmond: Mr. McMakin, do you mind coming back up? I do have one more question. Yeah, precisely correct. I thank you for zooming in, whoever did that.

Ms. Oliver: Sir, there's a pointer right.

Mr. Redmond: Where is your stuff and where's the stuff that someone else has on it?

Mr. McMakin: This is somebody else's.

Mr. Redmond: Okay.

Mr. McMakin: My stuff. If you come in from Virginia Beach Boulevard, you have a road that goes behind the building right here and like those pictures that you saw earlier, that's a little kind of roadway right there. And I just keep my stuff right in this area.

Mr. Redmond: Okay, right behind the commercial building there the white roof.

Mr. McMakin: You do have apartments here, but it's probably I want to say about a year and a half, maybe two or something, wooded area right there in between.

Mr. Redmond: Okay, that's helpful. Thank you.

Mr. McMakin: Okay.

Mr. Redmond: Sorry, Dee.

Ms. Oliver: No, no, that's fine. Okay, well, let's close this hearing and we'll open it up for discussion amongst the commissioners. Yes Whitney?

Mr. Graham: I would like to just, I guess putting, I guess discuss an idea if the applicant were to remove the firewood, which sounds like that's what he's in the process of doing is removing the wood and removing or discontinue the operation of using the equipment at the side, I mean right now, I mean it is very hit and it sounds like some of the stuff that's back here is not his it's the landlord's the conex box is, the stuff that's really closer to the residential, we want to, I guess discuss the idea of the removal of the wood, or the discontinuation of the log splitting, of the wood chipping, of the operation and in the loudest operating for maybe a set period of times a year, I am just.

Ms. Oliver: Okay, Jack.

Mr. Wall: Well my question is what would constitute the bulk storage yard, so that's what the application is for and what is, you know, what defines the need for the conditional use permit itself? Is it the equipments or is it the operation, the storage of the materials on site, so what's defining, all the above?

Mr. Tajan: It boils down to both, because of the equipment is not typical for, not like a vehicle, a car or something that someone has at a commercial location. So bulk storage, we've done it before for the other landscaping business that you heard last month and included the extra vehicles that they had, and that was an I-1 District and also the storage of the materials.

Mr. Redmond: I agree with my colleague, Mr. Graham here, I'd like to find a way that we can make this work both for neighboring properties and also for this gentleman who had a formula that was working, it was working for 10 years anyway because there weren't any complaints about it. And so what I would suggest is something similar to what Whitney just said, which is we write a condition that the site is to be used for the storage of equipment that's necessary for the operation of his business and specifically prohibit any kind of grinding or something like that, help me staff how best to write that, but if we write a condition in a way, that makes clear that the it's the operations, it's cutting wood, chopping wood, that's what causes the noise, which got the neighbors up in arms and that I think is where the problem is, if we eliminate that, which he sounds like, he is perfectly willing to do and simply have it for the storage of this equipment, which is not inconsistent, obviously, with things that we've done in the past. It's a very secluded site, there's only one side of it and a narrow side of it that backs up onto the residential, if there's nothing back there making noise or nothing creating any particular impact, and in order to be able to operate, it seems to me, you know, okay and it's been that way for a long time. It's, you know, it's when the noise making activities occurred. So I think that's, I would like to see if we can get to that place because I think that would protect all it's, I mean, it's really surrounded by commercial properties. And, you know, not frankly, are not real busy properties at that. It's only that one sliver at the bottom where the residential is we keep the noise down and hopefully that'll allow him to operate his business. And then I think, you know, we could put a, you know, we could put a

one year timeframe warmer, it's a conditional use permit, they can always revisit, if there's a violation that's my thought.

Ms. Oliver: Ron.

Mr. Ripley: I kind of agree with where you're going, but I think but what Dee said about perhaps a year would probably make some sense and because you know, it's not a compatible use and if you grant a uses permit, and we've done this before where, in the SGA we've had, we said, we've made a time limit on the condition used to make because you're, you're hoping that they can use the property for a certain period of time, and then it transitions to a higher better use, if you will, but in this case, giving a granting a conditional use permit for storage yard in this location is probably not a good idea for a long period of time. But the demands been in business, you don't want to just say, hey, you gotta go find another place, like tomorrow, but I think if you had enough time, perhaps he could accomplish that. We could find a way to work with him, work with him during that interim period and I think a year is a reasonable amount of time to grant the use permit and then it terminates as well. If he came back and made a case and the commission decided they wanted to continue it, that's one thing, but I think the idea is to give him opportunity to transition, find another location if he could. I hate to say that, but because it looks like you're working hard, and that's really I know, its hard business you're in, that's for sure. So anyway, but that's what I think.

Ms. Oliver: David.

Mr. Weiner: I agree also and this is that question is actually for staff here because the application was written up for denial, and there are no conditions here whatsoever. But my question is, I know this is well hidden off of Virginia Beach Boulevard, but what are let me just came through us we had some landscaping around and things like that, but I think you would still need some type of defiant to enclose this area. It's nothing in here and shows anything like that.

Mr. Tajan: Yes sir, if it's the Commission's want to better define and condition the project, we would recommend that we defer the project so that we can sit with the applicant to better define that, it's not, as Mr. Ripley said, it's not just the storage, it's also the in and out movements of these vehicles on almost a blind turn on Virginia Beach Boulevard, but if it's the Commission's will to revise and kind of box in this a little bit, we would request that we differ it so we can have that conversation with the applicant.

Ms. Oliver: Because I'd like to address the letters of concern with the residents behind there and I think that was where the complaint was coming from, you know, there isn't much of a buffer, we saw that from the photographs and I don't know that it's this gentleman's responsibility to put the buffer up as much as it is the person that owns the piece of property, to create that buffer.

Mr. Weiner: But being said, and just as a point the conditional use permit is granted to the property, the property owner has a part of this and if it needs to comply with other

ordinance requirements, that conex boxes cannot be there, they're in violation. So they would still have to be removed. I mean, the key is that yes, it may not be attributed to him, but the property owner is getting an additional use on the property, then the site needs to be brought into compliance. So that's also a concern.

Ms. Oliver: And I think that's probably something that needs to be addressed as well, just for that.

Ms. Rucinski: I also think we need to make sure that we address the fire marshals concern, because there were several mentions of that and with the amount of wood that's there, you know, if it's just letting that the cane wood can be a real.

Ms. Oliver: He's removing that. But yeah...

Ms. Rucinski: But I mean, we need to make sure we address it right.

Mr. Redmond: My question is what would you have done if we had just decided grant it, mean, you know, recommendation for approval if it doesn't have all those things that you're going to talk to them about and their no conditions? There are no landscaping requirements, at the conex boxes and all of that stuff. I mean, I know what happened. What happened is that owner said, listen, go for it, if you can pull it off and get a conditional use permit, okay, by me. So that's ever come up?

Mr. Tajan: I mean, we would be in the same position where we would recommend if you're choosing to, to do something different, we didn't go down the path of trying to divvy up his business use, he had a business case to bring it all together. So we looked at it all together.

Ms. Oliver: I think that, you know, possibly working to get the site cleaned and put some conditions on and then give him a timeline of the year and that'll give you time to move forward to another, you know, start looking for somewhere else to relocate the business probably is in your best interest just because of that, yeah, Don.

Mr. Horsley: I think if you only allow the storage of equipment and he says he's gonna clean it up, that'll eliminate a lot of the other potential activities that can occur the grinding, the sewing and just allow this equipment storage only upon getting the property cleaned up, I think he said he's willing to do that. So I don't have any problem with him staying there for another year if he's going to get that done and then hopefully you can look for another location, I know there's some value to some of the timber that you cut down, some of the logs are specialty logs and you need a place to store them. But you won't be able to do it here you'll have to find another place and hopefully you can find a place for your operation but I would definitely be willing to go ahead and go give him a year to two stories equipment there and get the wood cleaned up that he's put there and that'll be your responsibility and then store your equipment there and look for another place that would be my recommendation I think that's what basically everybody else has said.

Ms. Oliver: Right.

Mr. Redmond: So Don you recommended we go ahead and vote today then.

Mr. Horsley: I am.

Mr. Redmond: Okay.

Ms. Oliver: Well I think they've got—

Mr. Weiner: I don't think deferral is going to hurt this operation, tighten things up a little bit.

Mr. Tajan: Correct. His application for the conditional use permit to stand his violation notice at this point.

Mr. Redmond: Thank you Bobby. Bobby needs to put a bow on this.

Mr. Horsley: What you do be putting conditions on there about some of these other things that need to be cleaned up which won't be his responsibilities that are out of his control was like the conex boxes and all this out of his control, he doesn't know anything to do with him. So I don't want to do anything to hold him hostage that if you understand what I am telling.

Mr. Tajan: I believe that'll be part of our discussion to understand how he plans to separate his business use and for him to have an opportunity to talk to the property owner as well. So there's an extra step we need to take as we separate the two out that we need to do to have further discussions.

Mr. Horsley: Okay.

Ms. Oliver: Okay. Good. So, do we have a motion, yes.

Mr. Weiner: I just want to make sure, so are you okay with us deferring this for, to have an indefinite deferral to work with staff to get this together correctly?

Mr. McMakin: Sure, you just contact me; I would have to come back. Sure.

Mr. Weiner: The staff will contact you.

Ms. Oliver: So they're going to work with you to separate your business from the other violations that are on the piece of property, and then kind of get it all cleaned up for you, not the property but the application.

Mr. McMakin: I do have one question about the recommendations. Now, when I clean it up and get my equipment there, I know one of the conditions that were brought up is I put a fence around and everything's nice and clean and I have my equipment back there and a year comes by, would I be allowed to apply, just to keep my equipment there in the future?

Ms. Oliver: Well, that's gonna be for the staff because, really you're not supposed to be there right now.

Mr. Willie: Yes, I understand that.

Mr. Redmond: But to his question, yeah, you can always come back.

Ms. Oliver: You can always come back and reapply.

Mr. Redmond: And reapply for the conditional use.

Mr. McMakin: Yes. All right.

Ms. Rucinski: So we need a motion for deferral.

Ms. Oliver: Do I have a motion for deferral.

Mr. Redmond: Yes, I motion for deferral.

Ms. Rucinski: Second.

Ms. Sandloop: The vote is open. By the recorded vote of 10-0, agenda item number one has been deferred indefinitely.

Ms. Oliver: Good, so you'll get with staff and they're going to advise you on what your next step is. Okay, thank you.

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

**Item #2
Wolfe Bros Events, LLC
Conditional Use Permit (Assembly Use)
1145 Princess Anne Road
District – Princess Anne**

October 9, 2019

DEFERRED

Ms. Oliver: Right. Thank you very much to the applicant that had a matter on the consent agenda today. Chair has been made aware that we have an additional item on our agenda today that is requesting a deferral. Is there a person to speak on that behalf? Thank you.

Mr. Nutter: Thank you. Yes, Madam Chairman, for the record R.J. Nutter, I'm an attorney and I represent Wolfe Brothers application number two on your agenda. We were prepared to go today and there are two families have come down today to speak and support the application, but I heard your request Mr. Horsley, so my client is happy to meet with them. I did want to let you know that without meeting with them that particular group, we did have extensive discussions with the staff, your staff, and the head of the Agriculture Department about this application several months ago, so I didn't want you to think we ignored that community. So but we're more than happy to attend on Monday, if I'm not mistaken, right?

Mr. Horsley: That'd be great. We appreciate that. Because it happens, it's good timing, because they do meet on Monday night, so that'd be great.

Mr. Nutter: So we just want to thank the people who came all the way down and we did reach out to all the neighbors around us so. So thank you very much. If you could defer for 30 days we'd appreciate it, that's right.

Mr. Horsley: Thank you.

Ms. Oliver: Thank you.

Mr. Nutter: Yes.

Ms. Oliver: Is there any objection to this item being deferred for 30 days? Hearing none, may I have a motion?

Ms. Rucinski: Madam Chair, I will make a motion to differ item two for 30 days.

Ms. Sandloop: The vote is open. By the recorded vote of 10-0 agenda item number two has been deferred to November 13th.

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

CONDITIONS

1. Except for ADA parking, alternative surfaces (bluestone sand and gravel) may be permitted for on-site for the minimum required number of parking spaces. ADA parking shall be provided in accordance with the ADA criteria.

2. The applicant/owner shall install and maintain a City standard commercial entrance at Princess Anne Road. Said entrance shall be installed in accordance with the City of Virginia Beach Department of Public Works Engineering Division Specifications and Standards.

3. Outdoor events shall be limited to no more than fifty (50) per the calendar year and the maximum number of attendees shall not exceed 250 per event.

4. All outdoor events shall be concluded by 10:00 p.m.

5. Amplified music, except acoustical music and music provided by a DJ, shall be prohibited after 10:00 p.m. for outdoor events and 11:00 p.m. for indoor events.

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

7. This Assembly Use may continue to operate on the site subject to an annual determination by the Planning Director or designee that the presence of the use is not detrimental to public health, safety, and welfare. Furthermore, the Assembly Use, as conditioned herein, shall not cause public inconvenience, annoyance, disturbance, or be incompatible with other uses in the vicinity or otherwise interfere with the reasonable use and enjoyment of neighboring properties by reason of excessive noise, traffic, or overflow parking.

8. A Site Plan shall be submitted to the Department of Planning & Community Development/Development Services Center to ensure compliance with applicable regulations for all proposed on-site improvements. Site Plan approval shall be obtained prior to issuance of a

building permit, which shall be required for the proposed venue structure and any other improvement, per City regulations. In addition, a Certificate of Occupancy shall be required prior to the occupancy of the proposed venue building.

Item #3

City of Virginia Beach

Major Entertainment Venue Signs

**South of 264, West of Parks Avenue, and slightly East of Parks Avenue, North of 18th Street, West of Washington Avenue, North of 17th Street, East of N. Birdneck Road
District – Beach**

October 9, 2019

RECOMMENDED FOR APPROVAL – CONSENT

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

Ms. Rucinski: Thank you, Madam Chairman. This afternoon we have one item on the consent agenda that item is item number three, and this is an application for the City of Virginia Beach both Applicant and Owner for major entertainment venue signs South of 264, West of Parks Avenue and slightly East of Parks Avenue, North of 18th Street, West of Washington Avenue, North of 17th Street and East of North Bird Neck Road. Do we have a representative for this application?

Mr. Martinec: Good afternoon, members of the Planning Commission. My name is Rick Martinec. I am with the Public Works Department, the Facilities Design and Construction Division. I am a project manager that is over handling or overseeing the construction of the Virginia Beach Sports Center and just let you know that we agree to the seven conditions that are stated in the staff report.

Ms. Rucinski: Thank you, took my question away. Is there any opposition to this matter being placed on the consent agenda? Okay, seeing none. The chairman has asked Commissioner George Alcatraz to read this into the record, please.

Mr. Alcaraz: All right. Thank you. Again, agenda item three Signage Package for the Virginia Beach Sports Center and Convention Center, other than sign is allowed by the standard zoning regulations signage, Major Entertainment Venues MEV is only allowed with approval of the City Council, Sports Center, and Convention Center have submitted joint request to install a signage package consisting of nine sides. The package includes upgrades to two existing convention signs, convention center signs, in the addition of seven signs that will support the Sports Center. Three of these signs include electronic displays; the setbacks of these signs will vary based on the contents. The proposed sign package contains four sign types, monument with illuminated board, large directional parking, small directional parking, and illuminated board retrofits. The proposed sports center signs had their own unique design theme that is complimentary to the convention center sides. The complete electronic display and way finding sign packets will create a seamless arrival and departure experience by providing clear information in a simple format. In summary, staff finds the proposed signs are appropriate and size, location and

appearance and satisfies the standards but above without causing unwelcome impacts to neighboring properties. With that said, the seven recommended conditions and staff and the Planning Commission recommends consent. Thank you.

Ms. Rucinski: Madam Chair that was the last item on the consent agenda today.

Ms. Oliver: I think that's a record. So I would like to move that consent agenda item number three be approved.

Mr. Horsley: Second.

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

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

CONDITIONS

1. All signage shall be in substantial conformance in dimension and design with the submitted sign packages entitled, “VIRGINIA BEACH SPORTS COMPLEX,” dated 05.06.19, 05.07.19, or 05.08.19 (dates vary for each sign type) and “VA Beach Conv. Center” dated 08/27/2019, both packages of which have been prepared by AGI. The sign packages are included in this report and will remain on file in the Department of Planning and Community Development.
2. Signs shall be equipped with a working dimmer control capable of automatically reducing the illumination of the required daytime (sunrise to sunset) and nighttime (sunset to sunrise) levels.
3. Signs shall not flash or display animated graphics.
4. No audio speakers are permitted.

5. A sign package for any additional signs, including directional and wayfinding signs, shall be submitted to the Planning Director for review prior to approval to ensure all signs have a consistent design and are well coordinated with traffic circulation and landscape plans.
6. The final design and specifications of the signs, including structural elements, illumination levels, and display settings, shall be submitted to the Planning Director for review and shall be deemed acceptable by the Planning Director prior to submission of plans for sign permits.
7. Permits shall be obtained from the Department of Planning, Zoning Division prior to the installation of any permanent signage.

Item #4

General Booth Venture, LLC

Conditional Use Permit (Automobile Service Station)

Northeast corner of General Booth Blvd. & Prosperity Road

District – Beach

October 9, 2019

RECOMMENDED FOR APPROVAL - HEARD

Ms. Sandloop: Madam Chair final order of businesses is agenda item number four General Booth Venture, LLC, which is an application for a conditional use permit, an automobile service station on property located at the Northeast Corner of General Booth Boulevard and Prosperity Road located in the Beach District. Madam Chair the applicant has three speakers, first one Bruce Berlin. They also provided me with supplemental handouts, which I will pass to Mr. Tajan.

Ms. Oliver: Thank you. Welcome

Mr. Berlin: Madam Chair, members of planning. My name is Bruce Berlin, 1081 19th Street. I'm one of the managing partners of Venture Realty Group. Venture is the combination of two firms' Commercial Real Estate Services and Ellis-Gibson Development that have done business here in Virginia Beach for over 35 years. Some of our projects include Red Mill Commons, The Marketplace at Hilltop, the Crossings at Red Mill, the Amerigroup Campus and the proposed dome site, as we've read named Atlantic Park. Today, we're here to seek your approval for a conditional use permit of a 3.2 acre development of a Wawa Gas Station and Convenience Store at the corner of General Booth and Prosperity. The acreage is currently zoned B2. Wawa will employ some 50 permanent associates, and will feature the architectural enhanced elevations that you see in your package. We have the engineering firm of Kimberly Horn here to answer technical questions, as well as Jeb Bell of Wawa to speak with you about the history of Wawa in Virginia and the good corporate citizen they are in Hampton Roads. Since I appeared before you last time to ask for deferral, we have worked extensively with Virginia Beach staff to reach an agreement on how we can improve the intersection and then receive staffs approval for our CUP. Venture Realty Group is willing to spend approximately \$500,000 in offside improvements to improve the intersection that include a dual left from prosperity on the Southbound General Booth, decel lane from General Booth into the site and further widening of lane improvements on Prosperity. In addition, we will set aside funds to be spent for the further expansion of a northbound turn lane from Oceana to General Booth when the city does it smart scale improvements to this intersection in 2027. For community outreach, we contacted the adjacent neighborhoods of Bird Neck Lakes, Red Wing, and Park Place to introduce the project and offer to make a formal presentation to their civic leagues. Today, none have asked for such meeting as the majority of their members are in favor of the Wawa. We've continued this email engagement up and through

today and certainly offered to meet with any Civic League prior to city council. By meeting staffs requested on site improvements, we have gained their recommendation for approval of this CUP and now seek your approval as well. I standby for questions after you've heard from our other speakers, thank you.

Ms. Oliver: Anybody have any questions for Mr. Berlin. Great. Thank you.

Ms. Sandloop: Jeb Bell.

Mr. Bell: Good afternoon, Madam Chair, members of planning, happy to be here with you today. My name is Jeb Bell, real estate engineer with Wawa company I'm really proud to represent and have an opportunity to tell you a little bit about today. One thing that I'm always reminded of is that having grown up in South Eastern Pennsylvania, not everyone is familiar with our name, who we are what we do in our history, as I'm used to, as I take for granted. Wawa is actually a Lenape name, Native American name for Canada goose. It's also the name of the town in Pennsylvania where our founder R. D. Wood had a family farm, had cows, eventually built a dairy and started selling milk to his neighbors. And then that turned into a delivery service and then we built our first Wawa food market in April 16, 1964 in Folsom, Pennsylvania, and there was a way to kind of branch out from the delivery business, which was kind of growing out of favor at the time. We were just a food market convenience store items part of our community for about 32 years until we opened up, we added fuel to an existing store in 1996. So for 32 years, we were known in Pennsylvania, New Jersey, that market as just a food and convenience store. When we entered the Virginia market, we had fuel as an offer. So, you know, down these parts are mostly identified with as a fuel service provider. But our history, you know, suggests otherwise. So we, we have a lot of things that make us unique in the industry. And I think to the casual observer, some things are immediately evident. We operate a clean, safe facility. It's well attended, it's a busy facility. I think from the outside, you can gather a lot from that. We care about what we do, we're privately held so we invest in our people, in our facilities, in our communities that we serve as a result of our being popular and running a good business, we obviously create a lot of revenue for the, you know, municipalities. But I think that doesn't paint clear enough picture of really the value that we represent. I think what you'll see is the real successes inside the store. If you have ever seen a grand opening, or hopefully will you consider attending one in the future in Virginia Beach what strikes me is, is the faces of the people that are there, whether that's, you know, old customers who now have one in their community, or it's the new associates and the employees with a new opportunity. So you'll see a smile on the face of a general manager who's got a new opportunity, moving up from another store, right. As we grow, we create opportunities for all of our associates; the Assistant General Manager is going to be a kid from another store who's got a leadership position at this store. And then you've got, you know, all in all, there's about nine management positions and there's 40 to 50 associates that will be employed at the store. But at the ground level, I guess what I would say is, Wawa is an opportunity, it's a ground floor opportunity, it's an entry level position, but the sky's the limit because all around me at work and at every store

are people that started at the bottom and work their way up because the only thing that you need to be successful at Wawa is hard, and to care and with that, you can go to any level, I'm in the construction real estate department. I've got guys working next to me that started in the stores are head of store design started in the stores. It really is, I think, unique in that respect. We're privately held, we provide tuition reimbursement, we provide an ESOP, employee stock option program, it's a real opportunity to actually retire. So I'm proud of everything we do and I'm happy to be here and take any questions that you have. Thank you.

Ms. Oliver: Thank you, any questions for Mr. Bell. Thank you.

Ms. Sandloop: Randy Royal.

Mr. Royal: Afternoon folks, Chairperson Oliver, members of Planning Commission, Randy Royal business address, Kimberly Horn Associates 4525 Main Street, Virginia Beach. I'm here to talk primarily about the engineering. I understand you got a little bit of a briefing this morning. It's a pre-briefing but I want to talk about storm drainage and traffic. Storm drainage, we've talked about before with rezoning with use permits were held to a much higher standard, 20% more rainfall intensity, foot and a half sea level rise, which is what we've done excellent. They've got the new plan up there. It's a little different from the one that you saw previously. You see the pond there in the upper left hand corner, that's about an acre and a half for 3.2 acre site. That's 47% of the site for storm drainage, again towards the city's strive to fix flooding and make sure that we don't create any additional flooding. So there's to be zero impact on the downstream systems. We've presented preliminary calculations to staff and they have agreed that with the final design, they're confident that we can have that zero impact. Traffic, yes this is a busy intersection. The primary movements are the, the Northbound General Booth Boulevard left and the Oceana Eastbound rights people going to come in from Oceana, we don't have any impact on that, and possibly a positive impact to pull people off of it. Our impacts are the westbound lifts and through on Prosperity, coming out of Prosperity from the side and the eastbound through movements from Oceana people going straight across to Prosperity. To that end, and Mr. Berlin just told you on Prosperity Road doesn't show there, can we go back to the other side plan please? Hard to see there but we've got an extra left turn lane, so we've got there we got a dual less coming out of Prosperity there. And Mr. Berlin spoke to it with a smart scale project on the other side previously, there was going to be dual rights, and it was going to be a combination through and left turn movement. We're paying for an additional lane so that there's a dedicated left turn lane and a dedicated through lane in addition to the two right turn lanes that and the right in right out on General Booth and the left and all Prosperity that's the half million dollars these guys are putting forth to improve the traffic situation out there. I've seen the emails, I've seen it happened, Dunkin Donuts is a problem that's part of this. It's a busy intersection, people are making the left on general booth on the Oceana somebody slowing down or it's backed up in Dunkin Donuts, not a whole lot we can do and not a whole lot traffic engineering can do that was a by-right use. They didn't go through this process. Because of this process, we're putting a lot of improvements

in, maybe people are going to Wawa and there's less traffic going that way, but that's the situation that we're not creating the same situation. I think a lot of the, what you may have heard from the neighbors is that situation there the turn into Dunkin Donuts. The use itself is a by-right use, the gas is why we're here in front of you for a use permit. There are other uses that could go on there by right; we have actually looked at fast food with a drive-through fast food without a drive through, coffee shop with a drive through. That particular use fits on this property and it would generate more traffic than the Wawa would. So, you're getting a Wawa, which I think you heard from Jeb and I think everybody's seen them, they're great use, employ a lot of people. It's good corporate citizen here, getting a half million dollars in improvements. We've addressed the traffic and storm drains, be happy to speak to it more. But hope with all that you'll see fit to recommend approval city council and I'll stand by for questions. Thank you.

Mr. Ripley: Randy, is the storm water that service the rest of the site as well?

Mr. Royal: No sir.

Mr. Ripley: Or is that just for the Wawa?

Mr. Royal: That is for the Wawa, the intention is for the when the other stuff comes in, and they will probably enlarge it. At this time, they didn't want us to design everything for the other sites because we didn't know but that will be the plan. So it'll be efficient there, but that's just for the Wawa that we are going to have.

Mr. Ripley: Thank you.

Ms. Oliver: Yes, thank you.

Mr. Wall: So did you infer that there are no impacts to General Booth based on the Wawa, because I think that?

Mr. Royal: There are minor impacts. We've reduced them with what we're proposing to do with the additional laneage improvements there.

Mr. Wall: Right. So I think Rick kind of inferred that, indirectly will affect the traffic, just because it's going to shorten the delay time?

Mr. Royal: Well, it will link to the delay time. The green phase has to be what it is.

Mr. Wall: Right? That it's going to take up the capacity that isn't necessarily attributed to General Booth but they are taking that.

Mr. Royal: So let me clarify the zero impact was storm drainage, that's what we have to do. There is impact to traffic. My point being that without this use permit, we wouldn't be here. If there was not gas, and you wouldn't get you would certainly have an impact, you would have possibly more of an impact, by-right stuff could go in there and you get none of these laneage improvements. There still is an impact. We cannot make a zero impact on this intersection, but we have reduced it. Mr. Lowman could speak to that with the improvements we're proposing there. Okay.

Ms. Oliver: Yes, I have a question.

Ms. Redmond: And Randy you may not know the answer to this question, but the Dunkin Donuts how large of a site is that?

Mr. Royal: Half acre, or acre maybe, it's not. I said weird triangular shape the old bone shake. And I suspect that there was limited access on General Booth Boulevard. There's an opening for us, there may not, I am looking at Rick. There's not one right. So there's no access on General Booth Boulevard. So the only access to that property can be from Oceana. So again, Rick's hands were pretty much tied and that's one of the reasons we got an issue there.

Mr. Redmond: Right. Okay. And this is a 3.2 acre site.

Mr. Royal: Yes, sir. And it has a gap in the General Both Boulevard limited access, we've combined it so the other uses nobody else will get another access as Mr. Ripley was speaking to the other developments. They will share the access that we have, the decel lane on general booth for which is sized appropriately and the left turn in from Prosperity.

Mr. Redmond: Yeah. So with the B2 zoning there, there could have been, you know, Dunkin Donuts could go on here as well as possibly to other uses?

Mr. Royal: Right.

Mr. Redmond: Okay.

Ms. Oliver: Great. Thank you. We have any other speakers?

Ms. Sandloop: No, ma'am. Okay. We all want to close this for the commissioners, will close the hearing and anybody have any comments? Yes Dave?

Mr. Redmond: When is this aerial from, number 1, am I missing the Dunkin Donuts on there is that there? There are going to be impacts for just about any kind of improvement there in the built environment. In this case, this applicant has done, has gone a very long way towards mitigating those impacts to transportation improvements. When an alternative scenario which is by right development of this site would result in greater impact and no mitigation. At the same time, these facilities in my view are luxuries. They are so busy because people like them so much and all of the people in the surrounding communities are going to come to enjoy them and be convenience by them in ways that they don't today. If you're in a business like mine, where you move around a lot in the daytime, you stop at places like this, which I didn't when I was chained to a desk, but in the job I'm in, I'm always moving around. And you see the people who come in, day in, day out various time for the day, they get gas, they get a breakfast sandwich, they get a sandwich in the afternoon, they buy drinks. They get a cup of coffee, they stop. They are so busy because they serve so many needs, I wish one were closer to my house. Above all, I think and that's a good slide to have a thank you. It seems to me they've taken really good care in designing this site. Both of those entrances are far corners of it,

far back on prosperity and as far back on general booth as you can get there, a long way from the intersection, the building set, well set back from the road way. It's just done in a way to minimize impact as best as possible to mitigate the impact with two transportation projects and all with the use that people value and enjoy and we only have more of them. This is a commercial corner, there's no two ways about it, and you can stare out on a map and know it's a commercial corner. This strikes me is a very appropriate and desirable commercial use and they've taken great care to do it. So I'm going to support it and I hope you will too.

Ms. Oliver: Anybody else? Jan.

Ms. Rucinski: I just wanted to, to kind of piggyback on that and say that it looks to me like a lot of thought went into this and not just thought for today or tomorrow but for thought down the road with being able to make the improvements and, you know, help the city out with the traffic improvements in that area. And I think that's what we need is good neighbors like that, that are willing to not just think about their lot of land and what they can do today. But how they can help impact the city as we move forward, so I'm going to support the application.

Ms. Oliver: Whitney.

Mr. Graham: I agree with both of you to. It's not very often you see a developer come in for really one use at this point who's adding two lanes and a turning lane mean that it's expensive? And I think they, I agree, I think they did a great job trying to make the site work.

Mr. Wall: Can I make a motion to approve?

Ms. Oliver: Please, I will second it.

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

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

CONDITIONS

1. When the property is developed, it shall be in substantial conformance with the submitted exhibit entitled, “CONDITIONAL USE PERMIT - PRELIMINARY PLAN,” prepared by Kimley Horn, dated 5/7/19, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
2. The applicant shall install the improvements within the rights-of-way as described in the Traffic Impact Analysis titled, “Wawa (KOA Site) ,” prepared by Volkert, Inc., revised September 6, 2019 that include, but are not limited to a north-bound right-turn lane along General Booth Boulevard at the proposed access point; a second westbound left turn lane at the General Booth Boulevard and Prosperity Road intersection; and an east-bound left-turn lane on Prosperity Road at the proposed access point. The applicant shall also be required to install an east-bound through lane on Oceana Boulevard at the intersection that shall be built in conjunction and timed as determined appropriate by the Department of Public Works, with the City intersection improvement project scheduled for construction in 2026.
3. The exterior of the proposed building, fuel canopy, and dumpster enclosure shall substantially adhere in appearance, size and materials to the elevations entitled, “WAWA W50 FB M VA,” prepared by Cuhaci & Peterson, which has been exhibited to the Virginia Beach City Council and is on file in the Virginia Beach Department of Planning and Community Development.
4. The freestanding sign shall be monument style with a stone base and substantially adhere in appearance, size and materials to the submitted freestanding sign exhibit entitled, “WAWA MONUMENT SIGN,” prepared by Icon, which has been exhibited to the Virginia Beach City Council and is on file in the Virginia Beach Department of Planning Department.
5. Signage for the site shall be limited to: a. Directional signs. b. One (1) monument-style freestanding sign, no more than eight (8) feet in height, set on a stone base and two (2) building and/or canopy signs. c. No striping shall be permitted on the fuel canopy. d. There shall be no other signs, neon signs, or neon accents installed on any wall area of the building, on the windows and/or doors, canopy, light poles or any other portion of the site.
6. At the time of site plan review, a Landscape Plan that a minimum reflect the plant material depicted on the submitted Concept Landscape Plan, along with all applicable requirements of the Zoning Ordinance, shall be submitted for review to the Development Services Center and shall obtain an approval prior to the issuance of a building permit.
7. At the time of site plan review, a Photometric Plan shall be submitted for review and shall contain foot-candle lighting readings for all areas of the site including the perimeter. Said plan shall also specify light fixture height, light fixture type, proposed shielding, and light dimming capabilities.

8. All light fixtures on the site shall be no taller than 18 feet in height.
9. The dumpster shall be enclosed with a solid wall in a color and material to match the building and any required screening shall be installed in accordance with Section 245 (e) of the Zoning Ordinance.
10. No outdoor vending machines and/or display of merchandise shall be permitted.
11. All vacuums and air pumps shall be screened from the right-of-way with a wall and plant material of a size and species acceptable to the Development Service Center's Landscape Architect, all of which shall be depicted on the Landscape Plan.

Item #5
Jason Sprague
Conditional Use Permit (Residential Kennel)
1504 Hummingbird Lane
District – Bayside

October 9, 2019

WITHDRAWN

Ms. Oliver: Thank you. The next order of business is to address those items to be deferred or withdrawn. Please come forward if you have an item to withdraw. The chair has been aware that the following item number five has been administratively withdrawn from our agenda today. Do I have any opposition to that? Hearing none, do I have a motion on the board to have that withdrawn?

Ms. Rucinski: Madam Chair, we will make a motion to withdraw item number five.

Ms. Oliver: Second please.

Mr. Horsley: Second.

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

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

Item #6
Judeo-Christian Outreach Center, Inc.
Conditional Use Permit (Single Room Occupancy Facility)
Modification of Conditions (Group Home)
1053 Virginia Beach Boulevard
District – Beach

October 9, 2019

DEFERRED

Ms. Oliver: Thank you. Please come forward if you have any items to be deferred. The chair is aware that the following item number six has been deferred. Is there any opposition to that? The chair has also been aware that the following item number seven has been deferred. Is there any objection to that? Chair is also aware that item number eight has been deferred. Is there any objection to that? And the chair has been made aware that item number nine has also been deferred. Is there any objection to that being deferred? Hearing none. May I have a motion to defer items numbers six, seven, eight, and nine?

Ms. Rucinski: Madam Chair, I make a motion to differ item six, seven, eight, and nine.

Ms. Oliver: Can I have second please?

Mr. Wall: Second.

Ms. Sandloop: The vote is open. By the recorded vote of 10-0 agenda items six, seven, eight and nine have been deferred.

Mr. Tajan: Madam Chair to clarify the record, those items are deferred to date certain to November 13, the next Planning Commission public hearing.

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

**Item #7
 HH VB2 LLC
 Conditional Use Permit (Short Term Rental)
 402 33rd Street
 District – Beach**

October 9, 2019

DEFERRED

Ms. Oliver: Thank you. Please come forward if you have any items to be deferred. The chair is aware that the following item number six has been deferred. Is there any opposition to that? The chair has also been aware that the following item number seven has been deferred. Is there any objection to that? Chair is also aware that item number eight has been deferred. Is there any objection to that? And the chair has been made aware that item number nine has also been deferred. Is there any objection to that being deferred? Hearing none. May I have a motion to defer items numbers six, seven, eight, and nine?

Ms. Rucinski: Madam Chair, I make a motion to differ item six, seven, eight, and nine.

Ms. Oliver: Can I have second please?

Mr. Wall: Second.

Ms. Sandloop: The vote is open. By the recorded vote of 10-0 agenda items six, seven, eight and nine have been deferred.

Mr. Tajan: Madam Chair to clarify the record, those items are deferred to date certain to November 13, the next Planning Commission public hearing.

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

**Item #8
 HH VB2 LLC
 Conditional Use Permit (Short Term Rental)
 3216 Arctic Avenue
 District – Beach**

October 9, 2019

DEFERRED

Ms. Oliver: Thank you. Please come forward if you have any items to be deferred. The chair is aware that the following item number six has been deferred. Is there any opposition to that? The chair has also been aware that the following item number seven has been deferred. Is there any objection to that? Chair is also aware that item number eight has been deferred. Is there any objection to that? And the chair has been made aware that item number nine has also been deferred. Is there any objection to that being deferred? Hearing none. May I have a motion to defer items numbers six, seven, eight, and nine?

Ms. Rucinski: Madam Chair, I make a motion to differ item six, seven, eight, and nine.

Ms. Oliver: Can I have second please?

Mr. Wall: Second.

Ms. Sandloop: The vote is open. By the recorded vote of 10-0 agenda items six, seven, eight and nine have been deferred.

Mr. Tajan: Madam Chair to clarify the record, those items are deferred to date certain to November 13, the next Planning Commission public hearing.

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

**Item #9
 HH VB2 LLC
 Conditional Use Permit (Short Term Rental)
 400 33rd Street
 District – Beach**

October 9, 2019

DEFERRED

Ms. Oliver: Thank you. Please come forward if you have any items to be deferred. The chair is aware that the following item number six has been deferred. Is there any opposition to that? The chair has also been aware that the following item number seven has been deferred. Is there any objection to that? Chair is also aware that item number eight has been deferred. Is there any objection to that? And the chair has been made aware that item number nine has also been deferred. Is there any objection to that being deferred? Hearing none. May I have a motion to defer items numbers six, seven, eight, and nine?

Ms. Rucinski: Madam Chair, I make a motion to differ item six, seven, eight, and nine.

Ms. Oliver: Can I have second please?

Mr. Wall: Second.

Ms. Sandloop: The vote is open. By the recorded vote of 10-0 agenda items six, seven, eight and nine have been deferred.

Mr. Tajan: Madam Chair to clarify the record, those items are deferred to date certain to November 13, the next Planning Commission public hearing.

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