

## **Planning Commission - 08\_09\_2023**

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Mr. Alcaraz: I'd like to call the order of the August 9th Planning Commission hearing. My name is George Alcaraz. I'm the planning commission Chairman and before we get started, I'd like to ask our, Commissioner Coston to lead us into prayer with Horsley leading us to the pledge. Please stand.

Mr. Coston: Dear Father, we thank you for your goodness and your mercy. God, we thank you for all that you have done for us. We thank you for this wonderful city in which we live. Father, we ask that you would give us direction today, oh God, that you would give us of your wisdom and your understanding, God, that we may make decisions who will positively affect our community. In Jesus' name we pray. Amen.

Mr. Horsley: Would you please join me in a pledge. [Group Pledge] "I pledge Allegiance, to the flag of the United States of America and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

Mr. Alcaraz: All right, thank you. At this time, I'd like everybody up front to just introduce themselves as Ms. Wilson if you could state your name.

Ms. Wilson: Hi, my name is Kay Wilson. I'm the deputy city attorney for land use and I represent the commission.

Mr. Anderson: Hi, my name is Mike Anderson. I'm commissioner for District three in Kempsville.

Mr. Clemons: Good afternoon. I'm Michael Clemons. I'm a professor at Old Dominion University and I represent District two.

Mr. Coston: How's everybody doing? My name is John Coston. I'm a retired Virginia Beach fire captain, and I represent District nine.

Mr. Horsley: I am Don Horsley. I'm the Vice Chairman of the Commission. I'm a farmer At-Large.

Mr. Alcaraz: Thank you. I'm George Alcaraz with District Five.

Mr. Cuellar: Good afternoon. My name is Holly Cuellar and I represent District eight.

Mr. Estaris: Good afternoon. I'm Naomi Estaris. I represent District one, live in Kempsville.

Ms. Byler: Good afternoon, Kathryn Byler. I'm an attorney with Pender & Coward, and a real estate broker and an adjunct professor at Regent Law School. It's my honor to represent District four, which is Town Center and related areas.

Mr. Plumlee: Good afternoon. I'm Bryan Plumlee. I'm an attorney here in Virginia Beach and I represent District six.

Mr. Parks: I am William Parks. I'm an architect and I represent District 10.

Ms. Alcock: Kaitlyn Alcock, planning administrator for the planning department. Clerking to my left, we have Madison Eichholz and Claudia Wodziak. We have out in the audience, planning director Kathy Warren, deputy director Carrie Bookholt. With our planning administration team, we have Hoa Dao, Marchelle Coleman, Elizabeth Nowak, Michaela McKinney, and Sadie McNaughton. With our zoning administration group, we have our zoning administrator Hannah Sabo, deputy zoning administrator Brandon Hackney and Garrett Hannigan. We also have our city traffic engineer, Rick Lowman here as well.

Mr. Alcaraz: All right, thank you commissioners and thank you staff. At this time, I'd like to ask the clerk to describe the rules and regulations for today's business.

Madam Clerk: Thank you, Mr. Chairman. The Virginia Beach Planning Commission takes pride and being fair and courteous to all parties in attendance. It is important that all involved understand how the commission normally conducts its meetings. It is equally important that everyone treat each other and the members of the commission with respect and civility. We request that cell phones be put on silent during this meeting. This is an abbreviated explanation of 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. Consider issued of these requests will be made first. The consent agenda, the second order of business is the consideration of the consent agenda, which are those items that the planning commission believe are unopposed and which will have favorable staff recommendation. Regular agenda, the

commission will then proceed with the remaining items on the agenda. When an agenda item has been called, we'll recognize the applicant or their representative first. Following the applicant or the representative in-person speakers will be called next and then the speakers participating via WebEx. Speakers in support or opposition of an agenda item will have three minutes to speak unless they're solely representing a large group such as a Civic League or Homeowners Association, in which case they will have 10 minutes. If a speaker does not respond or if a technical issue occurs, which renders the comments unintelligible, we'll move on to the next speaker or the next order of business. Please note that the actions taken by the commission today are a 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.

Mr. Alcaraz: Thank you. All right, then the next order of business for formalities is there any agenda items that are requested and withdrawal? We have a withdrawal. Please come forward if you have a withdrawal? All right, there are no withdrawals. If you have a deferral, please come forward. If you could just state your name, what agenda item it is?

Mr. Crane: Yeah. I'm Wade Crane with Chris Gregory in the Kemps Landing Shopping Center.

Mr. Alcaraz: What agenda item is that?

Mr. Crane: Number 10.

Mr. Alcaraz: Number 10, thank you. Alright, is that indefinitely or 30 days?

Mr. Crane: Thirty days.

Mr. Alcaraz: Alright, thank you. That's okay.

Mr. Crane: That's enough?

Mr. Alcaraz: Yeah.

Mr. Crane: Okay. We want it to be less than 10, so that's why we're here.

**Virginia Beach Planning Commission  
August 9, 2023, Public Meeting  
Agenda Item # 2**

**Adekoje PJ 22001, LLC**

**RECOMMENDED FOR DEFERRAL**

Mr. Bourdon: Mr. Chairman, members of the commission, Eddie Bourdon, Virginia Beach attorney, representing, I'm gonna just use APJ22001 LLC. Case number; item number two, requesting an indefinite deferral, but we will be back in 60 days to try to resolve the only issue that staff raised in their report.

Mr. Horsley: That item number two?

Mr. Bourdon: Number two, indefinite deferral but we will be back in 60 days, but just do indefinite for now.

Mr. Alcaraz: Any opposition to that being deferred?

Mr. Bourdon: Thank you.

Ms. Anderson: I have a motion for number two and nine for indefinite deferrals.

Mr. Clemons: Move.

Madam Clerk: The vote is now open. By a vote of 10 to zero items two and nine are recommended for indefinite deferral.

	AYE 10	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Anderson	AYE			
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

**Virginia Beach Planning Commission  
August 9, 2023, Public Meeting  
Agenda Item # 3 & 4**

**Franklin Johnston Group Management & Development, LLC**

**RECOMMENDED FOR APPROVAL**

Madam Clerk: Next item is agenda items three and four Franklin Johnston Group Management and Development, LLC. This is an application for a conditional rezoning of AG-1 agricultural district and AG-2 agricultural district to conditional A-18 apartment district with Workforce Housing Overlay at portions of 2737 Princess Anne Road and eastern adjoining parcel 2520 Allie Nicole Circle in district two.

Mr. Alcaraz: Thank you. Come forward and state your name.

Mr. Beeman: Thank you, Mr. Chairman, Mr. Vice Chairman, members of the Commission for the record, my name is Rob Beeman. I'm a Virginia Beach land use attorney here today on behalf of the applicant, Franklin Johnston Group, joining me this afternoon is Taylor Franklin, who's one of the principals of Franklin Johnston Group as mentioned, during the informal session this morning, this project would be phase two of the Southern Pine Development, the Franklin Johnston Group built about 10 years ago over behind the municipal center, behind the Harris Teeter Shopping Center at the Municipal Center, which has been very popular and very well received. This phase would include 176 units and other upscale indoor and outdoor amenities, including a swimming pool, grilling area, workout facility, and also a clubhouse and meeting space. One of the most important components of this project is workforce housing, and a significant percentage of the units in this development would be set aside for folks who qualify under the workforce housing provisions of the city code, rents for these units would be about 25 to 30% less than what market rates would be for other units in the complex. I know there's a large need for workforce housing all over the city, but particularly here near the Municipal Center, which hopefully even folks that work for the city could take advantage of. Now in the informal, we certainly heard and understood there was some concerns about the height of the buildings, you know, being, on Princess Anne Road and being four stories and so. We went back and I spoke with my client, we spoke with our architect and engineer and what we would like to do is modify the application a couple of ways to address that. First, we would be willing to reduce the building, the residential building along Princess Anne Road from four stories to three stories. We've already moved that back from about 80 feet off the right of way to 130 feet. We would reduce that down to three stories, and then by making modifications to the roof line of the remaining buildings on the site, we can reduce the height of the remaining buildings down to 55 feet each. And just by comparison, the existing Southern Pines buildings are already at 48 feet, so just several feet above those. Additionally, we can add berming. We heard that there was a concern about, you know, just making sure that the front of the site was dressed up as much as possible. We've already increased landscaping. We can add berming along the front of the site as well. And then finally while it's not feasible for us to offer workforce housing, if all the units or

all the buildings are brought down to three stories, if allowed to keep the back buildings at four stories, we can increase the workforce housing component from 17% up to 30%. So nearly doubling that, which would take the total number of units to 52 units of workforce housing at this site, so with those changes, we certainly appreciate your time and consideration, and our team will standby for any questions.

Mr. Alcaraz: All right, we'll call you up.

Mr. Beeman: Thank you.

Mr. Alcaraz: Let me see if there's any speakers, none?

Madam Clerk: No sir. No speakers.

Mr. Alcaraz: Okay. Well commissioners, would you like to discuss, or would you like to ask the applicant some questions? I'll get him back up here. I apologize. I thought maybe we had some speakers.

Mr. Horsley: Mr. Beeman if you would come back.

Mr. Alcaraz: Sorry about that.

Mr. Beeman: Yes sir.

Mr. Horsley: Explain the number of workforce housing units. You said 17%.

Mr. Beeman: So, 17% was the original proffered amount Mr. Horsley, we would be willing to modify the proffer to increase that to 30%. So, 30% of the total of 176 would be workforce housing.

Mr. Horsley: 30% of the whole of the 170 whatever it is.

Mr. Beeman: Which, I believe works out to 52.

Mr. Horsley: That's 52.

Mr. Beeman: 52 units. Yes sir, I believe, but I believe the proffer reads 17%, so we'd increase that to 30%.

Mr. Horsley: How do you get from 17 to 30?

Mr. Beeman: We would be willing to increase the number, the 17 is the minimum required under the city's zoning ordinance, and we would increase that over the minimum up to 30%.

Mr. Horsley: Up to 30%?

Mr. Beeman: Yes sir.

Mr. Horsley: And how can you get down from a 60 to 55 on your buildings?

Mr. Beeman: Right now, the roof we're proposing now has dormers and other features that increase the elevation, and we can modify the look of the roof and the structure of the roof to bring that down by a couple of feet and get it down to about 55 feet. We have confirmed that with our architect.

Mr. Horsley: And what is the height of your three-story building?

Mr. Beeman: The existing Southern Pine is 48, I believe.

Mr. Horsley: 48?

Mr. Beeman: Yes sir.

Mr. Horsley: And this is phase two of Southern Pines, right?

Mr. Beeman: This is phase two, yes sir. And I also understand that the property sits a couple of feet below Princess Anne Road. We have no plans to raise it, so there will even be another couple of feet, you know, that the building will be reduced in appearance, so it'll be, you know, roughly equivalent to Southern Pine. And then of course, the front building, we would take down to three stories. And my understanding is the buildings that the front building is 130 feet off the right of way; my understanding is the rest of them are a minimum of 220 feet off the right of way. So these are well set back into the property.

Mr. Horsley: So the Southern Pines phase one you said there, those are 48 feet?

Mr. Beeman: I believe that's because of the pitch of the roof. Yes sir.

Mr. Horsley: Okay. That's a very nice project.

Mr. Beeman: Thank you.

Mr. Horsley: And this looks like a very nice project too. My main concern is four stories, because three stories is one thing, but four stories is, you know, adding 25%. And I don't think this area is ready for four story buildings, I mean, if you were a little bit further north in the city, I think you're fine. But I don't think this area is ready and I think it sets precedence. If you can talk me out of that, not setting a precedence, you know, you can give your best shot, but I can't say how you can do that right now. But it, you know, future developments that appear to want to be multifamily, they say, well, you got four stories there. Why can't we have four stories? And I can't see how you can tell

these people know when they come if, we've granted you to four stories, if you understand what I'm saying.

Mr. Beeman: I do, yes sir. The only thing I'll note is I know the comprehensive plan and the ITA plan all call for the clustering of residential uses in close proximity to the municipal center. And this is one of the few properties where multifamily could be developed in such close proximity to the Municipal Center. So, it really does lend itself for compatibility with a comprehensive plan in that regard.

Mr. Horsley: Okay. I'll let some other folks talk. Thank you.

Mr. Coston: I got a question.

Mr. Alcaraz: Yeah, Mr. Coston.

Mr. Coston: Could you give me the price on the proposed rents?

Mr. Beeman: Sure. The proposed rents, my understanding, of course, these are subject to market forces, you know, depending on, you know, what the market is at any given time. But a one bedroom now my understanding would be about 1,350, a two bedroom 1,575, and a three bedroom 1800.

Mr. Coston: Thank you.

Mr. Beeman: Yes sir.

Mr. Alcaraz: Mr. Clemons?

Mr. Clemons: Yeah, thank you very much. Yeah, I appreciate the modifications and adjustments that you've done to the original proposal. I guess that my question has to do with the reduction of the height of the buildings; aesthetically will that affect the drawings that we've seen?

Mr. Alcaraz: It will change the drawings a little bit. My understanding is the proposed roof line is similar to what Franklin Johnston Group has used on some of its other projects here in the city of Virginia Beach that have gone through the same process. So we believe it'll be attractive and of course, we'll run it by the planning department as well. What our intention is, is to modify the exhibits between now and council, and we're happy to put that on the record and work with staff to get those changes made, you know, ASAP after this hearing.

Mr. Clemons: Great. Thank you very much.

Mr. Beeman: Yes sir.

Mr. Alcaraz: Mr. Anderson?



Mr. Anderson: I know there's been a lot of discussion about the Princess Anne Road entrance and exit. I know, I think staff was against that. What's your opinion of [Voice overlapped] [29:30] able to have that access?

Mr. Beeman: Sure. So we're proposing the primary access to be off George Wythe, which is an internal right of way that kind of winds its way up into the interior portions of the site. I believe the site plan; you've got it in front of you. So, and you'll see we've added a more significant and prominent entrance feature there. And the property will be addressed off of George Wythe. But given the way the property lays out in its location on Princess Anne Road, we believe it would be unreasonable and a little bit risky not to have some access on Princess Anne Road, particularly for folks who are coming south down Princess Anne Road. If they can't turn into the site and they don't have access, they'll see it, but they won't know how to get into it and they'd have to, you know, go all the way down to Nimmo turn, go all the way back up through the shopping center to access the site and, you know, for folks who live there, that may be one thing, they'll get used to that. But what we're worried about primarily is folks who don't visit the site often, visitors, delivery folks, or even first responders trying to find the property and just having a write in, write out, we don't believe would adversely affect the traffic pattern. I believe it even kind of transitions down to about 35 at this stage. And we have proposed a right turn lane as well for traffic coming in and out to be able to queue so, we don't believe it would have an impact on the road network, and we believe it's kind of the reasonable solution for this property.

Mr. Anderson: Has there been any traffic surveys for the, you know, the new entrance?

Mr. Beeman: We did conduct a traffic study as part of this application and that was submitted to staff and I believe the only recommendation was a right turn lane, if I'm not mistaken, that's my recollection.

Mr. Alcaraz: All right, Mr. Plumlee?

Mr. Plumlee: Thank you very much. Frankly, I appreciate the density at this location. I think it's necessary. I do also appreciate the concession with regards to the height because I think that's what we're trying to achieve as a lower height ultimately, if you don't believe that the roof line is compromised or non-problematic, I was also interested on the entryway to Princess Anne. And as a right only, I don't think that has ultimately a negative impact to traffic there. Is the traffic study indicating that there needs to be any sort of signal or anything of that nature?

Mr. Beeman: No sir.

Mr. Plumlee: With the numbers coming out of the development?

Mr. Beeman: No sir. It is not and one thing or two things I wanted to point out, the access will actually not line up with [Inaudible] [32:00] across the street from it, so one of the concessions we made or modifications we made to the plans after meeting with some of the folks across Princess Anne Road, they didn't want our access to line up with [Inaudible] [32:10] and so what we did is we shifted it south on the property so it's behind a fixed median and so there's no opportunity for any sort of effect or impact.

Mr. Plumlee: Cut straight across.

Mr. Beeman: That's right. You can cut straight across, so it's well done, you'll see on the kind of the southern end of the property.

Mr. Plumlee: All right. And reducing the number of stories on the front building is, you've agreed to that?

Mr. Beeman: Yes sir.

Mr. Plumlee: You've agreed to lower the roof line on the remaining buildings and increase from 17 to 30, the workforce housing to get us to 52 units at this site, that's all now going to be what proceeds to counsel?

Mr. Beeman: That's right. All that will be written into the proffers and into the exhibits, and then also the addition of the berming as well along Princess Anne.

Mr. Plumlee: Thank you.

Mr. Beeman: Yes sir.

Mr. Alcaraz: Any other questions? Just I have a couple, the berm. Do you know what height that would be?

Mr. Beeman: I believe that we are proposing three feet. We can work with the staff on what they'd prefer, but I believe three foot is fairly standard, but we can work with them.

Mr. Alcaraz: If I may ask the traffic engineer to come forward, just got a question on the right in, right out. Rick, I know you had some concerns about it. I just was gonna ask on the right end only, would that be workable?

Mr. Lowman: So the master transportation plan, I mean, it dictates where access can be and where it can't be and in the Princess Anne Quarter study even goes, takes it a step further. To say that, you know, no access should be granted from Princess. No direct access should be granted from Princess Anne Road. The way it was laid out, it was laid out back in, you know, the early 2000s and if you notice that right of way there where George Wythe Drive is, that right of way already existed. We set that up to have reverse frontage and that's what it's called out for in the Princess Anne Corridor study, which was adopted by City Council and updated in 2009. So, you know, the reverse

frontage was the way that we wanted, you know, access to be set up off of Princess Anne Road so you wouldn't have direct, you know, private access off the road. So, you know, if you see as a right only acceptable and the right in only is better than the right in, right out, and you know, when the representative had said, all we asked for was the right turn lane, we didn't ask for the right turn lane, except if, you know, we didn't want the entrance there at all. So frankly, we didn't review the study because again, we're saying, you know, please don't put the access point there. If we talk about precedent of four-story buildings, again, we're setting a precedent here by allowing access off of Princess Anne Road. So, what's to keep the next one, you know, the next applicant from requesting access to Princess Anne so, right in is obviously better than right in, right out, which is obviously better than a full median access. But the comp plan and the Princess Anne Corridor study are pretty clear to state that no direct access should be given.

Mr. Alcaraz: My concern was just emergency access. I know the locality; you got fire and rescue right next door. But if someone was, if an emergency situation was there and they had to head south, you have to go all the way around.

Mr. Lowman: And what we've done on other developments, other apartment or other, you know, even residential is you can put an emergency access point there. It'll be grassed, it'll be grass paved so that the fire department can drive over top of it. It's gonna have a gate with a Knox lock which means that the fire department and the police and EMS have access to that lock. They have keys to those locks so that they can get in the case of an emergency. You know, we do that in other parts of the city for other, you know, in other areas where we don't wanna have a full access point that's used by the, you know, the general public, but it is available as an option. And it looks like any other piece of grass, you know, except that there's, you know, it's paved underneath.

Mr. Alcaraz: All right, thank you.

Mr. Lowman: Sure.

Mr. Alcaraz: Is there any other questions?

Mr. Horsley: Oh, I'd like Mr. Beeman to come back up though. Lowering the one structure from four stores to three, how many units did you lose?

Mr. Beeman: There are eight units on the fourth floor of that building. We don't intend to lose units because there's only eight of those by changing the unit count on the other buildings or unit mix, I'm sorry and by making some modifications to the front footprint of the buildings, we believe we can pick up those eight in other places on the property, if that makes sense. So the density would remain the same.

Mr. Horsley: So you can't change these other buildings and put those units somewhere else also to bring it down?

Mr. Beeman: Yeah to answer your question, Mr. Horsley, if we were to take all the buildings down to three stories, I believe it would be 44 units, I think we would lose and the property is only 6.3 acres. We just don't have enough places to put those units on the site.

Mr. Horsley: So if you did go to three, how many units would you lose 44 units?

Mr. Beeman: Yes sir.

Mr. Horsley: Okay. And that would bring you down to 130 something, is that right?

Mr. Beeman: Yes sir. Yes, sir.

Mr. Horsley: And how about workforce?

Mr. Beeman: My understanding is if we brought everything down to three stories and lost all those units, it wouldn't be feasible financially to do workforce housing.

Mr. Horsley: You wouldn't have any workforce housing?

Mr. Beeman: Yes sir.

Mr. Horsley: It's kind of hard to understand. But anyway, so you gotta get, in other words, to get workforce housing, you gotta build skyscrapers, is that what you're telling me?

Mr. Beeman: Which is four stories, sir, yes sir.

Mr. Horsley: Okay, thank you.

Mr. Beeman: Yes sir.

Mr. Alcaraz: All right, thank you Mr. Beeman. All right, we'll close it now for discussion. Can I ask somebody, Mr. Plumlee?

Mr. Plumlee: If I can make a motion then we can have a discussion if you're ready for a motion. I'd rather have a discussion.

Mr. Horsley: We have a discussion about it.

Mr. Plumlee: Yes. Okay. My point I'd like to bring up is that I appreciate very much the concessions the applicant has made. I understand the height concern and the number of stories and the precedent sets. The growth of the city, I think is demanding that we consider greater density in particular, I think we need more workforces housing available. I do very much appreciate the increase from 17% to 30%, in the number of

workforce housing that is going to dig into the ultimate profitability of this location. But I really do, I would move to approve this for the reasons I've just said.

Mr. Parks: All right, let me.

Mr. Alcaraz: Mr. Parks.

Mr. Parks: Yeah, I would just second what Mr. Plumlee was just saying. I think the concessions were exactly what we were looking for. I do get the precedent, but I think they're willing to work with us. So I think I agree with Mr. Plumlee.

Mr. Alcaraz: All right, thank you. Over here Mr. Horsley, your light's on.

Mr. Horsley: Sure. You have already heard my concern, and it's still, I still voice that same concern because, you know, we've got a very special place here at this courthouse and it is a beautiful place. I think it's probably most beautiful municipal facility in the Commonwealth of Virginia. I haven't seen all of them but I've seen a few of them. And, you know, I just think that when we start allowing buildings that go, you know, go taller than what we are accustomed to having, you take a little bit away from what you've built for years, and I know it's not as tall as these buildings, but these buildings are public buildings and they should be taller buildings. So I just cannot support the four stories at this point. I mean, I appreciate the efforts you bring down the height and whatever, but I think it adds density there, that probably is not really coming to what we'd need to have this close to the Municipal Center. I appreciate that the workforce housing deal, it's just hard for me to understand why you can't have workforce housing in three stories situations either, I guess. But there's, I guess there's a dollar and cents issue for all of that. So at this point, I cannot support the application, even though I like the application. If you drop it, if you drop everything in three stories, you get my vote hands down, but I can't support it that way, but because of the precedence that it was going to set. Thank you.

Mr. Alcaraz: Thank you, Mr. Horsley. Mr. Clemons?

Mr. Clemons: Yeah. Thank you. I would like to just say that I do appreciate the modifications that have been offered. I think that the City of Virginia Beach is in great need of a project such as this. I agree with commissioner Horsley regarding the 17% minimum, if you will, in terms of workforce housing. I would like to look into that a bit further for explanation, but all in all, I think that this project will serve our city well.

Mr. Alcaraz: Thank you. Ms. Byler?

Mr. Byler: I also will echo that I appreciate the need and I very much appreciate the increase of 30% of workforce housing. I'm a little discouraged that I don't hear more agreement from the developer regarding the Princess Anne Road access 1.7 cars per apartment that's well over 200 cars think of rush hour coming in and going out. I've heard the city engineer or the traffic engineer address the issues of no more access on

Princess Anne Road. So wonder why an emergency only access isn't acceptable and I come to the conclusion that it's because they believe it's really gonna be used. And if it's really gonna be used, that's an issue on Princess Anne Road, so that's my concern. But otherwise I'm okay with the reduction in the first building to three stories and the others remaining four and hopefully because it's here at the housing cluster of the Municipal Center, it won't be setting the precedent that my fellow commissioner concerns.

Mr. Alcaraz: Thank you. I'll say my little spiel. I'm an advocate for workforce housing, and I do appreciate the modifications from 17 to 30%. Thank you that's really nice of you to do that. I understand now about the Princess Anne Road, but having said that, I'm probably gonna support this and if there's no other comments, I think we have a motion on the table for Mr. Plumlee.

Mr. Plumlee: Yeah, I'd like to make a motion to recommend the project put forth with this application, with the modifications presented by the representative for the applicant, first that there's an increase in workforce housing from 17% to 30%. Second that there's a reduction in the number of stories on the first on the Princess Anne Road building from four to three, third that the remaining buildings will be reduced in height at the roof line to, I believe the number was 55, I'm not worried about that exact number, but I think that's what was said and that the entryway to Princess Anne Road will be right in, right out, only as presented. I would encourage the applicant to work more with traffic, but I'm not gonna make that a condition of this motion and I think those were the only modifications that I can recall made to the application. So I'm otherwise moving to approve. I'll just add the berm.

Mr. Plumlee: Alright, we got a motion by Mr. Plumlee.

Mr. Parks: Second.

Mr. Alcaraz: Second by Mr. Parks.

Madam Clerk: The vote is now open. By a vote of nine to one with the modifications of conditions, items three and four have been recommended for approval.

	AYE 10	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Anderson	AYE			
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris	AYE			
Horsley		NAY		
Parks	AYE			
Plumlee	AYE			



**Virginia Beach Planning Commission  
August 9, 2023, Public Meeting  
Agenda Item # 5**

**London Bridge Development, LLC**

**RECOMMENDED FOR APPROVAL- CONSENT**

Mr. Horsley: Thank you Mr. Chairman. The first item on the consent agenda today is item number one, City of Virginia Beach. And it's the, we need to take a vote on the Planning Commission's annual report. I don't think we need anybody to read anything into the record. We just need to have a vote on that. All right, the second item on the consent agenda is item number five, London Bridge Development, LLC. The representative is here?

Unknown Speaker: Commissioners, Mr. Horsley, good to see you sir.

Mr. Horsley: Nice seeing you, sir. Are the conditions acceptable?

Unknown Speaker: Yes sir, they are.

Mr. Horsley: Thank you, sir. Anybody in opposition to this item? If not, we've asked Mr. Plumlee to read it into records. Thank you, Senator.

Unknown Speaker: Thank you, commissioners. Thank you Mr. Horsley.

Mr. Plumlee: This item is for approval of a laydown yard at 130 London Bridge Road. This is a yard associated with the coastal Virginia Offshore Wind Project. It's on 18.25 acres, which is already zoned light industrial. It's currently a zoned office location. This use is temporary. The initial period of approval is three years with the ability to amend and add an additional two years, one year at a time and there is no opposition and it appears best to be approved through consent.

Mr. Horsley: Thank you, sir. So, Mr. Chairman, I'd like to place a motion that we approve item number one, City of Virginia Beach; item number five, London Bridge Development, LLC; item number seven and eight SHJ Construction Group, LLC; item number 11, Burnette Baum Development Corporation; item number 13, Speedgearz, LLC; number 14, 15, 16, 17 and 18 Short term rentals.

Mr. Alcaraz: Thank you, Mr. Horsley. All right. Do I have a second on that motion?

Ms. Cuellar: Second.

Mr. Alcaraz: Second by Ms. Cuellar.

Madam Clerk: The vote is now open. By a vote of 10 to zero items 1, 5, 7, 8, 11, 13, 14, 15, 16, 17 and 18 have been recommended for approval.



	AYE 10	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Anderson	AYE			
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

**Virginia Beach Planning Commission  
August 9, 2023, Public Meeting  
Agenda Item # 6**

**Wycliffe Presbyterian Church**

**RECOMMENDED FOR DENIAL**

Madam Clerk: Agenda item number six is for Wycliffe Presbyterian Church. It's an application for modification of conditions for religious use at 1445 Great Neck Road, 2307 Millwood Road, and the parcel between 2307 and 2309 Millwood Road in District eight.

Mr. Alcaraz: Thank you for waiting.

Mr. Bourdon: Oh, not a problem. Mr. Chairman, members of the commission. For the record, Eddie Bourdon, Virginia Beach Attorney, I'm coming before the commission this afternoon representing Wycliffe Presbyterian Church. I wanna start by saying this is not a request for a zoning change. It is a request to remove from a use permit, granted 57 years ago, a 3.88 acre parcel, which is not, and has not been used for a religious use leaving the church and its facilities, buildings, parking, access etc. On 4.1 acres, the southern parcel containing 4.1 acres of land of their over eight acre combination of parcels. As your professional staff has reported to you, Wycliffe Presbyterian applied for, and was approved for the use permit in August of 1966, three years after the City of Virginia Beach was formed. And given that they owned three contiguous parcels at that time, containing, you know, approximately eight and a quarter acres at that time, they included all three parcels in their use permit request in 1966. At that time, the properties were zoned R-3 or R-4, residential, and they are now zoned R-10 residential all of the property the church owns. Just like the properties which, abut the northern portion of their property that are also zoned R-10 and developed with houses under that zoning district. The original 1966 use permit approval did not contain any condition which restricted or applied any development conditions, landscaping, et cetera, or restrictions of any kind applicable to the two northernmost of the three properties that were included in the application. The years later, as staff has reported, the church obtained modifications to their use permit or amendments to their use permits as described in the report. Again, no limitations nor conditions were imposed on the use of the Northern properties owned by the church that are the subject of this request, that they simply be deleted from the use permit. I will note and correct slightly what Ms. Coleman told you all this morning regarding a 1973 acquisition by the City of Virginia Beach from the church of a portion of the Northern property along Millwood Road for a pump station. The city acquired that property from the church. The city did not require the church to modify its use permit that has never occurred and then later after having acquired it, as required at the time, the city applied for a conditional use permit to put a pump station on the site that they had acquired from the church and that's no longer a requirement, but that's how that sequence occurred. There was no modification required of the church in order for that to take place. There is a building on the Northern parcel, which we are asking to be removed from the use permit that building has for up

until two or three years ago, been used for about a quarter of a century as an occupied by the Virginia Beach Health Department's infant STEM program, which the church essentially gave them the right no rent, no reimbursement of costs, et cetera. The right to use that property, \$1 a year lease. The building, which back in the 90s was kind of, you know, upgraded a little bit by a bunch of volunteers, as I understand it, including members of the church. The building has deteriorated its condition because the church can't afford to maintain it. They weren't getting any rent. The city agency didn't maintain it and the church went to the city 2-3 years ago and asked if the city one would assist in renovating that building on residential property use for an office use or two, agree to pay rent and maintain the property if the church invested money to fix up the building, or three, if the city would buy the property. The city declined all three opportunities. The church then asked the city, went to the planning department, and asked the city if the church could rezone that northern property that they're not using for the church to office and allow it to be sold at for a medical office or some other use similar to what has occurred on the property for decades. Again, they were told no by the planning department because the comp plan clearly says that they don't want the commercial node that is there near Mill Dam between Mill Dam [Inaudible] [58:35] on Great Neck to be expanded northward into the further than it are and that's a valid point, I'm not saying this to criticize that, but that is what the church again was told. This 3.9 acres is clearly excess property owned by and has not been used for religious purpose. The church's [Inaudible] [59:00] is confined to 4.1 acres on the southern parcel of the property, which exceeds the antiquated three acre minimum parcel size for a church as contained in our zoning ordinance for 50 plus years. And I would say that it's clearly true that far, far less than half of the churches in Virginia Beach actually have three acres of land. As the church has advised its neighbors, unfortunately, like a lot of churches with aging parishioners, they've lost a lot of, of parishioners and especially those families that were sustaining members of the church. Costs are, you know, gone up for everything. We all know that and frankly, the church cannot continue to afford to maintain all this extra land nor to rehab, or demo this building that's been used as a office which zoning actually doesn't allow and their grounds. It's clearly excess. The church simply asked to be able to sell the excess 3.8 acres retaining the 4.1 acres they are and have used for a religious use since 1967-68. I'm sure you're going to hear from the folks that are here today who many are very well intended that they don't want to see a pond that is located on this excess part of the church's property to be filled. This application has nothing whatsoever to do with the regulatory process of seeking approval to fill this pond. The church is not proposing to fill the pond. Repeat, the church is not proposing to fill the pond. However, it is important to understand that if the church desired to fill the pond, they could go through the same regulatory process that a buyer of this parcel will have to go through and obtain or seek to obtain, they may not obtain it and the purchaser of this property may not obtain it, but they can seek to obtain approval to fill this pond on their property if they wish to do so. And it would not involve this commission at all, at all. The church isn't pursuing that, a buyer that's under contract will pursue that and any buyer I believe will pursue it. The folks that are here in opposition, for the most part, they have every right, and we told them this at the community meeting to participate in that process. The church isn't going to be in that process, but there's a regulatory process that involves the city development services

and public works, the state DEQ and the Army Corps of Engineers, and they're welcome to participate in that process. But that is not a process that this planning commission has anything to do with. You wouldn't hear it if the church was pursuing it, which they could pursue, and you won't hear it if the buyer of this property pursues it. But that doesn't mean it's going to be approved. But that is again, not what this is about and there is again, no condition whatsoever on the church's use permit, which involves or requires that the church maintain a pond on its land that does not exist and if it did, then and only then would it be before the purview of the planning commission. So just understand this is not an application to fill the pond and as such an application would not come before the planning commission. It is frankly an unusual process that brings us here today. The City of Virginia Beach's circumstance with the pump station I explained to you, the Virginia Beach Tennis and Racquet Club just up Great Neck Road that I've had the pleasure of representing for many years, Tom Betts prior to me, on Thomas Bishop Lane, they had a bubble, if you all, some of you may remember with tennis courts under it from back in the 70s, I believe, their whole tennis facilities under a conditional use permit for recreational facility, outdoor recreational facility. A number of years ago, I represented them, applied for obtained a modification of that use permit to build a new indoor facility, and it maintained the tennis courts that were under the bubble as tennis courts in a parking lot, again, a part of the use permit. A number of years later, Dr Shiflet and the ownership decided they needed to sell some of that land. I have sown residential for houses on the opposite side of Thomas Bishop Lane, where the bubble had been with the tennis courts in the parking lot for that bubble had existed, once again, went to the Bay Board, but there was no requirement from the city that this private business, if you will have to modify their use permit to eliminate the tennis courts. There are two other applications, one being the dockside or situations, a dockside restaurant on Shore Drive, Vista Circle represented the Athee family for years. Their original use permit for Marina included every bit of their land for a Marina back in the again, mid 60s. A number of years later, they decided to build a restaurant on their property, a by right use, but not anything that was shown on their use permit application or their plans for their use permit. And there was no restriction in that use permit that said they couldn't put another by right use on their property. Casein Barco, Winston Salem Avenue, the oceanfront, the exact same circumstance, got a conditional use permit from the city back in the late 60s for a Marina. He showed a little bait house on the property that's it. A number of years later when he was building everything, economy went tanked. He didn't build a little bait house. He came in and built a restaurant on the property. Once again, a by right use of the property not restricted by the original use permit, but not shown on the original use permit at all. Did he modify his application or required to modify his condition use permit? No, no, it's not. This is an unusual unprecedented, in my view, circumstance that this church is being required to do this in the first place. The opposition, as I've said, is either they don't want the pond to be filled, which as I've said, the church could pursue approval of and doesn't come before this body. And no condition, no condition restricts them from doing that. There isn't one. If there had been a condition said he want you to maintain a pond on the property or we want you to maintain all this landscaping here or there, then we'd be here. But there's no condition on the property that we're seeking to take out of the use permit, and it's not being and has not for decades been used for any religious purpose

whatsoever. So, again, no one's here on the far as the church is concerned to, you know, take a shot at the opposition. We had a nice meeting with the folks that came, most of them were very cordial and very nice. A couple of them tried to tell me that the church couldn't even close the church and sell the whole property without getting Planning Commission and City Council to modify their use permit. I politely said that was not accurate, but was told I was lying to them. They either that or they don't want houses built on the lots that could be created and will be created on this property. How many, we don't know. It's no more than 12. It might be five or six depends on whether those agencies I've spoken about agreed to allow the pond to be replaced with another type of BMP for that development. So any development of the 3.88 acres zoned R-10 would not come before you and a rezoning would but at this point, there's no what the indication is that they are not going to seek a rezoning of the property. But if they did or they wanted to seek a subdivision variance of some type, they would come before this body. But their recourse is to all the departments and Corps of Engineers and DEQ that I have cited. So we've done, the church has done its outreach. The church has met with the neighbors, explained their predicament, explain their circumstances, and this is again, the church is not going to be able to survive maintaining this large piece of property and they got a liability with this building that's in bad shape that the city is used, but no one's maintained, and that's where we are. I will be happy to answer any questions.

Mr. Alcaraz: Thank you. We're gonna go ahead and start with the speakers and then we'll call you up for rebuttal. Madam Clerk, did you describe the time limits?

Madam Clerk: Yeah, as a reminder, it's 10 minutes for HOA presidents.

Mr. Alcaraz: Are the lights working?

Madam Clerk: Yes, they're working.

Mr. Alcaraz: Thank you.

Madam Clerk: Ten minutes if you're representing an HOA and then 3 minutes for everybody else. We're going to start with Ryan Sallie followed by Michelle Conti.

Mr. Alcaraz: Afternoon. If you can just state your name.

Mr. Sallie: Hi there. How you doing? My name is Ryan Sallie. I am representing the Great Necks Lakes Association, which represents about 100 homes that back up to Great Neck Lake, which is one of the lakes Conrad 2, Conrad 1 and Conrad 3, three lakes that are associated with our Lakes Association. One of which is on the docket to be filled in that, Eddie was just referring to and just a little quick background, I'm a 20 year Virginia school teacher, Independence Middle School. Anybody, any locals out there and I also live on Millwood Road of Great Neck Estates. And Before we even kind of open up things, I just kind of wanted to thank the board here today because it's, you know, a lot of times things go on in our neighborhoods that we don't have any control

over, but it's nice to have a public hearing like this, that we're allowed to come here and voice concerns in this kind of democratic society we lived in and have our voices heard before just decisions are made. So, there's many people here today and so I feel like we got bumped to the end. So just kind of want to make sure that those people that are here today in opposition of the Wycliffe Development just stand up at this point and just be seen and possibly be heard later on.

Mr. Alcaraz: Thank you for coming.

Mr. Sallie: That's awesome. Thank you guys for being here. So, as the representative of many people, and we have discussed this, it's been in the works for about two years since I think we brought it to our the Lake Association and, you know, we usually have three annual meetings throughout the year and it's definitely gained a lot of ground just in this past, I'd say in the past three months. I know, Eddie had said something about the church reaching out to the neighborhood but that was very recent. So since more awareness has been raised over the course of these few months, many more people are coming out of the woodwork to speak, to speak up for our neighborhood. So, the main point of what you're gonna hear today is that number one, the people that are here are very concerned and we care about our neighborhood that's number one. And number two, we're asking the board today just to slow things down and to put a halt on the rezoning and removing that 3.879 acres because once you guys take away that as a church religious purpose, it's going to allow the development and in that development will be the homes will be the removal of wetlands. And it's two fronts that were, that we're worried about. It's not just the homes. So I know that that was brought up, but we are very concerned about that wetland Lake Conrad removal of that lake, which feeds into all the Great Neck Lake and Conrad too and the other lakes that are affected by it. So many other areas are affected just by the removal of that wetland area. So please just consider that because we have many people that are here today that are passionate and we've got some amazing stories from people that lived in the neighborhoods for 20, 30 years. So again, it's going to come down to the fact that, you know, we care and that's why we showed up today to let our voices be heard. Myself included, I have two little girls at home and I told my father-in-law, I said, go take them around the corner of the park and that very park could potentially be destroyed where the infant child center is located and I said, you know, Tom, send me a picture. I can show the board like this is where my kids are playing right now that we have advocated for to not be torn down and, you know, that is like our overall lofty goal is that this property be kept as a green space. Great Neck Estates does not have a neighborhood park, which in many neighborhoods up and down Great Neck do have parks and we would love to see that happen. And as a lofty goal to keep this space green and to see it being bought by the city potentially and have that avenue just be addressed, which in my discussions with Steve Bishard of Bishard Homes that wants to do the development, he's definitely open to, but we don't want to take off, you know, take off the handcuffs per se and allow him the opportunity to do whatever he wants this property when this rezoning goes on. So we're just asking you guys today to hopefully, you know, slow things down, give us a chance to get more time to, you know, go down other avenues of possibly the city hearing some more arguments for buying this piece of property,

because we know that once permission is given to rezone and to build, it's something that we probably can't, you know, undo, once you fill in a lake. It's, we're not going to put the lake back together after that. And, you know, hearing Mr. Bourdon talk about the city denying that area a business permit, you know, why do they do that? You know, that kind of says, okay, well, somebody at some point said this, this should stay a pristine area, you know, let's not go against that. Let's not, you know, give someone the permission to do whatever they want in this area and I do believe that Wycliffe wants to see. The best go on there and they would not just up and fill in a lake, just because they can. So what Mr. Bourdon was saying about that, we have a very strong association. We've put together groups, we put together social events. Obviously, we collect dues and if there was ever a major issue that was going on, the amount of love and concern that is there for the lake, you know, if the church and the community needed to work together to help maintain some property, there's no doubt in my mind seeing how many people are coming out here today that we could help whatever endeavors or whatever things that the church needed to see done for that lake to help maintain it instead of just filling it in just because they could. And back when Bishard, myself, some other board members and Wycliffe had discussed possible solutions to selling the property. One solution was that they were going to put in a filtration system, which to us sounded like a good compromise. All right, we're gonna build these homes. We're gonna take away this lake, this retention lake, which does prevent flooding and does help filter the water. They said, Hey, but don't, you know, we'll take care of you guys. We'll help you put in this filtration system and when we went back to the city to confirm this, because obviously we're to do our homework and double check, the city didn't know anything about that. So now here we were stuck on a misled where we were not going to give our consent to these homes and this whole process without reassurance that the other lakes were going to be taken care of. So that kind of left a bad taste in GNLAs, the Lake Association's mouth that we don't know what's going to happen once, you know, this property gets sold and now that we've been given some false information. Again, we're taking a step back in this whole process that we want things slowed down. We want things to be reconsidered. We want other alternatives to be explored before this property is just kind of designated as residential and whatever Bishard wants to do, it's going to be get done. So that is our, that is our plea, you are going to hear about many stories today from very concerned neighbors. So please keep that in mind that we were trying to slow this process and stop this process so that we all have time to preserve a wetland lake, park area. Thank you.

Mr. Alcaraz: Thank you, Mr. Sallie. Next speaker.

Madam Clerk: Michelle Conti followed by Ronna Marsh.

Mr. Alcaraz: If you can state your name, please.

Ms. Conti: Michelle Conti. As a 25-year member of the original Wycliffe Congregation, the philosophy of the Presbyterian Church Doctrine compels me to speak up. We are called on to be active regarding social and moral issues including environmental concerns. As a Virginia Beach resident, you only have to look around to

realize the biggest threat we face is the when our sister city is drowning in, water. It constantly is in the news and our leaders promote ways of dealing with flooding and standing water. Our city actively promotes retention ponds as a formidable tool to combat stormwater runoff. As a city, we've spent countless dollars to stay above water. Building infrastructures that include drainage are a large part of our public works budget. Having a natural watershed is a priceless blessing. Our watershed was even dredged to maintain its integrity. The idea that we would fill in a long standing natural watershed easement in order to build 12 more houses defies logic. In addition to filling in a lake, the removal of 140 mature trees will only exacerbate the issue even further. The cost and effectiveness of pumping solutions increases the drainage and financial liability problems for our city. This decision should not be driven by the monetary income; it creates for the businesses engaged in the transaction. The church has received over 60 years of tax relief and is now requesting a modification of use and boundary change to profit at the detriment of the neighbors and wildlife that call this area home and have for decades. The church is not entitled to a zoning change any more than its neighbors are. Maintaining the status quo provides reasonably expected stability to surrounding properties. The financial need of the church does not negate the conditions they accepted when purchasing the property. The lake was here first and should be the priority in any encroaching development. The developer who has published plans to fill the watershed has a track record of over promising and under delivering on their prior projects and is viewed as a negative impact on completed projects in Virginia Beach. While the project may look possible on the paper plans, just because it could be built doesn't mean it should be built. There appeared to be errors in the JPA including use of an outdoor sanctuary, age of the building and bridge being greater than 50 years, and the submitted size of the impacted area. These items should be more closely examined for accuracy as it pertains to environmental regulations. I would suggest the City of Virginia Beach's large public works budget include regular maintenance of this watershed. The church could donate or sell the wetland portion of the property to its financial benefit and realize a goal by relieving itself of any ongoing burdens it may bear. It would set an example of responsible ownership and goodwill to its neighbors. After all, isn't that what it's all about?

Mr. Alcaraz: Alright, you've exceeded your time. Thank you.

Madam Clerk: Ronna Marsh followed by Virginia Pissaris.

Ms. Marsh: Good afternoon commissioners. I am Ronna Marsh and I would like us to start calling it Lake Conrad 2 because it is recognized in the National Wetlands Inventory. You all got an email from me at about 8:30 this morning because I don't have the luxury of being able to use the visual boards here. But I am concerned that we are not calling it Lake Conrad 2 because it is part of what is followed for the MS4 DEQ permit that the city has to have for stormwater. You all should have this in your emails from me. This is a pond and it is identified as Lake Conrad 2. This was an inspection that was done by VBGov staffer, Mr. Barnes. John Barnes reviewed the lake, went out to it, and he checked it out, and then it's reported on back to DEQ as part of our MS-4 permit for stormwater. This is not just about building homes on a lake. This is about



destroying an asset that is our city's. We citizens have paid for this lake for years. We have an easement in this lake and that easement runs right through the middle of it before the current owner owned it, I believe and so what you're talking about doing is giving up an asset of the city. I pay for this with my taxes, as does everyone in this room, even though it's on that land there, it is in the stormwater management of the city and we had a bond referendum for five hundred and sixty seven million dollars that I spoke in favor of because I've been an active member of Stop The Flooding Now and I encourage people to vote for that and now we're filling in a BMP a lake, I mean, everyone I've told that this is happening. They cannot believe it. This is not best management practices. This is a really poor idea to fill this in and if what you're trying to do is just rubber stamp another development. Why do we even have a planning commission? Why do you do the domino effect? Because you don't have the site plan, you're not seeing the full picture here. That's obfuscated by the developer. He's saying, Oh, they won't do this. They won't do that. No, you don't know what they're going to do. Once you clear the red light, once you clear the green light for this to get built on, then there goes the lake. There go in houses on the lake and that is going to affect our reputation too, just like the houses at Asheville Park. Remember those houses that we've all contributed 11 million dollars to fix the problem the developer created? You know, don't make this Asheville Park too, please.

Mr. Alcaraz: Thank you Ms. Marsh. Thank you. Next speaker.

Madam Clerk: Virginia Pissaris, followed by Wendy Crutchfield.

Mr. Alcaraz: Hi, can you just state your name in the mic for the record, please?

Ms. Pissaris: Yep. Virginia Pissaris. Okay. Hi, I have lived in Great Neck Estate since 1974, when my father and I moved in. So that's almost 50 years. Okay, give or take and, I've used Red Bridge on and off for that all time. It is a wonderful, beautiful parcel of land. And that map over there doesn't give it justice because there's no water on it and there happens to be wetlands there, okay. And I think it's more than an acre, but let me get to the point. So that wetland area serves as our watershed for not just our neighborhood, all of Great Neck Road area, the reserve, Great Neck Manor, the shopping center area. It is a natural watershed for flooding. All of you were sent a video that I took in the rain of the water going over the bulkhead into Lake Conrad, okay. It was pouring in there all day long and that was just from the rain from last Friday. Where's that water gonna go? Can I ask you? Where, if you're gonna fill in water, okay, the wetlands area, put houses on it and its 12 houses. The plans have already been made. The houses have already been shown. We have the plans with us. So whatever, their lawyer said, it's not true, just to let you know. So, where's the water gonna go? And then the other thing is, I'm in-charge of Neighborhood Watch. I'm also the vice president for the Great Neck Civic League, okay. And one of my neighbors said she's a single mom. We also have a lot of elderly people in the neighborhood, single because we're widowed and we've never had flood insurance. We've never had to have flood insurance. We're really lucky because we have the wetlands; we have the watershed, the natural watershed, all the water goes in there,

goes into Lake Conrad, flows down to the Lynnhaven rivers and out to the Chesapeake Bay. So, put homes on top of that, you're going to get pollution. You're going to get all kinds of stuff. It's going to destroy that area, let alone the problems goes, of course, as Ms. Marsh said, you've got Asheville Park that this developer was contributing to and Bow Creek. So, I know I have 28 seconds left. Let me see. Okay, so the flood insurance is a big problem, is Bishard going to guarantee, is he going to pay for our flood insurance if this goes through, probably not. And it's not in my budget and I know it's not in other people's budgets. The other thing I want to point out is I did find an article from 2020. I know that Virginia Beach has received met a lot of money, but apparently here there's a huge bond, three million grant for wetland.

Mr. Alcaraz: Sorry. Thank you.

Ms. Pissaris: Okay. Can I give you a copy of this?

Mr. Alcaraz: You can give it to the clerk.

Ms. Pissaris: Okay.

Mr. Alcaraz: Thank you. We got a lot of speakers. Thank you.

Ms. Pissaris: You're welcome.

Madam Clerk: Wendy Crutchfield followed by Martha Thoreau.

Mr. Alcaraz: State your name please.

Ms. Crutchfield: Hi, I'm Wendy Crutchfield and I am a property owner, 1971 member of the Civic League and the Great Neck Lakes Association. I emailed a very detailed letter already and I appreciate the time you may have taken to read through the facts presented. I want to concentrate my comments today on the existing use of the property and the precedent the city has set for protecting our runoff sites. I'm asking that you include protection of this necessary Virginia Beach asset. You have received about 40 letters in opposition and many people here today. There are almost 2,500 signatures on the petition. Not even one of those opponents wants to prevent a property owner from selling what they don't want. If the church doesn't want to use the property for religious purposes, that's their right. The fact, however, is that today, as of the moment of this hearing, the church is still using the property for religious purposes. Just look at the sign on the property that says Summer Sermon Series continues at 10 a.m. The larger question is if residential housing should be restored as the use of the property and any proffers that you might apply to that modification, the current R-10 was established for large tracts of land before the church ever bought the land on this application. When they requested the conditional use permit, the city granted it because it had the support of the community. At that time, it was a benefit to the residents of the new neighborhood of Great Neck Estates. It was also a benefit to the city who had an existing stormwater drainage easement through the land and into Great

Neck Lakes. When Great Neck Estates was developed in the 50s, the city required the developer to grant them ownership of the canal for stormwater drainage while they maintained an easement through the Wycliffe property, which at the time was used as hunting fishing grounds. The precedent was established then that the city required the developer to grant ownership for the stormwater drainage facility in the city, just like they did for Great Neck Estates. Further, precedent was re-established in 1991 when a property owner in Chicks Beach applied to fill in a runoff lake to build homes. The city filed for condemnation of the lake and paid the seller fair market value. You can ask our city attorney, Stiles. That property, Pleasure House Lake, is right now part of the Flood Protection Program improvements to Lake Bradford and Chub Lake. It is vital to the stormwater operations in Virginia. Lake Conrad should not be filled in for the same reason that Pleasure House Lake was purchased by the city. It is an integral part of our runoff operating system that flows into the river and the bay. Finally, the bridge called Red Bridge by the community connects two streets in the neighborhood, Millwood and Poplar Point. It has been used by the public openly and consistently for seven decades to not only travel to church, but to deliver newspapers, to visit arcades and now swimming facilities, to patronize nearby restaurants and to swing children, to learn how to ride bikes and have a solitary moment with God in the outdoor sanctuary and with nature. We ask that it not be replaced with a few incompatible houses. The development criteria for that was applied in 1950, defended in 1991, and promised to the citizens of Virginia Beach in the flood referendum should be applied today, which would be to grant the lake to the city and to preserve a buffer zone of Great Neck Road. Thank you for your service and your careful consideration of this recommendation.

Mr. Alcaraz: Thank you.

Mr. Plumlee: Mr. Chairman, I just had a question of that last resident. I don't know if now if it is the right time to ask a question. If you want me to wait, I'm fine.

Mr. Alcaraz: This is specifically to her?

Mr. Plumlee: Yes, because she brought up the religious use on the property.

Mr. Alcaraz: Ms. Crutchfield please come forward.

Mr. Plumlee: You said that there is an outdoor like an altar or a seating area with the cross. Is that where they conduct services, outdoor services?

Ms. Crutchfield: The church itself does not use that outdoor sanctuary anymore. The residents do, people come by and just have a moment of solitude. But what I was referring to in my speech was the advertisement, the big sign that's on the parcel that's on this application to have the modification change. There's a sign advertising current services and that is a religious use.

Mr. Plumlee: But you're not aware of the church using that area?

Ms. Crutchfield: No.

Mr. Plumlee: Okay.

Mr. Alcaraz: All right. Thank you. Next speaker.

Madam Clerk: Martha, followed by Lisa Smith.

Mr. Alcaraz: State your name, please.

Ms. Thoreau: Good afternoon. Martha Thoreau. Things aren't always as they seem and though some would have you believe that this is a simple housekeeping item, and Eddie, as in Eddie Bourdon, attorney Bourdon, would have you and us believe that there is nothing to see here. Indeed, there is much more than meets the eye. You see, we do not subscribe to attorney Bourdon's explicit opinion that we need not be here that the matter at hand is unrelated to anything else regarding the church's sale to Builder Bishard. We all know that that is not the case. There exists hard evidence to the contrary. So here's a not so hypothetical question for you. Do you think it wise, prudent, responsible, etc. to build a house, no make that houses, on a lakebed that was filled in for the purpose of doing so? Another question, would you buy a house on a lakebed such as this? Or answer me this one, would you think the city should be held accountable to any future buyers who bought houses by virtue of the fact that it permitted such development? Kind of like the Asheville Park boondoggle. It is said that the Planning Commission's job is to determine appropriate land use for this city. And while it sounds like you have an easy task before you today, the citizens of this city beg to differ with you. Already thousands have signed a petition decrying the potential actions on this property and many are here today to ask you to stop this nonsense in its tracks. You see, it is not going to go away so easily. We are appalled to even be having this conversation given our stormwater management problems and costly advisements. We know that you have been advised and counseled on this matter. We know who appointed you to this commission and we know that your intention is to green light this matter for the purposes of allowing a builder who is well connected to the power structure of this city to move forward with destroying this cherished site that is a natural stormwater management system for his personal gain. We don't think it wise to allow this to happen. The question here today goes far beyond changing the designation of the use of this property. You know that your approval of this item at today's hearing will green light the project. You know that by approving it you will be dumping it on council's desk to those public servants to tell us go away, there's nothing we can do. Integrity matters in all things. Do the right thing here, folks, you have the knowledge, you have the power. Otherwise you will be go down the history books as being complicit puppets of the City of Virginia Beach political system circa 2023. Thank you.

Mr. Alcaraz: Thank you.

Madam Clerk: Lisa Smith, followed by Neil Randorff.

Ms. Smith: Thank you very much for allowing us to share our opinions and our concerns. I'm Lisa Smith, a homeowner in Virginia Beach in Laurel Cove. Laurel Cove is the neighborhood right next to Great Neck Estates. We also are on bodies of water, part of Great Neck Lake and by the way, it is not a pond. It has a name, Lake Conrad. So I just want you to be sure, it might be small, but it is a lake and it does have a name and that's part of the Great Neck Lakes. I am here representing a lot of neighbors in Laurel Cove and for Great Neck Estates in related to stormwater. I sent in, and I believe you all have seen photos that I sent in about a week ago, showing what Laurel Cove neighborhood and Willowood Lane, which is one street off of Great Neck Road, looks like after stormwater. That is what could happen and probably would happen in Great Neck Estates, and I'm sure they've had stormwater issues. I'm not against what Wycliffe is trying to do. I'm not against really anything on the development. I am concerned about what they're planning to do, but I am concerned 100% for Great Neck Estates and other neighborhoods if the pond is filled, the pond is, Conrad Lake is filled in. It would cause the stormwater issues to continue and I'm proving it out just on showing you what happened on Willowood Lane. Thanks again very much.

Mr. Alcaraz: Thank you.

Madam Clerk: Neil Randorff, followed by Chris Servetus.

Mr. Randorff: Good afternoon, my name is Neil Randorff. I'd congratulate all of you for still being awake. I've been a citizen of Virginia Beach since 1999 to live on Pineland Lane, which is in the Great Neck Estates area. I have several comments to make with respect to environmental considerations of what I'll call the Wycliffe development, which is the background for this discussion, actually. You can change the use permit, but where is it really going is the question. For two years, I was president of the Great Neck Lake Association, which represents 100 homeowners on the lake. During my tenure, we began a water sampling quality system with the Lynnhaven River now. And we created the opportunity to hydro-rake the lake and the coves in the areas near shore. I have a few qualifications on this issue. I studied oceanography at the Naval Academy. You say, so what that was 50 years ago. I spent 27 years as a nuclear submariner with emphasis on discharges from that ship into the environment. After retirement, I was chairman of the International Cable Protection Committee, which represents 97% of the world's submarine telecommunications and power cables, maintenance, installation, and all the environmental concerns that go along with it. I was a founding member of the International Electro Technical Commission Committee 114, which deals with all offshore renewable energy development techniques. That would include again, installation, maintenance, and environmental impacts of all those. I was also a founding member of the Virginia Coastal Energy Research Consortium, which did all the original economic and environmental studies for offshore wind Virginia. A couple of items since that sampling program began almost six years ago; Great Neck Lake has improved in stability and test results to the point where Lynnhaven said, we don't need six sample points anymore, we just need three. This is due to the positive response of the citizens on that lake, and in the areas, paying attention to runoff and waste. Over the years, the

lake has had algae blooms to the point where the algae growth clogged the spillway into the Lynnhaven, and caused a threat of flooding to all the homes on that lake. I don't have any pictures. The hydro-raking cost the homeowners tens of thousands of dollars, but removed tons of debris and silt from the lake, which caused some of the algae development. We've since developed an annual springtime treatment program, which does to a great extent deal with a lot of the algae, none of this is financed by the city.

Mr. Alcaraz: Mr. Randorff. Thank you very much.

Mr. Randorff: Pleasure.

Madam Clerk: Chris Servetus followed by Andrew Broyles.

Mr. Servetus: Good afternoon, everybody. Thank you for taking the time to hear this. My name is Chris Servetus. I'm a long time or lifelong resident of Virginia Beach and longtime resident of Great Neck Estates. And I agree this is an awkward situation and process. You all have a very focused decision to make, but I believe there's some extenuating circumstances here that warrant some extra consideration in this whole process that takes it out of the norm. And I'm sorry to be redundant, but Ronny, you stole all my thunder. I'm going to have to just try and keep this brief and move on. I believe there's some extra consideration because, I believe there's unanswered questions about the potential environmental impact that will result from removing the religious use of this property. Not only does the proposed development of this site demand the removal of over 140 mature trees, there's significant stormwater management implications associated with the decision that I don't think are fully captured in the application or in subsequent staff reports. Clearly noted as a city asset complete with a stormwater management ID number an inspection report from earlier in January of last year details lake Conrad 2 as a well established wetlands wet pond and an integral part of the city's stormwater management. It has been serving the city community and neighborhood for years. Simultaneously, the owner has enjoyed the benefit of this property being off the city tax rolls for years through this religious use exemption and whether under duress or otherwise, I don't believe that it is proper now to convey this property that's going to orchestrate the destruction of the city asset for financial gain. That's my opinion, but I feel this is a city asset that can't be caught up in this financial transaction to sell the property. So I ask that you do not approve this application as it's listed. At a minimum, I'd like to see it deferred indefinitely until we find a comprehensive wetlands study and environmental impact study on the removal of Lake Conrad 2. Sure that if you proceed to do this, I would ask that you remove the portion of the property that contains Lake Conrad so that we can maintain this city asset for the wellbeing of the community. Thank you.

Mr. Alcaraz: Thank you. Next speaker.

Madam Clerk: Andrew Broyles, followed by Derek Copeland.

Mr. Broyles: Good afternoon, Mr. Chairman, commissioners. My name is Andrew Broyles. I'm a property owner at 1533 Custom Street in Great Neck Estates. I'm here because my parents lived here from the day they retired until they passed and they loved Great Neck Estates. This application sounds harmless, but the reality is you are voting to destroy a sanctuary type area for two different businesses financial gain with this site plan for this development. The blue is the lake, so you see some houses being built there. This site plan is why all these people are here today. If you are voting I on this application because you are led to believe you are saving a church, how much do you really know about the financial dynamics of this church and its congregations or its trustees and what have they done to better their financial position? And if you are voting aye because the developer has informed you, like he did us that he gambled twice with non-refundable deposits and made a pretty big bet that you're voting aye. I hope you will not be influenced that because I certainly am not. Furthermore, your aye vote puts fat stacks of money in this developer's hands. According to NHB, the average custom builder profits 21 to 23 percent, which translates to 1.68 million dollars for the developer with your aye vote. Considering your aye vote creates building lots on large amounts of fill is irresponsible. I've been a Class A remodeling and structural repair contractor in Virginia Beach for 45 years, and I've been the one who has delivered the bad news, many times to Virginia Beach owners that their house was built on unstable soil and the repair will be multi-thousands of dollars and sometimes cheaper to tear the house down. So, I have two questions for you. Would you or your family buy a house built on this lake fill? Or if you were developing this, would you feel honorable with your disposable LLC and your one year warranty and care of something drastic happened to one of your buyers from this gamble? I also wonder why this developer couldn't seek R-75 zoning and stay out of the lake with houses and streets. Instead, this applicant has produced one option when there are many, I doubt the original planners or visionaries for the R-10 status before this source was ever build, ever considered the R-10 zoning building in a lake but instead would have made it a focal point for the neighborhood. Unfortunately, the church shows a build on the better part of this parcel. I am requesting this application be conditioned with a site plan, not this one, and not a planning commission vote with no site plan, and the condition site plan does the following. Reduce the number of structures and road to zero that would be built on fill and retain to lake, included traffic light at Millwood Harbor and Great Neck for the increased traffic at this intersection. My mother would never turn left at either entrance coming out of Great Neck Estates and many here will tell you the same thing. It's like crossing an interstate except worse because of all the cars turning to Great Neck Estates and Great Neck Manor. My mother drove all the way to Laurel Cove to turn around to neighborhood to go to the grocery store for 20 years.

Mr. Alcaraz: Thank you, sir.

Mr. Broyles: Thank you.

Mr. Alcaraz: All right. Next speaker.

Madam Clerk: Derek Copeland, followed by Julia Cherry.

Mr. Copeland: Good afternoon, everyone. My name is Derek Copeland. I am the acting president for the Great Neck Estate Civic League, which is the neighbor to the church. But today I'm here just as a resident of that neighborhood and a resident of this city because of concerns that were brought to my attention through the development, potential development of the land being presented to you today. A lot of things are presented in the sense of its only one thing you're doing. What are you doing? You're just looking at the land to say, can they sell the land? Can we rebrand it so that they can sell it not being as church use? I have a five-year-old son and he's currently in the why stage. And in the why stage, you ask the question, why do I need to do that? Why do I need to do that? And the easy thing for me to say is because I said so and leave it at that. But that is not what I teach my children because I believe why is an important question. It's a question I think you should be asking yourselves today. Why are they asking to do this? They're not asking just to sell the land. They're asking to sell the land to a developer. A developer that I learned was a private sale. We were never even presented the awareness that this land was being considered for sale. It wasn't a public opening to anyone to be considered for the land. When they first went into, they decided they needed to sell the land. I respect that. They own the land. They have the right. However, it never gave us the opportunity to assist them in finding a good opportunity for a buyer. Someone at the church went out and found someone. Made a deal with Bishard, and in doing so, a deal was signed, and now the church was committed. About two years ago, I first kind of found out about this, and when I did, I thought, well. I'll tell you what, this seems like not the best use case for the land. I would love to have had a park for my family to go to in this neighborhood. I've actually had some conversations and discovered that with Parks and Recreation, there's currently a request to have all neighborhoods be within 10 minutes walking distance of a city park. We do not fall into that category and here we have land that does meet the qualifications and we have actually had conversations with Parks and Recreation and this land does meet that qualification. It is something that there might be interest in the city. It was stated that they went to the city and they asked them, they did not. You can probably all tell me right now that the city is not a single entity. You go to one person and you don't speak to everybody. They went to the early intervention program and asked if they were interested, not the city at large. The city at large is interested. There are other parts of it, but right now there's a contract and the church has no ability to do any kind of a conversation because they are under contract. I think there should be more opportunity given to them to consider other options and you are here at one more step to help us achieve that for them. Thank you.

Mr. Alcaraz: Thank you. Next speaker.

Madam Clerk: Julia Cherry followed by Kim Chapman.

Ms. Cherry: Hi. Good afternoon. My name is Julia Cherry. I'm a resident of Great Neck Estates. My big concern here is stormwater protection. The City of Virginia Beach has paid a lot of money for the Dewberry study. You've learned that we are getting tremendous amounts of rain due to climate change. Friday afternoon, last



Friday, when it was raining extremely hard, I went out there and videotaped from Red Bridge, Lake Conrad 2, and the surrounding area of Wycliffe Church. The water flow was streaming over the dam into the bigger part of the lake. But Lake Conrad 2 holds a tremendous amount of water. The four acres of green space absorbs a tremendous amount of water. I have pictures from before the rain and after the rain. The difference in the size of the pond. The City of Virginia Beach while the property was under contract of Bishard went over there to do a cleanup around the lake. They took out approximately 100 trees, left a lot of the debris around, I have pictures of that too and what that did when they were taken out trees, they drove heavy equipment over the dam which caused it to collapse the pipe literally broke. The water in the Lake Conrad 2 actually was made smaller because the wall was lowered, but if out there in the rain, the delineation lines seem very out of place from what the engineering firm hired to do the assessment has said. We think the property needs to be re-evaluated by a qualified engineer that the city finds and redo the delineation lines. I've spoken with Skip Stiles at Wetlands Watch. He stated he has never seen a lake filled in and this is indeed a lake. I implore you to look at some of the videos posted on Facebook of the water flowing over the dam and the size of the Lake Conrad, the water extends probably 10 feet. You cannot get an accurate account if you go over there and do your site plan and look at the lake in the middle of the winter. There were a lot of species of trees that Bay engineering missed. They did not put it on their paperwork and we've gone out there with a biologist and have counted 140 mature trees and a lot of species of plants that were not listed on the site plan. So I have given the ladies over here copies that gives more detail, but to the knowledge of Skip Stiles with Wetlands Watch, he has never seen a lake filled in in coastal Virginia.

Mr. Alcaraz: Okay, thank you.

Ms. Cherry: Thank you. Appreciate your time. Next speaker.

Madam Clerk: Kim Chapman followed by Jim Allen.

Ms. Chapman: Hi, good afternoon. I'm Kimberly Chapman. I live in Great Neck Estates. I've only lived there for about four years. But I have significant concerns about what the builder wants to do there, and I understand what your role is in terms of its religious to residential, but I think the fact that it's been brought up that this property does have a city asset on it that is a BMP. Lake Conrad is defined as a BMP. I think I saw it in some paperwork from 1990s and I'm not that familiar with BMPs, though I own a business on Production Road that has a BMP, and I know we have to keep it well maintained because otherwise we will flood our neighbors over there on Production Road. So it is defined as a non-structural BMP, and it is for the preservation of natural features. And I know that if we fill in that or do anything to discourage the drainage that that provides, we're going to have significant flooding in our neighborhood and that's very concerning. You know, as we talked about, most of us, actually all of us were not required to have flood insurance. We're in the X area and that would be a significant burden to us and also the impact that we'll have on Great Neck Road. So, I would ask

you to please, deny their request or as Chris Servetus said to have it revised so that the city maintains the asset that is Lake Conrad. Thank you very much.

Mr. Alcaraz: Thank you. Next speaker.

Madam Clerk: Jim Allen, followed by Susie Rice.

Mr. Allen: Good afternoon ladies and gentlemen of the Junior Peace Planning Commission. Thanks for listening to us today. We all have some issues.

Mr. Alcaraz: Can you state your name for the record, please?

Mr. Allen: I am James Allen.

Mr. Alcaraz: Thank you.

Mr. Allen: I live at Great Neck Estates. My family moved there in 1985, so we've been there for a day or two. When we moved into the neighborhood, we had standing water in our driveway at the [Inaudible] [01:56:44]. Today, we have standing, well, it finally drained. But today, if it rains, we have standing water in our driveway. My neighbor across the street today has a mud hole, he didn't drive up yet. So we have issues with stormwater. And my concern is that in regard to Lake Conrad, and you guys should have been there last weekend when it was raining. It looked a lot like a miniature Niagara Falls almost, but it was tough. There's a lot of water that goes into that little lake or pond or whatever you want to call it. And if they close that fill that thing in, I wonder where the water's gonna go. It's gonna go some of it, for sure, is going to make it to our community, which is a walking distance from the church, actually, of just a couple of minutes. We all have issues about that project that's going on up there. We have a lovely neighborhood, and we just wish that you all would take serious consideration to how it may value our standard of living in our community. And since I'm an Army guy and they said, keep it simple, stupid. Then I'm gonna keep it simple because all of the real main points have already been discussed and if you would do that, just consider it. We would certainly appreciate it. Thank you.

Mr. Alcaraz: Thank you. Next speaker.

Madam Clerk: Susie Rice, followed by Chris Ledford.

Ms. Rice: Good afternoon. I'm one of those elderly people they were talking about earlier. I've began my teaching career for Princess Anne County at Celia Elementary School. I taught fifth grade, and I have lived in Great Neck Estates for 40 years. I live four lots down from the overflow spill dam out of Lake Conrad 2. So I have seen a lot happen in my neighborhood in regard to the property that we're discussing today, and I am gonna throw a curve ball to the city. Reducing the boundary for Wycliffe Presbyterian Church is acceptable but allowing the remaining property to be zoned for lots designated R-10 and not compatible with long established neighborhood of Great

Neck Estates where homes are predominantly R-20 and thus allowing the City of Virginia Beach to pass the buck to a developer to escape the historical difficulty. The city has had meeting MS 2017 of the Wetlands Act and revised just recently last month. Required for land designated as wetland for inspection, dredging, reduction of possible contaminants and reporting to the DEQ is not acceptable. Also is of concern is that the area drains stormwater by way of two pipes. They measure 24 inches and 30 inches directly from the north Great Neck Road. They drain 37 acres, mostly an impervious land of water into a spillway, into Lake Conrad 2, then into Lake Conrad 3 and 1, and then into the Lynnhaven. The 101 Great Neck Lake Association members have worked for over 12 years to maintain Great Neck Lake or Lakes Conrad 1 and 3 as designated by the Virginia Beach City. We have dredged, we've reduced pollutants, and we've maintained the health and provide educational activities for over 25 acres of lake that is fed by the Wycliffe property. Congratulations to the city for adopting a \$567.5 million flood protection plan that does not include the Wycliffe property. But it is not acceptable to solve the Wycliffe wetland problem with congested building, adding traffic woes, more required services and destruction of wildlife and vegetation, and lack of compatibility with a long established neighborhood of Great Neck Estates.

Mr. Alcaraz: Thank you, Ms. Rice.

Ms. Rice: Why can't a city of nearly 500,000 people in a \$2.5 billion budget find a better solution.

Mr. Alcaraz: Thank you. Next speaker.

Madam Clerk: Chris Ledford, followed by Jamie Curran.

Mr. Ledford: Hello.

Mr. Alcaraz: Hello.

Mr. Ledford: My name is Chris Ledford. I'm a resident of Great Neck Estates. I wanted to follow up, I think it was really great what Ms. Rice said. It's interesting because I wanted to touch on those points as well, I was very impressed with Mr. Bourdon's points, so I wanted to kind of address that. He was very, it was interesting and with his staff, he researched some stuff that goes back a long way. I wish I had time to research a few things myself, and that's why I'm asking you to defer this today that is my request. I'm not gonna talk about the lake and swamp and all this stuff. I want you to defer the request so that we can look into the rezoning. I don't think if you act today, you'll be doing a service for the city because like Ms. Crutchfield said, and Ms. Rice, there have been decisions that have been made on North Great Neck Road that depend upon this Lake Conrad 2 as a BMP. The city has a responsibility to maintain that. I'm talking about as far back as Silver Hill at Great Neck. I'm talking about the recent Rite Aid. I'm talking about 37 acres of impervious surface that anytime the development or changes to that came before this group and there has to be minutes. I just don't have time to research that. I don't have a legal staff or a paralegal staff. But if you give us some

more time, we will find one and we will find the evidence that we need that shows that decisions made by this group, this board, previous members, obviously made decisions that were based upon this property being a city responsibility and a city BMP. In other words, those main that Ms. Rice talked about are there. They are there to help drain and mitigate the pollution that comes off of 37 acres of high density commercial development. Those commercial developments individually over time, used that lake and those chain of lakes as a reason to be approved. I hope you follow what I'm saying, that the lake we're talking about here should be separated out from this zoning change because the city should own it. They should take responsibility. They already have because they've passed projects that depend on it. I wanna describe for you real quick that that system of lakes is three levels in elevation. This one we're talking about here Lake Conrad 2 is the highest level. There's a spillway and a dam that goes into the next lake. Then there's a spillway and a dam that goes into the Lynnhaven River. I came originally to talk about my business, which depends upon clean water in the Lynnhaven, but I'm not gonna have time to do that. So I wanna keep it simple. I want to ask the same thing that Mr. Bourdon asked, and that is to look at the history of this property and look at it as something that needs to be, we need time. I think a decision today to change zoning. I think a decision today to approve the sale of the land, which is what we're here about. I understand DEQ, Army Corps needs to be involved if a lake is to be altered. But before that we need to understand that this piece of property actually should belong to the city. This lake, especially this BMP, the city is responsible for it. They've made decisions based on that. Thank you for your time.

Mr. Alcaraz: Thank you. Next speaker.

Madam Clerk: Jamie Curran, followed by Mary LaVoy.

Mr. Alcaraz: How you doing?

Mr. Curran: Good afternoon. My name is Jamie Curran. I've been in Great Neck Estates for 30 years. I wanted to thank you guys for doing what you do. You guys are really the bottom line as far as maintaining the quality of life in Virginia Beach and what you do is integral to how it affects all of us. So, thank you for that. As you can see, this neighborhood and the folks that live there we're passionate. We look just like you guys. We're black, we're white, we're young, we're old that's not aimed at anybody. The old part, but it's really about the quality of life in Virginia Beach. And just to clarify a couple things that, that the lawyer for Eddie, for Mr. Eddie, for Bishard and the church, he's representing both sides of that. I don't know if you guys are aware of that or not. I think it should be obvious at this point, seems to me that's a little bit of a conflict of interest maybe, maybe not, I'm sure he is grinning behind me, shake his head and everything else. So, we did not, the neighborhood as a whole did not have worded this until about six weeks ago and then they called a meeting and told us what was going on. So, to say that we were a part of that decision, is just not accurate. I guess really the main portion of what we're asking for is that that lake system, the Great Neck Lake system, gets the runoff from the reserve from Great Neck Manor, all the entities from Mill Dam Road to Cox High School, both sides of Great Neck Road. So it's a lot of storm runoff.

It ultimately ends up in the Lynnhaven, which ultimately ends up in the Chesapeake Bay. So while this might seem like a little decision about, you know, who's gonna put in 12 houses where, and fill in a lake, not a pond, fill in a lake, we would really ask you to reconsider, what he's asking for. And obviously he's telling you what you should be weighing in on, what you shouldn't in true lawyer fashion. So anyway, thank you for your time. I do appreciate it. I hope that you give this the thought and the attention that it deserves because it affects all of us ultimately. So thank you for your time.

Mr. Alcaraz: Thank you. Next speaker.

Madam Clerk: Mary LaVoy, followed by Mark Bowden.

Mr. Alcaraz: Is Mary here? Our next speaker.

Madam Clerk: Mark Bowden, followed by Jonathan Cherry.

Mr. Alcaraz: Mark's not here.

Madam Clerk: Jonathan Cherry, followed by Kim Johnson.

Mr. Cherry: Good afternoon. My name is Jonathan Cherry. I'm a lifelong resident of Virginia Beach, grew up in Great Neck Estates. My mom lives there now. I learned to fish at Red Bridge. My daughter plays at Red Bridge still. It's got a long history amongst my family, so to say that it's just a small pond is inaccurate that's not being used. It's being used still by the community and the building that you say has fallen apart had just got a new roof four or five years ago. So I don't know why it would do that, but my main purpose though, is to discuss the initial environment survey conducted by a Bay Environmental on the Virginia Beach Lake that may have overlooked crucial elements of its ecosystem. The survey was conducted during the winter, potentially missing the majority of native wetland species and underestimating the area of the pond and surrounding wetland habitat. This raises concern about the accuracy of the measurements and data collected particularly in the relation to potential construction projects in this area. By conducting the survey in the winter when many wetland species are dormant or hibernating, we risk underestimating the true biodiversity and ecological value of Virginia Beach Lake. This oversight could have significant implications for any construction plans in the area, particularly in terms of the structural integrity of homes built on wetlands. I believe a second survey at the least, should be done to at possibly see if there are any different results. So we know we're working with correct data. I propose that we undertake a second environmental survey on the Virginia Beach Lake within the next 90 days. This timeline allows us to promptly address concerns raised and proceed with the necessary steps to ensure accurate data collection. The process will be engaging and a reputable environmental survey firm is absolutely needed. In conclusion, esteem members of the Virginia Beach Planning Commission, I urge you to seriously consider the need for a second environmental survey on the Virginia Beach Lake before we make any serious decisions going forward, at least within a 90-day period to buy a little bit of time to make sure things are

done correctly. Everything everybody has said about the flooding, that's all accurate and there's a lot of missed things that could be impact of the environment, economics and social situations with filling in that lake. Please consider a little bit more time. Thank you, Mr. Chair. Thank you.

Mr. Alcaraz: Next speaker.

Madam Clerk: Kim Johnson, followed by WebEx Speaker Rebecca Valadon.

Mr. Alcaraz: Hello.

Ms. Johnson: Hello. Good afternoon. I'm Kim Johnson. I do not live adjacent to this property. I'm a realtor in the city. I heard less than 48 hours ago about this proposal and I decided that it was time to speak out. I don't have a lot of facts before you. I'm going to use common sense. An old penny looks dull. A new penny looks bright, but we don't really call it a penny. It's a US cent, and when you put them together, you have cents and when you put many of them together, you have, and you can make a lot of cents. And that is how I'm going to frame this for you today. You also hear a lot about artificial intelligence and how great it is. You are not artificial intelligence. You are the people representing the people of this city and will walk out of this room because you care making a decision. Hopefully, it's correct. Is there a right or wrong? I'm not sure. But the best decision that you can make to make our community the best it can be. So here's the bottom line. This does not make sense. Yes, you have an edict. You move forward with it. You follow the rules. I believe the builder has already gone before the DEQ and several other regulatory agencies, and I believe it's the size of the area that's to be filled in Conrad 2 is a proposal that would mean they can just bypass all of that. They pretty much have to rubber stamp it. You don't have to rubber stamp it. You have the power. It's your intelligence and your collective ability to synthesize the information and figure out does it make sense and does it make a lot of sense, and you have the power. One of my favorite sayings is that don't ever doubt for a moment this paraphrased that a handful of people can make a difference because it's the only thing that ever has. So now what I'm going to do is implore you on behalf of everyone in our city, because we don't wanna set precedents, et cetera, that are dangerous to our health and our community and make this a win, win, win, win. You have the power. You can take, you can allow the ability to sell, and you can allow the ability to buy. It could even be this particular developer if he wants to, I think the developer put forth this proposal because he wants to make money. That's fine, that's the American way. He can make money. The church can make money. The citizens can have what they need to protect them and the city can benefit from it because the city sets aside money to create, you know, solutions for stormwater problems, to leave open space for the community to be able to connect and develop strength and unity in our neighborhoods, and that's what we need. You have the power today to defer. You have the power to go, don't tell me that, you know, a contract cannot be amended. I'm a realtor. I know they can't, and you can move forward and create something really wonderful for this city, for this community, and for everybody involved. It's possible.

Mr. Alcaraz: Thank you. Next speaker,

Madam Clerk: Rebecca Valadon, via WebEx.

Ms. Valadon: Hello everyone, I hope you can hear me.

Mr. Alcaraz: Hello, can you hear us?

Ms. Valadon: Hello, can you hear me?

Mr. Alcaraz: Apologize for the difficulties. Do we have another speaker?

Madam Clerk: That's it.

Mr. Alcaraz: That's it?

Madam Clerk: Yep.

Mr. Alcaraz: All right. If you can stick to rebuttals to all 22 speakers.

Mr. Bourdon: First of all, on behalf of the church, who is the only party that I represent in this matter at all, we appreciate the voices today. I want to clear up one of the things that was insinuated or said, I did at the public meeting, encourage that the church held, encourage people to come and speak. Said it's your absolute right to come and speak. I wouldn't told anyone not to come and speak, but what I absolutely did say is that don't be angry with members of the planning commission or city staff, if they tell you that this application doesn't involve anything to do with filling this pond, because it doesn't, the comment said you've heard today, many of them have potentially great relevance, but not this commission. You have no jurisdiction over that and I will say this, if there is and I'm fairly certain that there isn't, but maybe there should be and that's one of the thing, the comments that was made, I think Chris made it that was a good comment. It is I'm certain, there's no public drainage easement over that pond. Maybe there should be, I don't believe it's a regional BMP, but maybe it should be. The reality of this is you all don't have the power of the purse, the City Council does. All the requests to defer or not do anything for you all doesn't do anything other than bring this back before you to hear the same thing over again. The City Council is the body that can solve the problem in a number of different ways but you all can't. I'm sorry, you can't. You got a simple application for which there is no precedent. This property has not been used for religious use. There's no condition that says it has to be. The church, as I said, the church isn't applying to fill the pond. The church doesn't want to, and it can be, you can call it pond, call lake, whatever. But the point of that is that if as Ms. Marsh says, it's got all this, you know, wetlands and other authority that it is a drainage way for other properties, then it won't get approved to fill it. They're not gonna be able to get the regulatory approval from DEQ, Corps of Engineers and the City of Virginia Beach, but they're conflating two different things and been spoken and told to them as clearly as I can possibly communicate it. And if you all had the authority to do something about it,

then that would be one thing. But to suggest that this church who's not trying to put illegal aliens in that building, they're not trying to do anything with the property other than get rid of the liability and if the city wants to purchase it, they have, you know, they have every ability to do that and if they need to, they have every ability to do it, but you don't. You don't have the power to make that decision. This body should follow the recommendation of the Planning Commission, excuse me the planning staff, and forward this on to City Council and consistent with the law and consistent with the recommendation that they've made. City Council, they'll hear these voices and I'm sure they'll hear them when it gets there. They can defer it and they can look for solutions to this problem but at no point did I suggest that the city indicated they wouldn't, you know, the staff said they couldn't support a rezoning of the property to office. Someone tried to misconstrue that, there should be a solution to this and the church hopes that there is one, but the simple fact remains that this part of their property is not and has not been used for religious purpose and based on every precedent that exists, this should be approved, but it's not approving the filling of the pond, as I said in my presentation to begin with, and you heard exactly what I anticipated that you would hear and the church isn't telling people not to come and speak their piece. I just simply told them at the meeting that don't be, you know, upset with you all because this is not what you're being asked to approve. You're not approving anybody filling anything, that's the point. You're just simply following the law and allowing the church the opportunity, as a number of speakers said, they don't begrudge the city, I mean, the church's ability to sell its property that it doesn't need, that's a liability, that's an expense that they can't afford and that can help them move forward and stay in business, so to speak, not a business. But the reality will be that if they can't do this, and however it all shakes out with the decision makers, then the next thing that would happen theoretically, I'm not, you know, trying to say the church is about to close shop at all, but they could, they just say, you know, we're done, we're gonna find another piece of property move. And guess what, the whole property gets developed at that point and there's still nothing's happening with regard to the lake and address or the pond and addressing it. But only City Council can do that, that's the bottom line here and I respectfully request that you will recommend, as your staff has recommended the church be permitted to jettison, not to rezone, but simply the use permit was overly broad to start with, and there's no reason for it to remain under that use permit. The part of the property that is not, has not, and will not be used for religious purpose and is not being used for one now, and I'm glad that Mr. Plumlee cleared that up. I'd be happy to answer any questions.

Mr. Alcaraz: All right, Mr. Bourdon. Any questions Mr. Plumlee?

Mr. Plumlee: I just wanna say for everybody here that Eddie Bourdon is a wonderful person and a terrific attorney, okay and he's amazing. And it's not about people's motives, we're all here to do a job together and listen to one another. So my question, Mr. Bourdon is, I went there, I walked the site. I saw infrastructure for there to be services outside. I saw there was a cross; I saw there was a seating area. It appears to have been there for quite some time. I asked the question, it doesn't look like the church is using it currently, but it appears to have been infrastructure installed for the purpose of religious activity on that portion of the property, so that's what I viewed. I



don't have anyone else to ask because no one else is here from the church, and so I'll ask you. What was the purpose of that installation to your knowledge?

Mr. Bourdon: My understanding is and I can't speak to the cross, my understanding is the property has been to some degree utilized by the community as a park. I mean, that's the church has been very open. They're part of the community and that's why they allowed the city to use the building for all these years that's on this part of the property that's not a part of the church, not a part of its, you know, religious use for, you know, the infant STEM program. But I'm not aware, I'm told it has not been used since the church first began back in the late 60s when they hadn't built, you know, the rest of their facility and they hadn't built a sanctuary, hadn't built anything. So the beginning onset of the church or its operation for a number of years, that building on this property is the only building that existed until they built their initial sanctuary and then built onto that and then got, the school and all those things, but that was all back in the 70s. So then they tell me that it hasn't been used in any way for religious purpose.

Mr. Alcaraz: Any other speakers for any questions? None. All right. Well, we're closed for speakers. I'm talking about commissioners right now.

Mr. Bourdon: Thank you all.

Mr. Alcaraz: Having said that, we'll close and we'll go into discussion. I'll start. I read this numerous times, I read all the emails I read, I met with staff, and they're asking bottom line, they're asking for a modification of conditions and what they're asking for is reduce their eight acres to 4.13 acres, that's all they're asking for. That's what they're asking our vote for. What they're asking us is to take this modification and reduce it. What they do with this property, what it's zoned, what it's currently zoned, doesn't have anything to do with what this application in front of us is about. It's just asking to modify the acreage. That is all we're here to vote for. So that's my understanding, but I just want y'all to think about that. Mr. Horsley.

Mr. Horsley: I agree with what you've said and you know, I'm very passionate about what all the speakers have said today, but really that's the only thing we are here to vote on is to divide that piece of property. And use the part that church is using and let the church do what they want to do with the rest. If they sell it, so be it. If the community wants to buy it and they can work it out, that's fine too. But that's their decision. I think that's all we need to stick to.

Mr. Alcaraz: Mr. Parks.

Mr. Parks: Yeah, I just wanna echo both of those. I mean, I've did my entire graduate thesis on sea level rise and how it affects Hampton Roads. I was integral to City of Norfolk with their flood planning. I was a part of all the talks, the Dutch Dialogues. So I understand all your concerns, but like they're saying, we're not here to discuss filling in the lake. That's not what was presented to us, so that's not something that we can vote on. I do agree with everybody that came up and spoke. I think everybody has a right to

be concerned with flooding. It is a huge deal for the city, but I also think that that's the conversation that's gotta go higher than this board. We are not equipped to handle that kind of discussion here, and that's not what was being presented as a part of this application.

Mr. Alcaraz: Thank you. Any other questions or discussions Mr. Horsley, no. Mr. Coston?

Mr. Coston: I'm at [Inaudible] [02:28:14] between like everybody up here because of what's going on, but my church had to sell property last year, and I'd hate to be in the position where I'm telling somebody they can't sell what they own and I'm going to have to rely on staff and those who oversee what gets built and make the requirements for how that piece of property will drain. Now, I've been told that, Virginia Beach has the most stringent water restrictions when it comes to runoff of anybody on the East Coast that's what I've been told. So I expect that I have to trust our staff, that they will remedy or take care of what is to happen on this property with whomever purchases it and whatever they do with it.

Mr. Alcaraz: Thank you. Mr. Clemons?

Mr. Clemons: Yes, I'd echo many of the remarks that have already been made, and I want to thank all of the members of the community, who came out to rebut this application. I have many of the same concerns that you all expressed pertaining to the runoff and, you know, all of the other associated issues around that. At the same time, I know that it is important for us to take a look at this and I do recognize the fact that we do have limited input with respect to that matter. But I would urge the community to be as vigorous before the City Council as you have been here and I thank you very much for that.

Mr. Alcaraz: Thank you. Any other comments? Ms. Cuellar?

Ms. Cuellar: I wanna thank all of the residents who came out today and everybody who wrote, especially wanna thank Wendy Crutchfield. She spent time with me, sharing her memories and learning more about Great Neck Estates. I have a contrary view because I believe as a commissioner we also have a responsibility to make recommendations on the plans of what we want our city to look like. Most everyone who spoke today told me they were homeowner. I'm a homeowner. I'm humbled by that. So rights of property owners are very important and it's becomes more complex for me today, as I've thought about this application and as I sit in Focus Groups for our comprehensive plan, I hear a lot of conversation about stormwater management. I hear conversation about protecting ecosystems and open spaces. So I will not be supporting this application in moving forward.

Mr. Alcaraz: Thank you. Mr. Plumlee.

Mr. Plumlee: You know, I contacted the VMRC, I checked into the wetlands position of this. I checked into the Chesapeake Bay Preservation Board position in this, and it appears that this particular property and these waters are the subject in some great respect of what we're looking at. We are the planning commission. We look at the broad picture. We have to take a broad view from time to time that means looking at what occurs if it is R-10 and there is no hearing that follows on, whether it should be R-10, then if its modification is allowed, then they will have a right to develop R-10, so that is the fact. We may not be able to solve the problem. I agree with that statement by Mr. Bourdon, but we're giving a recommendation to Council is what we're here to do, and we're to say what we think should happen along with that and I think there should be a solution to preserve the BMP for these folks that's my position, might be a minority position on this board at this time, but I have to give my recommendation that I feel comfortable giving and I think that's where I fall on it.

Mr. Alcaraz: Thank you. Anybody else? Mr. Anderson, go ahead.

Mr. Anderson: Thank you. I was one of the commissioners that we were able to do a site visit a week ago and I concur with Holly that it, you know, it's a beautiful site. It's, you know, we have to do, we do have to look into even though, you know, we were only supposed to vote on the zoning of, you know, reducing the property. Consciously, I can't move forward with approving this, you know, I would have to vote no.

Mr. Alcaraz: Okay. Thank you. Ms. Estaris you have something to say?

Ms. Estaris: Yes. I applaud everyone for coming out. I know it's difficult to fight for something you really believe in. I wanna thank the little girl that was up there. Her arm must be hurting, holding that poster wherever she is, she is left but thank you for the support. I appreciate that. As one person spoke, he said you beg to differ that our task was easy. It is not easy and it is not a rubber stamp back here. Some of you have said that probably from the previous commissions, but I can tell you, every one of us believe and read all that has been submitted to us and it takes a lot of time on our part to review your letters, your emails, and to hear your voices. There has been a lot of information was submitted today especially from Ms. Ronna Marsh, who has shared information I was not privileged to or acknowledged, but we do rely on our staff to give us information, to submit the information so that we can make the decision that we have to make and reviewing the evaluation, the recommendation and to know that our decisions based on the reduction of the space. But that alone, as Holly has shared also, is that we also are part of the comprehensive planning. What is our vision? I served on Envision 2040 for six years of my life, and so I do have a stake, so to speak, on how this city is to look like in 2040. So I too am in disagreement and will not go forward with this as well.

Mr. Alcaraz: Ms. Byler.

Ms. Byler: Good afternoon. Thanks for coming out and thanks for your voices, all of you, including attorney Bourdon. So I'm a property owner also of both commercial and

residential and I respect the rights of property owners. I teach this at the law school and when you own property, you have certain rights that come with it, right to use it, the right to convey it, and that's near and dear to my heart. And I've heard some pros and cons and I don't know if I'm gonna be deciding vote here or not, but I'm concerned about that. At any rate, I've read the application, I read the city reviews, and I've spoken with the staff member that reviewed it in detail. I have walked the site, I've looked at the videos, and this is a tough one, and somebody made the comment. We know how you got up here and we know who appointed you. And I'm not exactly sure what that meant, but I will say I spoke with the person who nominated me, the member of City Council, and I said, before I go in there to hear this, do you have any words you wanna share with me? And she said, do your job. I trust you that's why I nominated you. Vote your conscience and that's what I feel I need to do. I also, like most of the other members here have participated in Focus Groups for the new comprehensive plan. And over and over again you hear resiliency and open space and a sense of community. These are real issues for our city, and if I'm going to cast a vote that is going to affect the future, I have to vote my conscience. Yes what's before us is just to modify the use permit and to remove this portion of the land from the use permit so that it is no longer for religious purposes. But I see what will happen next? It's like a chess game. There's one move and there's another that follows and I'm sorry to the applicant, but I cannot support this.

Mr. Alcaraz: All right, thank you. I think everyone's given their opinion and I need a motion.

Mr. Horsley: Mr. Chairman, we've hashed over this a lot and we've heard it from many speakers, and I think to do our job today, I'm gonna make a motion that we approve the application to allow the property to be divided so that the church can sell it if it needs to.

Mr. Alcaraz: I have a motion by Mr. Horsley. I need a second.

Mr. Coston: Second.

Mr. Alcaraz: Second by Mr. Coston.

Madam Clerk: The vote is open. [Irrelevant conversation].

Mr. Alcaraz: Thank you for coming. We're adjourned. Oh, no, I'm sorry. We have one more, one more. Number 12.

Madam Clerk: I need to read this into the record.

Mr. Alcaraz: What's that?

Madam Clerk: I haven't read it into the record yet. By a vote of four to six, the motion does not carry, which I believe means we need to make another one.

Mr. Alcaraz: Sorry?

Ms. Wilson: We never heard Kids adventure.

Mr. Alcaraz: No, we're still on this. I need to make, do we need to make a motion to deny?

Madam Clerk: That motion didn't carry; he made a motion to approve.

Ms. Wilson: Well, if a motion didn't carry, then it's a motion for denial.

Mr. Alcaraz: That is?

Ms. Wilson: Mm-hm.

Madam Clerk: Okay. So by a vote of six to four, the application has been recommended for denial.

Ms. Wilson: The application was not approved by vote of four to six.

	AYE 10	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Anderson		NAY		
Byler		NAY		
Clemons		NAY		
Coston	AYE			
Cuellar		NAY		
Estaris		NAY		
Horsley	AYE			
Parks	AYE			
Plumlee		NAY		

**Virginia Beach Planning Commission  
August 9, 2023, Public Meeting  
Agenda Items # 7 & 8**

**SHJ Construction, LLC**

**RECOMMENDED FOR APPROVAL- CONSENT**

Mr. Horsley: Thank you, Mr. Plumlee. The next item on the consent agenda is item number seven and eight SHJ Construction, LLC, Atlantic Shores Baptist Church. Is there a representative here?

Madam Clerk: They're virtual. Josh Russell.

Mr. Horsley: Is the representative here?

Madam Clerk: They're here virtually Mr. Horsley. I think we're trying to connect with them.

Mr. Horsley: Is there a representative here for Atlantic Shores Baptist Church? Doesn't appear that we have anybody to come and accept the conditions. I think under these circumstances, we go ahead and read it into the record and vote on it. Is that correct? So, Commissioner Anderson, would you read this item in the record?

Mr. Anderson: Okay, this applicant is now requesting to modify the conditions of the previously approved conditional use permit to reduce the acreage of the site in order to sell excess property for the construction of a single bay automated car wash facility as required per the zoning ordinance. A conditional use permit is also being requested for the car wash facility on a 1.9 acre portion of this B-2 community business zone parcel. The proposed hours of operation for the car wash facility were originally 8:00 a.m. to 9:00 p.m. daily, which has been amended to 8:00 p.m. daily with approval, no known opposition, and it is up for consent.

Mr. Horsley: Thank you, sir. So, Mr. Chairman, I'd like to place a motion that we approve item number one, City of Virginia Beach; item number five, London Bridge Development, LLC; item number seven and eight SHJ Construction Group, LLC; item number 11, Burnette Baum Development Corporation; item number 13, Speedgearz, LLC; number 14, 15, 16, 17 and 18 Short term rentals.

Mr. Alcaraz: Thank you, Mr. Horsley. All right. Do I have a second on that motion?

Ms. Cuellar: Second.

Mr. Alcaraz: Second by Ms. Cuellar.

Madam Clerk: The vote is now open. By a vote of 10 to zero items 1, 5, 7, 8, 11, 13, 14, 15, 16, 17 and 18 have been recommended for approval.

	AYE 10	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Anderson	AYE			
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

**Virginia Beach Planning Commission  
August 9, 2023, Public Meeting  
Agenda Item # 9**

**Trinity Church**

**RECOMMENDED FOR DEFERRAL**

Mr. Davis: Yes, it's agenda item number nine, Trinity Church. I'm Steve Davis and Singer Davis representing the applicant and we are requesting an indefinite deferral in order to take into consideration some comments we heard at a Civic League meeting recently that we don't have time to address before this meeting.

Mr. Alcaraz: All right, indefinite deferral. Thank you. Any opposition to this agenda item being an indefinite deferral? All right, next agenda. [Irrelevant conversation] Mr. Bourdon, I'm gonna call you up first and then we'll fix that one.

Ms. Anderson: I have a motion for number two and nine for indefinite deferrals.

Mr. Clemons: Move.

Madam Clerk: The vote is now open. By a vote of 10 to zero items two and nine are recommended for indefinite deferral.

	AYE 10	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Anderson	AYE			
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			



**Virginia Beach Planning Commission  
August 9, 2023, Public Meeting  
Agenda Item # 10**

**Christopher Gregory**

**RECOMMENDED FOR DEFERRAL**

Madame Clerk: Moving on to agenda item number 10, Christopher Gregory, an application for modification of conditions at 5152 Princess Anne Road and 5168 Princess Anne Road in District three.

Mr. Alcaraz: Please come forward sir. If you could just state your name for the record again and go ahead and state your case.

Mr. Crane: Okay. My name is Wade Crane with ITF pin sign for the signs at Kemps Landing Shopping Center.

Mr. Alcaraz: All right, if you don't have anything to say, I'm gonna divert over to Mr. Anderson because he's got some questions, correct?

Mr. Anderson: Discussing the design of the entrance signs, as far as historic Kempsville B-4K, we wanted to discuss and with the owner and I guess you guys to redesign it to fit better into the historic district along with the look of the shopping center itself. So it's a combination.

Mr. Crane: Yeah, we are absolutely willing to do that and as soon as that can be arranged, we'll be happy to do that.

Mr. Alcaraz: Ms. Wilson, may I ask you a question? How do we move forward with approving this when it's not stated, what those conditions are?

Ms. Wilson: What we're gonna have to do actually, I think this would be better deferred and then it would come back with something you all could see. So even though we did it got deferred at first and now we're not deferred, it would be better to defer it because if we're gonna do that much change, I just thought maybe we were gonna go internal to external. And so if that was the simple thing, that would be easy but if we're gonna do a whole redo of the sign, I think it needs to be deferred.

Mr. Alcaraz: Mr. Anderson, you feel comfortable with that since you're gonna be meeting with? We need to have a definite design is what we need to bring forward to City Council.

Mr. Anderson: If we change the design, it has to come in front of planning before City Council.

Ms. Wilson: Yeah. And we'll just deferring for 30 days. He'll come back next month.

Mr. Crane: Is it possible to have the owner come up here and address his wishes because I'm not a 100% sure if...

Ms. Wilson: Are you listed as his agent?

Mr. Alcaraz: He's a sign maker.

Mr. Crane: I'm listed as the applicant.

Mr. Alcaraz: Chris Gregory is the applicant. If I would, I mean, if your applicant could come up, is he here?

Mr. Crane: Yes. Mr. Sanders is here.

Mr. Alcaraz: We don't want to get a long conversation with designing right here in front of everybody. We just wanna know.

Ms. Wilson: It's very difficult today.

Mr. Alcaraz: Very short and sweet.

Mr. Sanders: Good afternoon. Thank you very much for letting me come up. My apologies for not being registered as a speaker, my name's Chris Sanders, I am a resident of Virginia Beach and the owner of the Kemps Landing Property. The request for deferral, we'd actually prefer not to if we could and talking to Mr. Anderson, Councilman Commissioner, Mr. Anderson, the thought was the design needed to be tweaked, not changed in a wholesale manner. So I think he had some characterize as minor concerns.

Mr. Anderson: Minor concerns on the design but could be fixed very quickly.

Mr. Sanders: And truthfully, those concerns may be the difference between having the sign as it is now and adding some brick bases to the sign to give it a little more attraction to the existing building.

Mr. Alcaraz: Well, then I have to get some guidance from planning and our legal, because I think it has to be spelled out what we're sending to City Council. So let's ask.

Ms. Wilson: Yeah, I'm sorry, but I think it has to be deferred. If we're changing things of materials and things like that, I mean, if we wanna do a simple external to internal, I could do that, but I can't do it with a design. This has come through when you people don't even know what you're voting on. You people, the planning commission.

Mr. Alcaraz: Mr. Anderson can you make a motion to defer, please?

Mr. Anderson:        Okay. I make a motion to defer for 30 days.

Mr. Plumlee: Second.

Mr. Alcaraz: Second by Mr. Plumlee.

Madam Clerk:        The vote is open. I can do a verbal vote. Mr. Anderson?

Mr. Anderson:        Aye.

Madam Clerk:        Ms. Byler?

Ms. Byler:    Aye.

Madam Clerk:        Mr. Clemons?

Mr. Clemons: Aye.

Madam Clerk:        Mr. Coston?

Mr. Coston:    Aye.

Madam Clerk:        Ms. Cuellar?

Ms. Cuellar:    Aye.

Madam Clerk:        Ms. Estaris?

Ms. Estaris:    Aye.

Madam Clerk:        Mr. Parks?

Mr. Parks:    Aye.

Madam Clerk:        Mr. Plumlee?

Mr. Plumlee: Aye.

Madam Clerk:        Vice Chair Horsley?

Mr. Horsley: Aye.

Madam Clerk:        And Chairman Alcaraz?

Mr. Alcaraz: Aye.

Madam Clerk: By a vote of 10 to zero, this item has been recommended for a 30-day deferral.

	AYE 10	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Anderson	AYE			
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

**Virginia Beach Planning Commission  
August 9, 2023, Public Meeting  
Agenda Item # 11**

**Burnette Baum Development Corporation**

**RECOMMENDED FOR APPROVAL- CONSENT**

Mr. Horsley: Thank you. Next item is number 11, Burnette Baum Development Corporation, Virginia Beach Investment Company, the representative here?

Mr. Willis: Good afternoon, Bobby Willis. Owner operator of Cool Wave Car Washes.

Mr. Horsley: Are the conditions acceptable?

Mr. Willis: Yes sir.

Mr. Horsley: Thank you. Is there any opposition to this application? Thank you, sir. Seeing none, we've asked Commissioner Estaris if she would read this one.

Mr. Estaris: The applicant is requesting a conditional use permit for a car wash facility to develop a single tunnel automatic car wash on a 1.3 acre property zone B-2 Community Business District. The applicant is proposing to construct approximately 3564 square foot building near the center of the parcel, three parking spaces are proposed for the single bay car wash as required in Section 228.1 of the zoning ordinance. Additionally, 20 vacuum spaces are also proposed on this site. A dumpster is proposed at the southwest corner of the property with landscaping screening as required by the zoning ordinance. As this has come with no opposition, the Planning Commission has agreed to place this on the consent agenda.

Mr. Horsley: Thank you, sir. So, Mr. Chairman, I'd like to place a motion that we approve item number one, City of Virginia Beach; item number five, London Bridge Development, LLC; item number seven and eight SHJ Construction Group, LLC; item number 11, Burnette Baum Development Corporation; item number 13, Speedgearz, LLC; number 14, 15, 16, 17 and 18 Short term rentals.

Mr. Alcaraz: Thank you, Mr. Horsley. All right. Do I have a second on that motion?

Ms. Cuellar: Second.

Mr. Alcaraz: Second by Ms. Cuellar.

Madam Clerk: The vote is now open. By a vote of 10 to zero items 1, 5, 7, 8, 11, 13, 14, 15, 16, 17 and 18 have been recommended for approval.

	AYE 10	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Anderson	AYE			
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

**Virginia Beach Planning Commission  
August 9, 2023, Public Meeting  
Agenda Item # 12**

**Kids Adventure**

**RECOMMENDED FOR APPROVAL**

Madam Clerk: They're WebEx. Yeah, agenda item 12, Kids Adventure is an application for a conditional use permit for a family daycare home at 5408 Larissa Court in District one. Mrs. Modinat Adedoyin.

Mr. Alcaraz: Please, if you can take the conversation outside so we can finish. Thank you. Alright, can you hear us?

Ms. Adedoyin: Yes sir.

Mr. Alcaraz: Go ahead and state your name and your application.

Ms. Adedoyin: My name is Modinat Adedoyin., I am a childcare provider for Kids Adventures and I am already certified by Navy CDH for childcare, which in my house now in 5408 Larissa Court, I have four kids, which I do take care of. And I am here today for my conditional use permits to get a state license together with my CDH certification.

Mr. Alcaraz: Okay. Thank you. I think we one we speaker.

Madam Clerk: We have one speaker yes via WebEx.

Mr. Alcaraz: Okay. We have another speaker that's gonna speak and just hold on please.

Madam Clerk: Calling Milena Mektesheva.

Mr. Alcaraz: Hello? Can you hear us?

Ms. Mektesheva: Hi. Yeah, I can hear you. Hi.

Mr. Alcaraz: Address.

Ms. Mektesheva: Sorry?

Mr. Alcaraz: We need your address.

Ms. Mektesheva: Yeah. I live in 5408 Larissa Court next to the proposed daycare house. My main concern is the proposed daycare might have up to 12 children, so the traffic, we might potentially have like 12 cars coming in and out of our little dead end

and it's not that the house is located like at the very, at the entrance of the street. It's located like at the end of our dead end and, we have like a few elementary school and middle schoolers that will walk to their bus stop all the way along the Larissa Court. So I'm kind of worry about the safety with increased traffic and my second concern is noise level. Our dead end, like our core little core has a very good acoustics. You can hear everything basically. So, I can ask our neighborhood kids who play here like, move somewhere else, but I don't know what the daycare, what the level of noise will be. And my last concern is about the property values. Will it increase it, will it decrease it? That's it.

Mr. Alcaraz: All right, thank you.

Madam Clerk: That's our only other speaker for this item.

Mr. Alcaraz: Is she still on?

Madam Clerk: Calling back Modinat Adedoyin.

Mr. Alcaraz: Hello?

Ms. Adedoyin: I'm here.

Mr. Alcaraz: Did you hear her concerns?

Ms. Adedoyin: Yes. My daycare, although I got the letter from the state that I'm allowed to have up to 12 but with the CDH, the Navy CDH, we are only allowed to have up to six, including one of my own child that is not up to eight years old. So with me having extra kids outside, I'm only allowed to have five with the Navy CDH, because we only go with what the Navy says, not with the amount of space the state gives me. I'm only allowed to have up to six kids and for the traffic, excuse me, for the traffic, my parent only comes in at different hours. Some comes in 6:00 AM why, some comes in 10 o'clock and they each pick up their kids at different times. So none of them, ever since I started, since May, none of them have ever met each other here, they come in one time after the order.

Mr. Alcaraz: Okay. Thank you sir. Is there any other question?

Ms. Adedoyin: If there's anything called traffic in my space, I have a four parking space in front of my house and that does not even include the parents does not come at the same time. They come in different time. I have 6 o'clock that comes in, which I have another 8 o'clock, so they'd never meet here.

Mr. Alcaraz: Okay, thank you. Hold tight. Is there any commissioners that'd like to ask any questions? None. Thank you. Oh, I'm sorry. We have one question. Hang on.



Mr. Anderson: I just wanna be clear on the number of children. She's agreeing that there's only going to be six children in her care at any given point, and that's a condition that's part of this request or it's not?

Madam Clerk: So typically what we've done with similar family daycare home is we allow up to 12 to be in line with the state, and that would, if anybody decides to add additional kids in the future, it would prevent them having to come back to do a modification just to increase the number of kids. So that's been our standard practice for similar applications.

Mr. Anderson: Is she saying that she's willing to agree to six as a limit?

Mr. Alcaraz: You may ask her.

Ms. Idadutwin: Yes. I agree to only have six. Yes, because I'm with the CDH, I'm certified with the Navy CDH as childcare development home so we are only allowed to have up to six in our house, no more than six.

Mr. Alcaraz: Okay. Thank you. Any other questions from the commissioners? None. All right. Thank you ma'am. All right. We're closed. Any discussion? If not, I will take a motion.

Ms. Byler: I will move that it would be approved but it would be limited to six, not 12 children.

Mr. Alcaraz: Thank you, I have a motion by Ms. Byler.

Mr. Parks: Second.

Mr. Alcaraz: Second by Mr. Parks.

Madam Clerk: The vote is now open. By a vote of nine to one with one abstention, this item has been recommended for approval.

	AYE 10	NAY 0	ABS 1	ABSENT 0
Alcaraz	AYE			
Anderson	AYE			
Byler	AYE			
Clemons	AYE			
Coston			ABS	
Cuellar	AYE			
Estaris	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			



**Virginia Beach Planning Commission  
August 9, 2023, Public Meeting  
Agenda Item # 13**

**Speedgearz, LLC**

**RECOMMENDED FOR APPROVAL- CONSENT**

Mr. Horsley: Thank you. Next item on consent is item number 13, Speedgearz LLC, Covington Family Trust, is a representative here?

Mr. Heidelberg: Good afternoon, Christopher Heidelberg, owner operator of Speedgearz.

Mr. Horsley: Are the conditions acceptable?

Mr. Heidelberg: Yes sir.

Mr. Horsley: Has any opposition to this application? Seeing none. We've asked commissioner Byler if she would read this one.

Mr. Heidelberg: Thank you.

Ms. Byler: The applicant is requesting a conditional use permit to operate an automobile repair garage on Dorset Avenue. The 13,386 square foot property is zone B-2 community business currently. The applicant is proposing to operate the automobile repair garage within an existing 2,295 square foot building. The applicant intends to perform standard motorcycle maintenance services, such as oil change and other motorcycle services; however, no heavy duty work such as replacing transmissions or engines. This will largely be customizations and aesthetic work on motorcycles. The applicant has agreed to the conditions recommended by staff and there is no known opposition. Therefore, it is appropriate to be on the consent docket.

Mr. Horsley: Thank you, sir. So, Mr. Chairman, I'd like to place a motion that we approve item number one, City of Virginia Beach; item number five, London Bridge Development, LLC; item number seven and eight SHJ Construction Group, LLC; item number 11, Burnette Baum Development Corporation; item number 13, Speedgearz, LLC; number 14, 15, 16, 17 and 18 Short term rentals.

Mr. Alcaraz: Thank you, Mr. Horsley. All right. Do I have a second on that motion?

Ms. Cuellar: Second.

Mr. Alcaraz: Second by Ms. Cuellar.

Madam Clerk: The vote is now open. By a vote of 10 to zero items 1, 5, 7, 8, 11, 13, 14, 15, 16, 17 and 18 have been recommended for approval.

	AYE 10	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Anderson	AYE			
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

**Virginia Beach Planning Commission  
August 9, 2023, Public Meeting  
Agenda Item # 14**

**Francis Robbins-Oman**

**RECOMMENDED FOR APPROVAL- CONSENT**

Mr. Horsley: Thank you. The next item on consent agenda is item number 14, Frances Robbins-Oman.

Ms. Robbins-Oman: Hello. I'm Frances Robbins-Oman, property owner.

Mr. Horsley: Thank you. And this is short term rental and you have some conditions, are conditions acceptable?

Ms. Robbins-Oman: Yes, I swear.

Ms. Cuellar: Thank you very much. The applicants for agenda item numbers 14, 15 and 16 are requesting a conditional use permit for a short term rental. The properties are located in the Oceanfront Resort District. There is no opposition and the applicants agree to the conditions. Staff recommends the applications for approval, having met all the requirements, and the planning commission recommends the applications for the consent agenda.

	AYE 10	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Anderson	AYE			
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

**Virginia Beach Planning Commission  
August 9, 2023, Public Meeting  
Agenda Items # 15 & 16**

**Jim Lutz**

**RECOMMENDED FOR APPROVAL- CONSENT**

Mr. Horsley: Thank you. Is there any opposition to this short term rental item? Thank you, ma'am. The next item is item number 15 and 16 Jim Lutz, the applicant, Jim Lutz. He is not present. I'm assuming that. We'll do the same thing with this one. So we've asked Commissioner Cuellar if she would read item number 14, 15, and 16 into the record on the consent agenda.

Ms. Cuellar: Thank you very much. The applicants for agenda item numbers 14, 15 and 16 are requesting a conditional use permit for a short term rental. The properties are located in the Oceanfront Resort District. There is no opposition and the applicants agree to the conditions. Staff recommends the applications for approval, having met all the requirements, and the planning commission recommends the applications for the consent agenda.

	AYE 10	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Anderson	AYE			
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

**Virginia Beach Planning Commission  
August 9, 2023, Public Meeting  
Agenda Items # 17 & 18**

**Ascensions Group, LLC**

**RECOMMENDED FOR APPROVAL- CONSENT**

Mr. Horsley: Thank you. The next item is item number 17 and 18 Ascensions Group LLC, AG The Wave, LLC.

Mr. Brower: Yes sir. Chris Brower represent Ascensions Group and AG The Wave LLC, owner, applicant.

Mr. Horsley: Are the conditions acceptable?

Mr. Brower: They are.

Mr. Horsley: Is there any opposition to this short term rental? May I ask Commissioner Plumlee if he read this in the record? Thank you, sir.

Mr. Brower: Thank you.

Mr. Plumlee: These are agenda items 17 and 18 for the addresses 422nd Street and 2106 Arctic Avenue. There is no opposition to the short term rental request. There's been no past violations shown that these addresses, and therefore it appeared to be appropriate for the consent agenda.

Ms. Cuellar: Thank you very much. The applicants for agenda item numbers 14, 15 and 16 are requesting a conditional use permit for a short term rental. The properties are located in the Oceanfront Resort District. There is no opposition and the applicants agree to the conditions. Staff recommends the applications for approval, having met all the requirements, and the planning commission recommends the applications for the consent agenda.

	AYE 10	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Anderson	AYE			
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

