

## **Planning Commission December 13, 2023**

Mr. Alcaraz: We're going to go ahead and ask Mr. Coston to say the prayer. Mr. Horsley Pledge Allegiance.

Mr. Coston: If you could please stand. Lord, thou has been our dwelling place in all generations before the mountains were brought forth or ever thou has formed the earth and the world even from everlasting to everlasting. Thou art God. Lord, we thank you for this day, and we thank you for the many benefits that you have bestowed upon us. We thank you for this city in which we live. We ask dear God that you would make us great stewards, God, of all that you have given us. As we deliberate today, God, we ask that your spirit of love and fellowship and grace be with us. In Jesus name we pray. Amen.

Group: Amen.

Mr. Horsley: Please join me for the 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: Thank you, Mr. Coston and Horsley. At this point, I'd like to see if we can start down there with our legal help. Just introduce yourself. We'll go down the list. Just state your district and move on to the next.

Ms. Wilson: Hi, I'm Kay Wilson. I'm the Deputy City Attorney for land use and I represent the Planning Commission.

Mr. Clemons: Good afternoon, everybody. I'm Michael Clemons. I represent District 2.

Ms. Hippen: Good afternoon. My name is Susan Hippen. I represent District 7.

Mr. Coston: Hello, my name is John Coston and lifelong resident of Virginia Beach and I represent District 9.

Mr. Horsley: My name is Don Horsley and I'm At-Large representative.

Mr. Alcaraz: George Alcaraz representing District 5.

Ms. Cuellar: Holly Cuellar, District 8.

Ms. Byler: Kathryn Byler. I represent District 4, which is Town Center all the way up to Norfolk.

Mr. Plumlee: Brian Plumlee, proudly representing District 6.

Mr. Parks: William Parks, I representing District 10.

Ms. Alcock: Caitlyn Alcock, Planning Administrator. Clerking to my left, we have Madison Eichholz and Shannon Hedrick. Out in the audience, we have Planning Director Kathy Warren, Deputy Director Carrie Bookholt. With our Planning administration staff, we have Hoa Dao, Marchelle Coleman, Elizabeth Nowak, and Michaela McKinney. We also have our Zoning Administrator Kevin Kemp and Deputy Zoning Administrator Brandon Hackney.

Mr. Alcaraz: Thank you very much. To get started, we've got some special dignitaries here and of course, our general public here for your agenda items. We've got a special day today and I'd like to call the mayor forward if he could recognize some individual here.

Mr. Bobby D.: I'll tell you, it sort of looks different from down here, but I'll tell you what. Let me start off by thanking all of you for your service, especially over time. You know, Virginia Beach is a very, very remarkable place and, you know, we're one of the most livable cities in this great nation and in a concentrated effort between your group and City Council and doing the right thing. You know, we are indeed a blessed city, but I'll tell you what, we've been around now as a city for 60 years, and there are certain individuals that throughout that time have become icons and have done tremendous work, and Don, you are one of the people that have advanced this city to the greatness that it is. The strength of Virginia Beach are the people of Virginia Beach that live here, work here, have their businesses here, and you help bring that, that real thing to fruition, and with your vision and guidance, you have just done such tremendous service to our city. I am proud to get read this letter of recognition. Dear Don, I am pleased to have this opportunity to recognize your contributions and dedicated service to the City of Virginia Beach by volunteering your time and effort and expertise in serving as a Planning Commissioner on the Virginia Beach Planning Commission for some 32 years. Throughout those years, you have consistently served with professionalism and

commitment to all our citizens, but with a particular and specific knowledge of agriculture aspects of the city. Land of Promise Farms, which has been operating for over 64 years, has set high quality standards with show pigs, sweet corn and pecans. Over the years you have earned several accolades including Virginia Farmer of the Year in 2011, Virginia Beach Excellence Agricultural Award in 2012, Inductions into the College of Agriculture and Life Sciences Hall of Fame in 2014 and in Virginia Livestock Hall of Fame in 2017. These are not just symbols of your success, but they represent your passion and pursuit of excellence. We thank you for bringing this energy forward by serving the community as a champion for environmentally responsible and thoughtful development in all parts of the city. Once again, thank you for your outstanding service and commitment to farming and agriculture and to the city of Virginia Beach. We are better for your service as a commissioner and current vice chair and I'm the Planning Commission. Congratulations on your 32 years of service and wishing you many more years of success to you and your family. Sincerely, Bobby D. Thank you.

Mr. Alcaraz: Alright. He's going to say something a little bit. Ms. Henley, would you like to come forward and say something, our honorable council member on the rural area.

Ms. Henley: So good to see all of you and I'm really thanking all of you for your service, but I particularly want to say some special words to Don Horsley because he has just had such a lengthy time of service to particularly represent the agricultural aspect of Virginia Beach, and I know how much of a sacrifice it is for a farmer to get off that tractor and come to a long full day's meeting when farming is such a time sensitive, weather sensitive occupation. So it's been a great sacrifice, Don, and I know that and we really appreciate the rest of the folks down there at Land of Promise Farm for letting you come and taking a part in all of this. Don, particularly, was instrumental in helping us develop the Agricultural Reserve Program, which has really been the savior for agriculture. Back at the time when it looked like we were going to have everything turn into farmettes around the city and we tried everything else we could think of. Another genius, Bill McCauley, and I have the opportunity to pay respects to Bill for what he did. He said, well, we can't do this with the General Assembly giving us a special opportunity for transferring development rights. So he came up with a purchase of development rights program. The first in the state of Virginia, which has been recognized now all over the country, and it was something

that we, first of all, had to convince our landowners to take part in and Don was so instrumental in that because of the respect that he has from all of the other farmers and the landowners in the southern part of the city. Without somebody like Don to take that role, I'm not sure we would have made it, but then of course, having them put their own property in the program was extremely significant early on and I think his being here has been so important because the Agricultural Reserve Program is our key planning component for the southern part of the city and the agricultural industry. It's important that you recognize that when people put their property in the Ag Reserve Program and sell their development rights, it's in perpetuity. We had another large tract come into the program just yesterday. So it's still growing, but it would be just not in compliance with the trust that the people who have brought their, or put their properties in the ARP if we don't keep our commitment to agriculture because to approve something incompatible next to a property that sold its development rights just is not good. So Don has been here all these years to help let everyone understand the importance of planning in the southern part of the city. The Agricultural Reserve Program not only has allowed us to continue to have a very dynamic agricultural industry, but we're finding out now that it's also the very right thing for this property that's in the Albemarle Watershed and all of those differences. I often tell our public works people that if you want to know about drainage, you talk to the farmer that's farming that land because he knows things that you don't know about that land and so the fact that we have had someone in an agricultural position on the Planning Commission all these years has just been extremely important, and I hope you all will take advantage of all of the knowledge that Don has to still give him a phone call. I'm sure that will be okay with Don, but the other thing that Don brings to this position is the fact not only that he knows the land, but he knows the people and that's been critical in serving in this position. Don has done so much with other aspects of the community, with the Brewerton's and all that the Brewerton complex there at Creed's means to the area, and of course, we have to mention the 4-H Livestock Club and all of the youth who have served in that program that Don and the others at Land of Promise have led so much, not only to teach the youth about livestock, but all of those other values that you get from 4-H. So, all of these things that Don has brought to this position and to the Planning Commission are so invaluable and it's people like Don and others of you who give your time to serve that do make the city of Virginia Beach very special, and I just want to thank you, Don, and Diane, and Ron, and all the others at Land of Promise for

all that you've done for the city and that's it in the end. We're going to find other things for you to do pretty quickly and I just want to thank you very much.

Mr. Alcaraz: Thank you, Ms. Henley. We also have the honor of having our Honorable Delegate, Barry Knight, if you can come forward. Thanks.

Mr. Knight: Brings back fond memories coming here. I think it may be the first time I came back since I sat in that chair there George, Mr. Chairman. So, of course, it wasn't quite as fancy of a building and anything, but Don, everyone was real prim and proper, but I'm up here now, so I started getting a little bit nervous, maybe, but I first met Don Horsley, I had to do the numbers and everything, you know, they put me in-charge of the numbers up there in the state, you know, so I'm pretty good with the numbers, but I figured it out Don, I met you 54 years ago. Okay, I was working on Mr. Brown's dairy farm, I didn't have a driver's license yet, and Ralph Frost, he came up there and brought his young fellow with him, and he said would you like to try to run this silage chopper? Don got on the silage chopper and I heard Ralph talking. I didn't know if it was proprietary information or not, but he says, I think that young boy there is going to ask my daughter, my oldest daughter to marry him. You know, Don, how'd that work out for you? Fifty some odd years later there, there she is sitting right back there. That's a pretty good deal and everything. So that was pretty good and Don and I served on numerous boards, starting from the Tidewater Pork Producers to the Virginia Beach Farm Bureau to many others, but none of them were more rewarding than we used to sit side by side up there on the Planning Commission. So we had a really, really good time on that, you know, always trusted his advice, his judgment. Don comes by to see me once in a while. I'll come by to see Don, but it's very rarely that a few days go by that Don and I don't talk on the telephone. Sometimes I'll get there to Richmond. I'll say, Don, what's going on at home? What do I need to know about? And he's got his hand on the pulse of what goes on down in our neck of the woods. I mean, Don's been on the Planning Commission so long. I have it on good authority that Eddie Bourdon was a teenager, but Don, your wise counsel here will be missed and your advice will be missed, but I want you to hurry up and get this job done and get back on the farm because you owe me some farm rent.

Mr. Alcaraz: Thank you Barry. So I also noticed, we do have several planning commissioners. I'm not sure if all of them are here, they're going to be speaking. Is that correct? Dave Weiner, come on up and start this or Mr. Redmond.

Mr. Redmond: Thank you, Mr. Chairman. For the record, my name is Dave Redmond and I live in the Bayside District. I guess we call it something else now, John. First off, I'm delighted that the Horsleys Diane and Ryan Horsley are here today because I want to tell a little story. It was about a – I should mention, I think I started serving on Planning Commission in 2006, and when I did, the Chairman was Barry Knight, which was very cool at the time, and still is. I want to say it was about a dozen years ago, the Horsleys had one of their famous summer parties, which was just as terrific and as wholesome as you could. It was a beautiful day. My daughter was just a little pint sized thing at the time, guessing 12, 13 years ago and we had a wonderful time and they'd gone to great lengths to do things that kids could enjoy. So they had put in a big sand pile and they'd made a little pen that was kind of a makeshift petting zoo and had some, you know, a little goat and a pig and some other stuff that were in there that children would find fun and attractive. As I said, we had a wonderful time. At the end of the day, I said come on, you need to come over here and say thank you to Mr. Horsley, and so she did came with me and she was, again, as I said, she was just a little thing, and so she walked up to him and said, thank you Mr. Horsley and he leaned over and grabbed her by, with his arm, gave her a little hug and said, you're welcome sugar. It just, at the time, it just seemed like the most natural, fluid thing that you would see from a really good and decent person. What's kind of missed in all this time that Don served is how very, very capable he was at it. So no offense to any of you or to any of us, but he was the best one I ever saw that performed this role and I think a good lesson out of that is if you start with a really good and decent person, that's probably going to be the end result. So I'm 59 years old and I still say to myself sometimes when I grow up, I want to be more like Don Horsley and I think there are probably a lot of us who served with him over the years who feel the same way. So Don, sorry, we're losing you, but you're not going far. I know that and I certainly appreciate everything you ever did. I learned a million things from you. Some of them I even forgot, but they're back there somewhere and I thank you very much for all of that service.

Mr. Alcaraz: Thank you, Mr. Richmond. Oh, come on forward. Mr. Ripley, how you doing?

Mr. Ripley: Mr. Chairman, how you doing? Alright. I'm Ron Ripley and I served on the Planning Commission for about 19 years and served with Don for all those times and one of the things I want to mention is that when I first went on, it was 1999 and I ran into a former planning commissioner Ken Barefoot and Ken was a former chairman too, also. He was a couple, probably a couple. terms for me, but I ran into him and we were talking about the appointment and he said, Ron, there's somebody on that board on the Planning Commission that you've got to really pay attention to and that's Don Horsley. He says, Don, there's more about the Southern part of the city than anybody does and you weigh his decisions. What he says you weigh very heavily in the way you think and I said I'll take that in to good counsel and that's what I did. I don't think I crossed on can't remember crossing you on any or any of your thoughts and decisions who came along may have been, there've been something I don't know but so I went off after my two terms and Barry Knight over here gets elected to the General Assembly, and so I go in and fill his unexpired term. So I'm thinking, why do I want to come back on the Planning Commission? Because after you serve two terms, you've done a lot, believe me, and you've been to so many meetings and spent so many hours at it and I said, well, you know, I get that summer corn from Don and I get that sausage for Christmas time. I said, those really were factors that I considered coming back onto this board. Glad I did. I served with Don. We sat together for years. We just had a good time and you heard all the awards that Don got or has received as, over his time, but one of the things that wasn't mentioned is that he is now Chairman of the State Agriculture Board. He's also on the Virginia Tech Board of Visitors, which is quite an honor. Such a talented man, just a privilege to work with, his knowledge is unbelievable and he is a great friend of many friends and you see people here today. He's just a friend with people's here and all over the state and he's a tough, can be tough to fill his shoes. Don, thank you very much. Congratulations.

Mr. Horsley: Thank you.

Mr. Alcaraz: Thank you. I see some other commissioners. I'm welcoming you up here. Mr. Mr. Weiner, I see you. Come on up.

Mr. Weiner: It wouldn't be the same way. It's different down here that's for sure. I wasn't planning on talking, but you know me. I like to talk. I think I started in 2013 and sitting up here in the old council chambers, and I remember my very first day, it was overwhelming and somebody asked me a question, Dave Redmond was chair, and he asked me a question. My mouth opened, but nothing came out because I was so nervous and afterwards, Don came over and put, he didn't say a word to me. He just put his hand on my shoulder, just shook his head. So I knew it would be all right, and I appreciate that. But if y'all can take something away from Mr. Horsley, he knows everything there is to know about planning and zoning and it was very fun to be on Planning Commission with him because we rely on him and Ron Ripley too. He was another one who knew a lot about planning too. So it was very interesting and you helped me out a lot and I appreciate it, done an awesome job and I know you'll be around for a while. Thanks Don.

Mr. Alcaraz: Thank you. Any other commissioners? Dee. Hello.

Ms. Oliver: He is my favorite commissioner, he knows that. It is what I tell everybody. Gosh, everybody's just said so many wonderful things about you and so 10 years ago when I was appointed and I was the At-Large commissioner, I walked in, we were having our meetings at that time in the city manager's room behind City Council chambers, which was a great place because it was close knit and I walked in scared to death and Don took one look at me and there was an empty chair and Dave Redmond was the chair at the time and Don said, sit down here, little girl, and there weren't many women on the commission at the time, but he was such a great mentor. The wealth of knowledge that he has for generations of this city is just amazing. If we had people, if the citizens of Virginia Beach loved our city as much as you do, we would be greater than we are right now. You have taught us so much. You are a man full of integrity, honesty. Your ethics are so high. You're fair, you're kind, and you're thoughtful. I don't think I ever heard you speak really an ill word or was sharp to anybody, whether they were on city staff or on the commission or in front of us with an application. You are such a Virginia gentleman in all aspects of that world and I am so proud to have been seated next to you or across from you for 10 years. I can't think of a better man other than my father and my husband and a few others, but it is truly just been an honor and a blessing to be with you on this Commission and to call you a friend. Thank you, Don.



Mr. Alcaraz: Thank you Dee. Are there any other commissioners? I see some other guests, some attorneys. I see staff, Oh, you coming forward? Or are you just standing? Mr. Nutter, come forward.

Mr. Nutter: Thank you Mr. Chairman. This is completely unplanned, Don, so forgive me. I just want to say as a non-planning commission member, it was always nice to come here, and seek your approval, and as an applicant, one thing I'd always like to say, sometimes people forget that the applicant is a citizen too. If there's somebody who owns property or is buying property, they're investing their money, investing their time, putting themselves out in a public forum, which for many people is very difficult to do, and they come here, and you all have always shown them respect, even when there's opposition who can sometimes speak the worst of people. This Commission, and you in particular, Mr. Horsley, always brought a sense of civility and respect for the applicant. So I want to thank you on behalf of non-Planning Commission members, and as a person who often appeared before you for many years, not quite the same number, but that's okay by me, but I wish you all the best, you and your family. I miss coming out to your farm, miss sitting down to breakfast with you and your wife and talking about whatever the issue was the day, but I know where you live, so I won't be too far away. So all my best and congratulations on a wonderful retirement from this commission.

Mr. Alcaraz: Thank you. Any other commissioners? Staff, any other attorneys? How about current commissioners? Anybody would like to say something?

Mr. Clemons: Yeah, I want to say something.

Mr. Alcaraz: Mr. Clemons, go ahead.

Mr. Clemons: Yes I would like to thank for his welcoming through this commission. We (Inaudible 26:49) years and a half ago. I really look for Don, among other members of this Commission as well, you know, for guidance and assistance as I began to get grounded in this Commission. So I want to thank you for that. I want to thank you for your wonderful 32 years of service.

Mr. Horsley: Thank you very much.

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

Mr. Plumlee: I'd just like to be very brief and say that I think the city is losing a great advocate on this Commission for the agricultural community, that you brought that up in a very even handed way and made it part of the mission of this commission and I hope we don't let you down that we continue to consider its importance and that you'll continue to express your opinion to us and be a voice of reason for us going forward. So thank you very much.

Mr. Horsley: Thank you.

Mr. Alcaraz: Alright. I'll say something. So in the 80s and 90s, I was a planning staff member and I asked, I used to write some of these agenda items myself and I had to work for you when you were in the 80s and 90s. So I just wanted you to know that and then I kind of took off and went on my own venture and then I had to go on that podium and lobby to get your vote to support, and now I'm here side by side with you so thank you and I appreciate, appreciate what you've done in the past, I heard 32 years as a public volunteer servant. So thank you. Appreciate it.

Mr. Horsley: Thank you.

Mr. Alcaraz: All right.

Mr. Horsley: So I didn't mean for the prolonged Planning Commission meeting, the last one of the year and now the, I guess it's going to be one of the longer ones we had lately, but I really appreciate everybody showing up today and kind of suspected something when Barry told me the other week that, I'm going to be there to see you on Wednesday. I said, really? He said, yeah, I'll be there and then Ms. Henley that night, she said, I'm going to be there to see you on Wednesday. I said, something's going on, but I appreciate it and, you know, the Planning Commission to me has been a very, very rewarding experience back when Mr. John Ball appointed me, he was a mentor of mine. He said, you'll be fine, Don, and he never said anything else. So just do your thing and then I had another mentor that came along a little bit later and retired and decided that he would like to be on the Planning Commission, Dick Cockrell and he was the chairman of the Commission at one time and he was a mentor of me. He was one that kind of helped get Diane and I together many years ago, and we ended up

here in the greatest place that I could ever thought to be laying the Promise Farms. I can tell you a real story about that. In fact a real, in 1956, my dad took my older brother and I on a trip one day to a cattle sale. That cattle sale was at Land of Promise Road at Land of Promise Farms in 1956, didn't know anything about who was there, whatever, but anyway he bought each one of us with three boys, one of them too young to go, but bought us all three a heifer from that farm and little did I know in 1956 that I would end up at Land of Promise Farms and little did I know that I would marry the oldest daughter of the owner of Land of Promise Farms, and she's the real reason that I'm here today, and give her all the credit in the world. She helped us, helped me justify taking off from the farm to come to Planning Commission meetings. I worked for her dad for many years and, you know, when I decided to be on Planning Commission meeting, he said, you're not planning on running for City Council, are you? I said, no sir, no sir, I won't run for City Council, but so he was very rewarding in letting me, you know, do my thing with Planning Commission and I've enjoyed it. I've really enjoyed it, but the most of all is the people that I've served with over the years. I don't know how many people; I told George this morning, I don't know how many people I've served with, but since 1986, I think Tommy Ammons was chairman back then. Dan Harris was on there. I think Kenny Barefoot was on there in my first Planning Commission and I really recollect back of all the people I've served with. Barnett Thurgood, Dot Wood, Kathy Katzis, you know, to name all those people, you know, they were, they were great people to serve with and I don't want to name too many because I'll miss out on some of them, they're very important to me, but all of them, all of them turned out to be very good friends of mine and of course, some of them aren't here any longer, but that's the most rewarding thing and to carry this message from the southern end of the city to the north end by becoming friends with those people has been something that I've, you know, strived to do over the years, and I told these folks this morning, I said, if y'all want to learn to see Land and Promise Farms, you get a planning van and load up and come down any time, I'll welcome you there. So I guess that's all I need to say, George, because this meeting is going to get long. We got a little bit of business to take care of today, but I appreciate all of it. I appreciate staff, what they've done over the years. I've been through. three, four planning directors, Bob Scott, Jack Whitney, Barry Frankenfield, Bobby, and now we've got Kathy and Kathy's the best looking one of all of them by far, by far. Thank you, Kathy. I appreciate what you do. What you've been doing for us and we've had a lot of

turnover in staff and she's, I think she's got the nucleus is getting it all back together again and when she got Kevin back, I give her a big round of applause that day. When I came in the room and Kevin was sitting there, I said, thank goodness Kevin, we need you back now. Now go to Chesapeake and get Jimmy and we'll be good. So anyway, thank you all for coming. Thank you all my fellow, former commissioners and, Ms. Henley, thank you and I appreciate the mayor with his comments that he's made today that I really do and I wish everybody well. Thank you.

Mr. Alcaraz: Horsley you'll be missed. On behalf of the staff, they put something together for you. One last favor, the commissioners, our delegate and our council, could you come forward to, I see the mayor's gone, could you come forward so we could do a picture right here? Thank you. Be real quick and then we'll get down to business. Just right here. Thank you.

Mr. Horsley: This is my wife, Dianne, here on the left. She's the reason I'm here and this is my son, Ryan, who farms with us every day.

Mr. Alcaraz: Thank you again for coming. Special day for Don Horsley. Thank you. Alright, we're going to get down to business and first thing is we are going to have our, we're going to have the rules of the speaking, please.

Madam Clerk: Yep, of course. Thank you, Mr. Chairman. The Virginia Beach Planning Commission takes pride in 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. As a courtesy to all in attendance, we request that if you have a cell phone to please silence it for the duration of this public meeting. Following is an abbreviated explanation of the rules. The complete set of rules is located in the front of the Planning Commission agenda. 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. Considerations 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 have favorable staff recommendation. The regular agenda, the Commission will then proceed with the remaining items on the agenda. Today, we will have both in person speakers and speakers participating via WebEx. When an

agenda item has been called, we will 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 are solely representing a large group such as a Civic League or Homeowners Association, in which case they will have 10 minutes. For WebEx speakers, once your name is called, please pause for 2 to 3 seconds to begin to ensure the commissioners hear your complete remarks as only one audio feed can be open at the time. Do not ask, can you hear me as you will not be able to hear a response if a speaker does not respond or if a technical issue occurs which renders them comments unintelligible, we will move to the next speaker of the next order of business. Please note that the actions taken by the Commission today are in the form of a recommendation to the Virginia Beach City Council. The final decision to approve or disapprove an application will be made by the City Council. The Commission thanks you for your attendance and we hope that your experience here today leaves you feeling that you have been heard and treated fairly. Thank you.

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Mr. Alcaraz: Thank you, Madam Clerk. All right, the next order of business is for consideration of applications for withdrawal or deferrals. Is there anyone that requests a withdrawal of their application? Please come forward.

Mr. Bourdon: Good afternoon, Mr. Chairman, members of the Commission. Happy holidays to everybody. Eddie Bourdon. I represent APV, Virginia Beach Energy, LLC. You all received the letter that I sent as soon as our, my client's investors approved the withdrawal, withdrawing case number three from today's agenda, a little early Christmas present.

Mr. Alcaraz: All right. Thank you.

Mr. Bourdon: Thank you.

Mr. Alcaraz: It's my understanding. We have two speakers?

Madam Clerk: Yes, sir. I'm calling Tammy Mullins Rice first, followed by Pastor Wadee Thurgood.

**Virginia Beach Planning Commission  
December 13, 2023, Public Meeting  
Agenda Item # 1**

**Wade W. Bell**

**RECOMMENDED FOR DEFERRAL**

Madam Clerk: Agenda item number one. Wade W. Bell is a subdivision variance request for 3957, 3962, 3969 Dawley Road and the parcel between 3957 and 3961 Dawley Road in District 2.

Mr. Alcaraz: Alright, we have a speaker?

Madam Clerk: Yes, we do have a speaker. Does the applicant need to come forward first?

Mr. Alcaraz: Is the applicant here? Come forward, sir. Thank you. It's my fault. I got caught off guard myself. How are you doing? Just state your name.

Mr. Bell: My name is William Bell. Good afternoon. Yes, I've been part of this process for about three years now and I've got all the things in order, and I understand that, you know, it needs to be moved to be recorded and I'm an original. So, from the area, I'm a direct descendant of that property for since when it was Princess Anne County and I'm just making it a lot larger and better to be developed.

Mr. Alcaraz: Okay. Thank you. We'll call you up. I think we have two speakers, and we'll call you back up to rebut. So, we have a virtual?

Madam Clerk: We have one in person first, Mr. Eddie Bourdon followed by Valerie Scott.

Mr. Bourdon: Mr. Chairman Eddie Bourdon for the record. I represent Mr. and Mrs. Masters who have come down this afternoon and I have spoken a few years ago to Mr. Bell and on behalf of Mr. and Mrs. Masters, actually, excuse me, I've got a handout. Let me just do that, thank you. Apologize, but on behalf of Mr. and Mrs. Masters, we're requesting this matter be deferred. I was not aware of this application being on the agenda until I went through the agenda this past weekend and I had some other matters that were taking up too much of my time the last two days, including City Council last night and the application that we withdrew earlier. I did not have a chance to, I did talk to Ms. Wilson, and I talked to Mr. Dao. This situation that this

property that Mr. Bell is the owner of these lots are at least two of them, if not all of them, but certainly two of them are the product of illegal subdivision, subdivisions that were not done by a recorded subdivision plat as required under the ordinances of Princess Anne County back in the mid-50s, our first subdivision ordinance that came to exist in 1954 in Princess Anne County, and I've given you a plat that is not a subdivision plat, but is a recorded plat from which parcels were conveyed that have created a number of problems. The one of those is what's listed on that plat, which is again, not a subdivision plat, and it says it's a plan of certain properties to be exchanged between adjoining landowners and it created a parcel characterized as A, which is 4.4 acres and a parcel characterized as B, which is 0.16 acres, I believe, that's called B. Parcel B appears to be showing access that's not shown as a part of the property, maybe it's supposed to be an easement, don't know. We weren't around back in 1974 when this was done. I wasn't involved obviously. So that parcel B was sold in 1981, along with parcel A, they weren't exchanged as is set forth in all the notes on this plat to a couple named Mr. and Mrs. Mills. Those two parcels B and A have no access to a public street at all. I'll get to this dirt road in a second that was referred to in the informal. Parcel C was conveyed off of that plat as well and illegal subdivided property. None of the properties that Mr. Bell owns meet the requirements of the zoning ordinance, but they can much more efficiently meet that requirement if this problem, his problem, and the master's problem all created by this platform, which these properties were deeded, even though it wasn't a subdivision plat. They can work together and resolve this. I had this conversation with Mr. Bell a couple of years ago. He, you know, wanted to think about it, said he'd get back to me. He got back to me; said he'd want to mess with it at that point. Well, I didn't hear from him this time around. This dirt road on the west side of the property -- north side of the property, there is no access provided in any legal document to give that property parcel A or parcel B, which it couldn't get parcel B access, does not exist. I do believe it has been used for farming by the farmer who's been farming the property for years, but there's no access that is deeded to that piece of property. These two parcels A and B are landlocked. The masters are more than willing to get rid of parcel B and make it a parcel A and provide additional land to Mr. Bell in order to solve the access problem rather than, you know, getting involved in litigation and Mr. Bell's lots are just as illegally created as theirs and they bought it in 2008 from the Mills and the attorney is very good attorney, represented them on the purchase didn't pick up on it, unfortunately. So, this is a -- and the city should want to fix this problem,

but it's the problem of all the parties who bought property off of this exchange plat, which is not a subdivision plat, not a legal platting of the lots. So, that's the reason for the request for a deferral. Sorry to run on.

Mr. Alcaraz: I was getting the look because of the red light. Mr. Bell isn't--

Mr. Bourdon: He may be willing to. I have not spoken to him since a couple of years ago, but what he's proposing to do just get he's trying to fix the problem he has, which is leaving out fixing the problem that the masters have all created by the same document. So, it's been the city's policy in all the years going back to my teens when I was doing this, that subdivision -- when there's illegal subdivisions, when we're going to go back and correct them and make the lots legal and, in this case, try to make them less nonconforming. We don't want to, you know, make another problem worse and that's what we're doing, and this is all from the same plat and the parcel A and parcel C, you know, that's where parcel A got chopped off and didn't -- that was where the access was. So, it needs to be corrected and there is a way to do it that will not harm Mr. Bell. In any way.

Mr. Alcaraz: Yes, question, Ms. Wilson. This was in 1974. So, what does that state that it was completely illegal?

Ms. Wilson: Yeah.

Mr. Alcaraz: This plat?

Ms. Wilson: It's just a plan because a plat would have to be signed by the Planning Director and everybody. So, what this is, it's just a plan. People can put anything to record.

Mr. Alcaraz: But the thing that got me is it says conveyed and highlighted. It's conveying it?

Ms. Wilson: No, this won't convey it.

Mr. Bourdon: I'm sorry to interrupt you. I've done all this research. This was done in anticipation that properties were going to be conveyed between the parties who own these properties at the time that did not happen, but this got recorded and deeds conveying properties shown on here were conveyed as if this was a subdivision of the property, the part that's outlined. So, all



of it is illegally subdivided and the conveyances there, Mr. Bell can't get a building permit to build on parcel C because it's not a legally created lot and he's trying to get his lot to become legally created by this process and the city needs to solve the other problem that was created by this plat and properties being conveyed by this plat. Both problems need to be solved the same time.

Mr. Alcaraz: Mr. Plumlee.

Staff Admin: Chairman, this is really an issue between Mr. Bell and Mr. Bourdon's clients. The city can facilitate this somewhat by allowing for a deferral. However, we don't really have all of this before us. What we have before us is Mr. Bell's portion. So, if he would like to defer this in order to make a complete settlement of the whole thing, then that would be the thing to do. However, it would create these two -- this lot that's further behind this plan so that it would have access. I mean, that's the issue is that Eddie's clients have bought property that has no access.

Mr. Bourdon: We can file an application to try to make the one lot to combine him behind it and make it legal at the same time, but you know that getting access is a serious problem, creating properties that were sold by deed without access dedicated in any way is a problem for the city and this same plat created parcel C, which would have provided the access at the time and so we're just come here now and say, all right, well, we're going to let you divide up and create lots and make money off this property that's got the same title problem as parcels A and B, you know, rather than find a solution, which is eminently achievable, is not good planning, not good land use planning.

Mr. Alcaraz: All right. Thank you. Mr. Plumlee?

Mr. Plumlee: Couple of questions for Mr. Bourdon. So, this was sold in 81 by the Mills, is that correct?

Mr. Bourdon: The Mills bought parcels A and B in 1981, held title to them until 2008 when they conveyed to Mr. and Mrs. Masters.

Mr. Plumlee: And previous to the Mills purchase that parcel A, B, and C was all owned in common?

Mr. Bourdon: A was owned by J. C. Johnson, C was owned by J. C. Johnson and B was owned by J. C. Johnson, at the time this plat was recorded, Mr. Johnson, sorry, owned all of those properties.

Mr. Plumlee: Right, and was there like a farmer's road leading to B, that area for farming, was that?

Mr. Bourdon: At the far end that Caitlyn, as I knew pointed out this morning, there is a dirt, little farmer's path, that's a farmer's path and that goes across the property that was Coston, still is relatives of Coston, at least it was when I did all this research two years ago, they've been approached, and they're not interested in conveying any easement.

Mr. Plumlee: And one last question. What is it from our approval that specifically denies a legal right in court to your client?

Mr. Bourdon: Well, you're approving lots that are non-conforming, all of them and with the land that the Masters have, that they're willing to provide to Mr. Bell, those lots can be made to the legally required acre and size and it should be the -- I'm quite confident it'll be the desire of City Counsel if we can create one acre lots or greater, which is in compliance with the zoning on the property. It's a whole lot better than 20,000 square foot lots and that should be everyone's goal.

Mr. Plumlee: It may be a goal, but I was asking if there was a legal right that was impinged through an approval by planning or counsel?

Mr. Bourdon: Well, theoretically, well, at this point, I don't know the statute limitations. There are too many things that I wouldn't even begin to, you know, I'm not a litigator. So, trying to figure out any cause of action and then you've got the, you know, the prescriptive easement on the farm road, but that's for farming. I mean, there's just, there are too many complications, but the point I believe is, should be very clear. There's no entitlement on the part of Mr. Bell for relief that he's asking for and, you know, to suggest that there is just not a correct reading of the law. He's not entitled to be -- to have his non-conforming lot illegally, subdivided lot approved. It's a variance that, that y'all are being asked to provide and asked to make these other non-conforming lots more conforming but not conforming when the opportunity to correct all of it and their lot, lots of b conforming is being thrown out the window.

Mr. Alcaraz: Alright, Mr. Plumlee, Mr. Horsley?

Mr. Horsley: Mr. Bourdon, so to cut to chase the, if we defer it, you think you can get with Mr. Bell -- if Mr. Bell is agreeable to that, you think you can get with Mr. Bell and the Masters and make this plan work so that we can give him conforming lots and give them a right of way?

Mr. Bourdon: Conforming as to the one-acre lot size. These lots -- there's not enough frontage on any of the lots, but to provide access to the Masters property and have his lots be acre lots, which is the minimum lot size in the Ag District.

Mr. Horsley: So, the Masters are willing to give him enough land to make that correct, make his lots an acre?

Mr. Bourdon: Correct.

Mr. Horsley: Okay. That's what I need to know. So, I guess we need to see if Mr. Bell is willing to do that, I guess.

Mr. Bourdon: Thank you.

Mr. Alcaraz: Any other speakers? Any other commissioners? I guess not. Go ahead.

Madam Clerk: We have another speaker via WebEx, Valerie Scott.

Mr. Alcaraz: Did we lose? Okay, thank you.

Madam Clerk: That's all of our speakers.

Mr. Alcaraz: All right, Mr. Bell, if you can come forward. You can just speak in the mic, but you can rebut on what was said and I think a couple of commissioners have some questions for you.

Mr. Bell: I do. I do. The strip of land that she's talking, and I'm the grandson, great nephew of my uncle, and I bought that 3957 with him, which is the green portion from him and the darker brown portion from him, lot D and lot A. Lot C was never his, never his. That was another portion from another family member that I bought that from, and I have titles and deeds to all this stuff.

We've gone through this before and I have property searches that's been done. Even before I had made my porch, you know, made my suggestion to the Planning Commission and these people that are in the back of me who said they don't have a right of way. Well, that's not true. There is 200 feet north of me. There is an access road may not be what they wanted, but if people don't own the (Inaudible 01:13:20) road told me that they gave them permission that they could use it. Now, I think also in part of that, that's that 4-acre plot, I went out there, went to talk to Mr. Bourdon when I took this plan to him. He said, yes, it makes perfectly good sense. Perfectly good sense is what I wanted. He said, but he can't represent, when I went back to him, he said he could not represent me because he represented the people behind me. He said, what he suggests is that I buy it from them. I went to them to make a purchase from them, and I got a price from them, and I went got that money for the purchase of the property and went back to them. They changed the price, okay. At that junction, pricing change, you know, I'm not a rich guy, you know, I'm working on minimum money. I couldn't go about getting them a money, that's not what I told Mr. Bourdon that I can't, I can't deal with that. So, I moved away from that. I didn't want it, didn't really need it, but I was willing to try to solve it at that time. So, but they won't play the money game, okay, well, I ain't got time for that. I got other things. I've done property searches on all of it. Lot C, lot B was created in 1930 and if I'm a family member of mine, I had no idea I'm going to need to bring this today. I have tried to work out this situation with them to help them out in the past, but I'm not. I live in the worst house in the neighborhood and I'm no longer able to keep up with the house. So, it's time for me to make a move on something. So that's when I came, when I got with the engineer, Brian Lane, and Parrish, which I know they've been talking to. I found out today, instead of talking to me, they're going to go around me and talk to my engineer, instead of coming to me. I talk to everybody. I'm open to everybody to talk. Talk to me, speak to me, but they won't go around me, there's nothing I can do, whatsoever, but move forward. I've been told a lot of different things, a lot of different things. People work to that support, that it supports the truth and I have that truth. I am the owner of lot C, B, D, and A.

Mr. Alcaraz: Alright Mr. Bell, is there any questions from the commissioners? I think Mr. Horsley?

Mr. Horsley: Are you willing to take a 30-day deferral to work on -- to try to work this out?

Mr. Bell: I'm not a hard man, Mr. Horsley.

Mr. Horsley: I'm not either. That's reason I'm just coming to you and ask you if you would've willing to do that.

Mr. Bell: What I'm willing to do is speak to them, like I've done to anybody else. I get phone calls from people who will not giving the name, text message without giving a name. I would gladly talk to them, but I also would like for my plat to be pushed forward to recording because there's no telling what they may want to come up with, because I already tried it one time before. We had a number. I went to the bank, got it, they changed it. So, and I spoke with Mr. Bourdon. I don't know why, why it is. Well, I can hire attorney and then later on, they back off. I don't understand what he did. I had attorney run out me today on this project. He left. So, my doors -- my door has always been open. I'm from the county; county people are normally open to talking to people. Just can't do anything when people don't want to talk to you. So, I'm willing to talk to them. I don't know what it is that they're planning or what they think that lot C is not, that's 3965, or 3969. I didn't create that number. It's about a city lot. I just made it big. I didn't create none of those lots. They are already existing, I just punched him out a little bit. It's all I've done.

Mr. Horsley: So, so you would be willing to wait 30 days and take up the referral? I think that's what I'm reading.

Mr. Bell: Not really, sir. I mean, I would talk to them about it, what they want to do, but this process has taken a portion of my life for me. Three years of my life has been gone behind this with other projects have been started and got houses on it now. I mean, he talked about sizes. I know a lot in my area that right up against the water, you know, my lots are much better than those lots, but I'm willing to talk to him like I talked to anybody, but I think I like to see my plan move forward to recording and they got some, you know, to offer. I listen to him. You know, I listen to everybody, you know, but why he holding me up? They could have come to me instead of coming to this here, but--

Mr. Horsley: I think if you can get a more legally conforming lot, it'd be a whole lot better for you, you know, with your lot rather than a 20,000 square foot lot.

Mr. Bell: Well, sir, I mean, I understand what you're saying, will solve two problems, you know, but again, I've tried to already solve that problem with them, and I don't know what their plan, whether it's going to cost me additional. This is end up three years. I mean, there's not say -- they're going to be cordial with me. You know, I'm a cordial person, but who's to say they're going to be cordial? I mean, let's keep moving forward, and if they want to do something that's beneficial for both of us, that we can both live with, then I would, you know, consider it, but don't hold me up any longer when they could have been coming to me anyway. He has my number. I talked to his office multiple times, and I didn't know that he was doing this. I didn't have any idea whatsoever about this, but my number hasn't changed. My address hasn't changed. All it takes is, no one has done that.

Mr. Horsley: So, you don't want a deferral?

Mr. Bell: No, I don't really want a deferral. I would like to move forward to be recorded, my plat be recorded and, but I will keep it open to them to make provision for them and they can come back and make changes here in the Planning Commission. I want to keep moving forward.

Mr. Horsley: Okay. Thank you.

Mr. Alcaraz: Okay. Ms. Hippen.

Ms. Hippen: Okay, my question. I'm confused. So, the drawing that Mr. Bourdon gave us actually includes more than what this request is from Mr. Bell. My question for staff is, do we, so the lady just said on, the lady that just commented online said that she owns some of this property, which lot C are we talking about? Because she said she still owns lot C.

Mr. Bell: Lot C is the purple.

Ms. Hippen: Yes, sir. Well, yeah, I'm trying to find out from staff why there is a--

Mr. Bell: She's mistaken. It was lot D. I bought lot A and lot D for my great uncle. She's mistaken.

Ms. Hippen: So, what property is it that she's saying that you don't own, sir?

Mr. Bell: Lot C.

Ms. Hippen: Lot C, the purple one?

Mr. Bell: Yes, ma'am and that's incorrect.

Staff: Commissioner Hippen, we do have Mr. Bell as the property owner of all the four properties in question here.

Ms. Hippen: So, all of the existing lots you have him as the owner?

Staff: Yes, ma'am.

Ms. Hippen: Okay, thank you. That was my question. Thank you.

Mr. Alcaraz: All right, Mr. Plumlee.

Mr. Plumlee: Yeah, I had the same question. Just that staff had been satisfied with regards to the ownership and issue that had been presented today for the first time from the person that was phoning in and so, just like every other application we have, we're going forward as this is the owner and this is the request they're making. So, that's what I want to confirm. Thank you.

Mr. Alcaraz: All right. Any other questions? Mr. Coston?

Mr. Coston: Yes, I'd like to prevail upon Mr. Bell. It's good nature to see if we still can't defer this to kind of straighten it out. I understand that you worked long and hard on this, but 30 days might give us time to make sure that we treat both of you right instead of one of you, right? Is that possibly acceptable to you? 30 days?

Mr. Bell: Okay, sir. I mean, I'm not going to die in 30 days, but you know, it's been three years, and my door is open to anybody.

Mr. Coston: I understand.

Mr. Bell: They haven't come to me. Everybody else is coming to me. Anybody could come to me. Anybody could come talk to me about a project and my neighbors have conveyed to me I reminded the general area because at once was planning for four lots and they said wait that's going to make -- it's going to congest the area so much. Why don't you do a little bit different,

and I talked to the Rawlins, and I talked to Pungo Realty. They said Well you cut it back to three. I cut it back to three and that seemed to make everybody happy other than those who want to talk to me. Other than the ones that don't want to talk to my engineer and not talk to me. They have additional 13-acre lot south of that, that they don't really have access to necessity. They have other ways of getting to their property. I've been things before with Mr. Lamb with the law group that's because my lot is closer, does not present them with the need of going through their own lots.

Mr. Coston: I'm going to ask for 30 days partly because I see what you say might be a street there, but it's not wide enough for it to be a viable street. It doesn't appear to be viable street, yes.

Mr. Bell: Okay. Well, it is not showing there because the people across the street, when they did their lots, I noticed because I've been there forever and a day, I was there in 1961 and I'm the youngest of five brothers. My mother was there, my grandmother was there, my great grandmother was there. So, we know what's going on. That street has been widened already on the east side.

Mr. Coston: I'm going to ask for the 30 days if you can, please?

Mr. Bell: Okay and in the 30 days with my plat move forward to record, sir?

Mr. Coston: We will hear it again in 30 days.

Mr. Alcaraz: So, what we'll do, but for the record, I need to ask you, are you asking for a deferral?

Mr. Bell: I am asking for a deferral. I do not want this, but--

Mr. Alcaraz: You have to tell me yes or no. Don't tell me both because we're going to vote on this. You have us up here to vote. So, I need to know.

Mr. Bell: I prefer my plat to move forward. No, I do. I defer.

Mr. Alcaraz: You defer?

Mr. Bell: Yes, I do not wish.



Mr. Alcaraz: Are you asking for a deferral, sir?

Mr. Bell: Yes.

Mr. Alcaraz: Okay. Thank you. I have a motion for a deferral by Mr. Coston.

Mr. Horsley: Second.

Mr. Alcaraz: Second by Mr. Horsley.

Mr. Clemons: If I could just make a comment to Mr. Bell, I want to thank you for.

Mr. Alcaraz: Let's vote first.

Madam Clerk: By a vote of nine to zero, agenda item number one has been recommended for a 30-day deferral.

Mr. Alcaraz: Mr. Clemons, go ahead.

Mr. Clemons: Yeah, I just wanted to make a quick comment and thank Mr. Bell for his patience, you know, with this process and I certainly do understand and I'm sympathetic to your position, but I do think that you made a good decision in terms of the deferral.

Mr. Alcaraz: Mr. Bell, the staff knows that you have a deferral. It's best that you work with them, you know, the applicant, your adjoining owners, and the attorney, so that we can get this back on the agenda so you can move forward with what you want to do as soon as possible.

Mr. Bell: Thank you.

Mr. Alcaraz: Thank you.

Mr. Plumlee: Mr. Chairman, may I make one statement also, and I'm sorry to drone on about it, but I don't want this process to be a bargaining tool between private landowners. If someone is entitled to an approval based on their application, they should be up here to be approved on. He's a gentleman. He said he'll continue this to continue discussions. I know everybody involved to be good people, but I just want to, as a matter of principle, not

have this process used to gain the upper hand in some private discussion.  
So, I just want that to be said.

Mr. Alcaraz: All right. Thank you, Mr. Plumlee. Thank you, sir. Next agenda.

	AYE 9	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Anderson				ABS
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris				ABS
Hippen	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

## CONDITIONS

1. When redeveloped, a maximum of one (1) dwelling unit shall be permitted on each lot. The architectural design of any new dwelling shall reflect the recommendations found in the Rural Area Design Guidelines.
2. Construction of new single-family dwellings shall meet the minimum required building setbacks on each lot.
3. Approval from the Virginia Beach Department of Public Health Department shall be required for development on each lot.
4. The 50-foot wide, vegetative buffer set forth in the Rural Area Development Guidelines of the Comprehensive Plan shall be required along property lines abutting agricultural operations.
5. A subdivision plat shall be required to be recorded prior to release of the first building permit. The lots shall be in substantial conformance with the conceptual subdivision plan entitled "Re-Subdivision Exhibit of Property Owned by Wade W. Bell", dated October 23, 2023, and prepared by Parrish Layne Design Group, a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and are incorporated herein by this reference.

**Virginia Beach Planning Commission  
November 8, 2023, Public Meeting  
Agenda Item # 2**

**Matthew A. Galumbeck & James T. Cromwell, Esq., Receiver for Shore Realty Corporation, a Defunct Corporation**

**RECOMMENDED FOR APPROVAL- CONSENT**

Mr. Alcaraz: Alright, thank you. So, the other one was just a discussion for deferral. Alright, so now we'll move to the consent agenda. Is that correct? There's one was going to defer. It's a discussion. Thank you. Mr. Horsley.

Mr. Horsley: Okay, there, I'm not sure how many there are, four or five on a consent agenda, and I'll start with number two, Matthew A. Galumbeck and James Cromwell, Esq., Receiver for Shore Realty Corporation, a defunct corporation, street closure. Mr. Bourdon.

Mr. Bourdon: Thank you, Mr. Horsley. For the record, Eddie Bourdon, Virginia Beach attorney, no longer a teenager and we appreciate this item being on the consent agenda, appreciate Marchelle's work on this item. All four conditions as recommended in the staff report are acceptable to the applicant and I'm going to say my two words. Mrs. Henley and Dee everybody was correct, but they hit the nails on the head. Don's done great things for this city and will continue to, but the one with the biggest impact and the most lasting impact is the Ag Reserve Program, which John Baum had a tremendous amount to do with. Not just Don, or Mary Heinrich, or a lot of other people, but that is the most important decision in my view that this city, other than merging -- county merging with the town to get away from Norfolk ever did. So, thank you, Don.

Mr. Horsley: Thank you. Alright, is there any opposition to this being on consent agenda? Hearing none, I'm going to ask Mr. Plumlee if he'd read this into the record.

Mr. Plumlee: Thank you. The applicant's requesting to close a portion of the unimproved lane adjacent to the rear lot line of duplex dwelling at 7502 and 7504 Atlantic Avenue. There's been no opposition to it, and I think the applicant has accepted all the conditions in terms of the arrangement. So therefore, Planning Commission is recommending approval by consent.

	AYE 9	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Anderson				ABS
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris				ABS
Hippen	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

## CONDITIONS

1. The City Attorney's Office will make the final determination regarding ownership of the underlying fee. The purchase price to be paid to the City shall be determined according to the "Policy Regarding Purchase of the City's Interest in Streets Pursuant to Street Closures," approved by City Council. Copies of the policy are available in the Planning Department.
2. The applicant shall resubdivide the property and vacate internal lot lines to incorporate the closed area into the adjoining lots. The resubdivision plat must be submitted and approved for recordation prior to the final street closure approval. Said plat shall include the dedication of a public drainage easement over the closed portion of the lane to the City of Virginia Beach, subject to the approval of the Department of Public Works, and the City Attorney's Office, which easement shall include a right of reasonable ingress and egress.
3. The applicant or the applicant's successors or assigns shall verify that no private utilities exist within the right-of-way proposed for the closure. If private utilities do exist, easements satisfactory to the utility company, must be provided.
4. Closure of the right-of-way shall be contingent upon compliance with the above stated conditions within 365 days of approval by the City Council. If the conditions noted above are not accomplished and the final plat is not approved for recordation within one year of the City Council vote to close the right-of-way this approval shall be considered null and void.

**Virginia Beach Planning Commission  
December 13, 2023, Public Meeting  
Agenda Item # 3**

**APV VA Beach Energy, LLC**

**RECOMMENDED FOR WITHDRAWAL**

Mr. Alcaraz: Thank you, Madam Clerk. All right, the next order of business is for consideration of applications for withdrawal or deferrals. Is there anyone that requests a withdrawal of their application? Please come forward.

Mr. Bourdon: Good afternoon, Mr. Chairman, members of the Commission. Happy holidays to everybody. Eddie Bourdon. I represent APV VA Beach Energy, LLC. You all received the letter that I sent as soon as our, my client's investors approved the withdrawal, withdrawing case number three from today's agenda, a little early Christmas present.

Mr. Alcaraz: Alright. Thank you.

Mr. Bourdon: Thank you.

Mr. Alcaraz: It's my understanding. We have two speakers?

Madam Clerk: Yes, sir. I'm calling Tammy Mullins Rice first, followed by Pastor Waddee Thoroughgood.

Mr. Alcaraz: Hello. If you could just state your name and what group are you representing?

Ms. Rice: Thank you. My name is Tammy Mullins Rice and I'm president of the Seatack Community Civic League.

Mr. Alcaraz: Great. You have 10 minutes. Thanks.

Ms. Rice: So yes, I had signed up to oppose this issue that has been withdrawn. I'm thankful for that and Mr. Horsley, I'm appreciative of the service that you've done and what you've done in the agriculture area. I only hope that we could get a representative that represents Seatack in the same manner in which you have represented the agriculture area. Unfortunately, we have lost our vice president of our Civic League this past Sunday. She was a strong advocate for zoning and so she was our person that did all of the

zoning for our community, and so I just wanted to make sure I let you all know that that Elizabeth G. G. Mills passed away last Sunday. I do want to thank the Commission for each time letting us come and speak on this issue, but we are very serious about protecting our area from hazardous and storage facilities. We're one mile stretch and we have seven -- six storage areas in our one-mile stretch and I don't think there's any other community in the city that has that and we don't want any more and we're very, we're going to stay diligent and watching and working. So, you may see us again, but again, I thank you.

Mr. Alcaraz: Sure. Thank you and sorry for your loss.

Madam Clerk: Pastor Waddee Thoroughgood.

Mr. Thoroughgood: Good afternoon. I just want to echo, I'm sorry, my name is Waddee Thoroughgood, Pastor Waddee Thoroughgood, the pastor of the New Jerusalem Church of God in Christ located in the Seatack area of Virginia Beach. I am here with the constituents and the community leaders from Seatack and I want to echo Mrs. Rice as far as thanking you all for your consideration during this time and for hearing us. Not only did you hear us, but you understood our plea and our cry. Our desire is to see our community preserved, not just for our children, but for our children's children. So, I just want to tell you all, thank you so much for hearing us and for understanding us. Thank you.

Mr. Alcaraz: Thank you, sir. Okay, Mr. Plumlee.

Mr. Plumlee: I'd like to address this particular issue and I'd like to make the motion for to grant the withdrawal and I want to thank the folks at Seatack Community. I did attend a recent Civic League meeting and I'm very sorry about Elizabeth's passing. I want to thank Tammy for welcoming me there at the meeting, talking to me, exchanging information with me and getting to know more about the mission of the Civic League. This particular project had some complexities to it, and I knew then that it was going to be a type of project that we could see all over the city and we needed to use the opportunity to learn about what this new technology was. I want to thank a lot of members of the Planning Commission who went to see the Dominion location just outside of Richmond to see what that's like, frankly, I didn't think the technology was appropriate after seeing it and hearing about it and the risk of fire there, I thought was unacceptable to put near this community.

It took some patience on both sides for us to learn about this technology and then to get something from this experience rather than just simply a rejection, and so the applicant also put forth a lot of time and effort to try to explain to us what was going on, found the opportunity for us to go and to view this technology and to learn more about it. I think having battery storage for alternative energy purposes is going to be very important to our region, and we're all going to have to learn more about it, but I'm, I'm really happy that this was a learning experience, both about the technology and about the Seatack Community for me. So, I appreciated very much being invited to attend. I will attend more and I thank you for being active and participating in the process. So, thank you.

Mr. Alcaraz: Alright, before the motion, just is there any objection here for withdrawal? Alright, hearing none, I'll take a motion.

Ms. Hippen: I was going to second the motion, but I also wanted to state that I was one of the members who drove up to outskirts of Richmond to visit the battery storage area and being in naval aviation maintenance, of course, my first concerns were whether or not there would be fire damage, okay, explosions, and I learned a lot and I thank the folks that arranged that trip for us and I also thank the applicant for listening to Seatack. Seatack is an extremely historic area. Tammy and all of you folks that are in the Seatack area, I am so sorry for your loss and let's just, you know, keep working on these things. Yes, we do need battery storage. It's just a matter of where we put it.

Mr. Alcaraz: Alright. Thank you. Mr. Plumlee, you were going to start on a motion and then just formalities, I'll go.

Mr. Plumlee: Yeah, I did move to defer this or excuse me to withdraw this item.

Mr. Alcaraz: Alright, Ms. Hippen.

Ms. Hippen: And I second.

Mr. Alcaraz: Thank you.

Madam Clerk: The vote is open. By a vote of nine to zero, item number three has been withdrawn.

	AYE 9	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Anderson				ABS
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris				ABS
Hippen	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

## CONDITIONS

1. When the property is developed, it shall be in substantial conformance with the conceptual site plan entitled "AMERICAN POWER VENTURES – VIRGINIA BEACH BESS PROJECT – SITE PLAN - SHEET C1-1", prepared by Power Engineers, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
2. A Landscape Plan shall be submitted to the Development Services Center of the Department of Planning & Community Development for review and ultimate approval prior to the issuance of a Certificate of Occupancy that is in substantial conformance to the conceptual landscape plan entitled "APV VIRGINIA BEACH ENERGY, LLC – VIRGINIA BEACH ENERGY PROJECT – CONCEPTUAL LAYOUT PLAN, SHEET C3-2", prepared by Power Engineers, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
3. As depicted on the Conceptual Landscape Plan, a 50-foot buffer of existing mature trees and vegetation shall remain on site in the designated areas. Clearing of trees shall be kept to the absolute minimum necessary to operate the battery storage facility.
4. The exterior of the proposed building shall substantially adhere in appearance, size, and materials to the elevations entitled "AMERICAN POWER VENTURES – VIRGINIA BEACH BESS PROJECT – ELECTRICAL EQUIPMENT ELEVATIONS, SHEET SKE-001", prepared by Power Engineers, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
5. When developed, a photometric plan for the exterior portions of the property shall be provided as part of the final site plan submittal. All exterior lighting shall be no



taller than 14 feet in height and all lighting shielded and directed down and inward to the property and away from adjacent properties.

6. The proposed six-foot-tall composite fence shall be in substantial conformance with the fence rendering depicted on page 12 of this Staff Report.
7. When the project ceases to operate, a full site decommissioning shall take place to include the removal and proper disposal of equipment and facilities within 365 days following the date of final operation unless it is extended upon request of and approval by the City Council. The batteries on the site; however, shall be disconnected from the electrical grid and unplugged from any power source at the beginning of the decommissioning process and shall be physically removed from the site within 180 days.

**Virginia Beach Planning Commission  
November 8, 2023, Public Meeting  
Agenda Items # 4**

**Jamila Barnes**

**RECOMMENDED FOR APPROVAL- CONSENT**

Mr. Horsley: Thank you, Mr. Plumlee. Next item on the consent is item number four  
Jamila Barnes, Executive Cove, LLC, conditional use for Tattoo Parlor.

Ms. Barnes: Good morning, how you guys doing? Jamila Barnes. It's Jamila, by the way.

Mr. Horsley: Are the conditions acceptable?

Ms. Barnes: Yes.

Mr. Horsley: Thank you.

Ms. Barnes: Thank you.

Mr. Horsley: Is there any opposition to this application? Seeing none, we've asked  
Commissioner Byler if she would read this into the record.

Ms. Byler: This property is located at 5608 Virginia Beach Boulevard in Suite 505 in a  
small strip center. The applicant is requesting a conditional use permit to  
operate a traditional tattoo parlor in a 1,700 square-foot suite at the  
Executive Cove Center. There have been no letters or calls of opposition.  
There have been several letters of support, including other tenants in the  
strip center. City of Norfolk was reached out to because this is located  
approximately 1.5 miles from the Norfolk border and Norfolk Planning  
Department does not oppose it either. There being no opposition and only  
support, it is appropriate for the consent agenda.

Mr. Horsley: That concludes the consent agenda. So, Mr. Chairman, I move that we  
accept item number two, Matthew A. Galumbeck and James Cromwell, item  
number four, Jamila Barnes, item number seven and eight, Rahsha Batiste,  
Vicinity Holdings and item number nine, Tiffany Luong, move they be  
approved.

Mr. Alcaraz: All right, I have a motion for those consent agenda items to be approved.  
Do I have a second?

Mr. Coston: Second.

Mr. Alcaraz: Second by Mr. Coston. Is there any commissioners want to abstain?  
None? All right.

Madam Clerk: The vote is now open. By a vote of nine to zero, items two, four, seven,  
eight, and nine have been recommended for approval.

	AYE 9	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Anderson				ABS
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris				ABS
Hippen	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

## CONDITIONS

1. A business license for the Tattoo Parlor shall not be issued to the applicant without the approval of the Health Department to ensure compliance with the provisions of Chapter 23-51 of the City Code.
2. The actual application of tattoos shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
3. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar signage installed on the exterior of the building or in any window, or on the doors. Window signage shall not be permitted. A separate sign permit shall be obtained from the Department of Planning & Community Development for the installation of any new signs.

**Virginia Beach Planning Commission  
December 13, 2023, Public Meeting  
Agenda Item # 5**

**Nova Trampoline Park Virginia Beach, LLC**

**RECOMMENDED FOR DEFERRAL**

Mr. Alcaraz: Alright, our next process is for any deferrals. Please come forward if there are any deferrals. Did we not have a deferral?

Madam Clerk: Number five.

Mr. Alcaraz: Is five not here?

Madam Clerk: Yeah, the applicant is not here, but staff would still recommend deferral.

Mr. Alcaraz: Alright, so we have an absent applicant that's asked for a deferral. Are there any comments? If not, is there a motion?

Mr. Horsley: So, moved.

Mr. Alcaraz: Motion by Mr. Horsley.

Mr. Parks: Second.

Mr. Alcaraz: Second by Mr. Parks. Thank you.

Madam Clerk: Mr. Horsley, can you make that motion on your iPad, please? Alright, the vote is now open. By a vote of nine to zero, item number five has been recommended for deferral.

	AYE 9	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Anderson				ABS
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris				ABS
Hippen	AYE			
Horsley	AYE			

Parks	AYE			
Plumlee	AYE			

## CONDITIONS

1. This Conditional Use Permit applies only to the southernmost building (approximately 50,046 square feet) of the Salem Crossing Shopping Center as indicated on the exhibit entitled "Proposed Renovations for Kroger – Training Center," dated April 27, 2023, and prepared by Federal Hill Architect as exhibited to City Council and on file with the Department of Planning & Community Development.
2. The proposed exterior building signage shall comply with the requirements of the Zoning Ordinance for signs.
3. The applicant shall obtain all necessary permits and inspections from the Planning Department/Permit and Inspections Division, Health Department, and Fire Department. The applicant shall obtain a Certificate of Occupancy from the Building Official prior to commencing operation.
4. The facility shall operate only between the hours of 7:00 a.m. and 12:00 a.m. (midnight).
5. "Court Rules for Jumpers" shall be posted within the facility at the main entrance, visible by all who enter the facility, as well as at the entrance of each trampoline court area.
6. All individuals under thirteen (13) years of age shall be accompanied by an adult chaperone.
7. Recreational trampoline-related activities shall be the only type of indoor recreation allowed.
8. The maximum number of individuals within the facility shall not exceed the maximum number as determined by the Fire Marshal.
9. There shall be a minimum of two (2) staff members on Site at all times that are certified for First Aid and Automated External Defibrillator (AED) training.
10. There shall be no sale of alcohol at this location. There shall be no State ABC License associated with this business.

**Virginia Beach Planning Commission  
December 13, 2023, Public Meeting  
Agenda Item # 6**

**Alliena Westleigh**

**RECOMMENDED FOR APPROVAL**

Madam Clerk: Agenda item number six is Alliena Westleigh, a conditional use permit request for a residential kennel at 5205 Shore Drive in District 9.

Mr. Alcaraz: Hello, if you can just come forward, state your name.

Ms. Westleigh: My name is Alliena Westleigh.

Mr. Alcaraz: Just give us a summary of what you're trying to do here.

Ms. Westleigh: Yes, so for this 5205 Shore Drive address, my plan and hope is to get my conditional use permit approved so that I can have my five personal pets on the premises with me and be in the legal confines of the city, which I know this limit is four for a property without the conditional use permit. I do know that having already applied to where I'm currently residing now, and that's the reason why I wanted to put the application in before I move my family into the premises.

Mr. Alcaraz: Any questions for the applicant from the commissioners? Yes, Ms. Hippen.

Ms. Hippen: Just out of curiosity, you've got five dogs. I have one dog and he's too attention seeking for me to have another. So, I say kudos to you for having that many, but how big are these dogs?

Ms. Westleigh: So, my largest dog is 80 pounds, and he is full grown, that is the largest dog that I have. I have three females that range between 40 and 53 pounds and then I have the smallest being 18 pounds. He's a multi poo, that's my mom's companion dog. It's because of her that I need this permit, because she's moving with me, and her dog will be coming with her as well. All of them, like I said, they are personal dogs. Their ages range from 2 to 11.

Ms. Hippen: Okay and so you're not like fostering anymore?

Ms. Westleigh: No. So, with the property, and I know that's not in question today, with the 4512 property that I petitioned, I put the application in 2021, and it was

voted on in 2022. It was approved in February that year. That was when I was doing rescue work. So, I had my five personal dogs, and then I had four additional rescue dogs. They were not my personal dogs. They were being adopted out. They needed rehabilitation first. I put them through training. I am a certified trainer. I've gone to college for it. So, I was working with them and their behavioral issues that either could get corrected and they found new homes or was not corrected, and unfortunately, due to medical issues, they did have to be euthanized, which happened to one of the dogs. This year, I was found in violation of that conditional use permit. I was found in violation because my co-founder of the rescue that we started decided it was too much emotionally. She left. We lost our foster. So, the two dogs were placed in my home at the same time that I was going through legal issues with my father, who is the co-owner of the property that I'm at right now. Him and my mother are divorcing. So, it created a whole another scenario to where animal control was called, CPS was called, APS was called, the police department was called. It was a lot and all of it happened at the same time at the end of August, the beginning of September. Those two dogs have been transferred to another rescue. My rescue has been closed. I will not be doing rescue work. My business, which is separate, which is why the original conditional use permit that went in said 20 dogs was because I already had it created for when I find a location that's either an agricultural or in the B district so that I can do my training on site somewhere, that was already created. So, I just submitted that in because I wanted to be on the agenda so that I could be heard so that by time I moved into this property in January, my conditional use was approved, and I was already had everything I needed in place for that. I did put out a polling in the neighborhood asking, what their thoughts were if I did boarding or if I did training from my home and just changed my business license to include residential premises versus a facility because currently my business license covers me going to clients to train their dogs at their homes. I don't do any work at my personal home. The community was largely against it. So, when Miss Michaela reached out to me and said that their committee would say no for the commercial, but I could go forward with the residential, that's what I wanted anyways. So, I'm just like let's, yes, I want my five dogs, please. Let's move forward with the residential. I didn't want to postpone that any further. Because like I said, I'm hoping to have the handicapped renovations to this property done this month so that we can move in next month after the next hearing.

Ms. Hippen: Thank you for clarifying that for us. I appreciate it.

Mr. Alcaraz: Any other questions? Ms. Byler?

Ms. Byler: So, I understand that you were found in violation earlier this year. How many dogs do you have right now?

Ms. Westleigh: I have five dogs. At the time of the violation, I apologize for interrupting, at the time of the violation, the original nine that I requested in 2021 approved in 2022. I still had six of those dogs on the day of the violation. I had eight dogs on the premises. The two dogs that were not supposed to be there were fostered out the very next week. It took me that long to find a foster and the sixth dog was adopted out three months ago. So, my last information to the tag, the animal tags licensing department does have just the five dogs that I'm requesting now.

Ms. Byler: So, I'm interested to know because you told me the age of your dog's goes up to age 11 and you need this conditional use permit in order to have your mother's dog in your four. So, if you were to lose one of those five dogs, then you would be in compliance without the conditional use permit, would you be willing to give up the conditional use permit at that time and to only have it as long as you have the current five dogs, but then not add it? I don't even know if that could be done, but if it could be done, would you be willing to do that?

Ms. Westleigh: If that is an imposed upon condition on me, then I will say yes, because I want to have my five dogs. However, that was the same condition on the other property, whereas the dogs left, the dog cannot be replaced, cannot be added in again, and at the time, currently where I'm at in my life right now, I'm not doing rescue work, I'm not doing foster work. I don't want to add another dog. I can't say I'll have that same feeling when Lucy or Pickles or Little Mama Mars or Bunny pass away that I won't want to replace that dog. Five's a number that I enjoy. They're just because of the, the love that they give me and that I can provide for them.

Mr. Byler: Well, I hear that, and I understand that you're attached to these because they're your personal ones, but I also feel for your neighbors who have vocalized concern and I'd like to see you in compliance with the neighbors and all the rules that they have to comply with, which is four dogs. So, I'd like to see you at four and I wonder if you'd be willing to say when you lose



one of these five, then you would not get a fifth one and you would stay four under?

Ms. Westleigh: If that makes the Council members happy, then yes, I will say that.

Ms. Byler: Thank you.

Mr. Alcaraz: Any other questions? Mr. Plumlee?

Mr. Plumlee: Very quickly, are you -- you are not in any sort of dog breeding business or anything of that nature?

Ms. Westleigh: No, sir. All of my dogs are rescues. All of my dogs are spayed and neutered. All of my dogs are current on their vaccinations. I actually had a letter from my vet submitted as well, showing the care of my animals.

Mr. Plumlee: Thank you. Are you part of any rescue organization?

Ms. Westleigh: Currently no, I am a desensitization trainer for several rescues. However, that is not onsite training. I go to their facilities where they're boarding their dogs and I work with them at their locations.

Mr. Plumlee: But you're not recognized as taking dogs from any facilities in the area as part of their mission?

Ms. Westleigh: No, sir.

Mr. Plumlee: Thank you.

Mr. Alcaraz: Any other questions? Ms. Wilson, what Ms. Byler's asking, how do you word that on a -- is it timed use permit?

Ms. Wilson: I have a question, I read that there's a condition on many of the residential kennels. So why am I able to ask, answer how exactly we do that?

Mr. Coston: We can use the similar conditions that we applied to her previous property that at the time of passing up one of her dogs that she cannot replace them to no more than four?

Mr. Alcaraz: Okay.

Mr. Coston: So, we can modify that condition.

Mr. Alcaraz: All right, are there any speakers? There are, okay, just have a seat and we'll call you back up for rebuttal.

Madam Clerk: Calling Deborah Parker. She's via WebEx.

Mr. Alcaraz: Thank you. Ms. Parker, you there.

Ms. Parker: Good afternoon members of the City Council. I'm opposed to her having this kennel in the lake shores community. We bought in this residential community like others in the neighborhood. We didn't buy in a business commercial district. You know, everyone buys their dream home, and they don't want to have a business, i.e., a kennel across the street. There were sections of the neighborhood that she could have bought in that are designated for this type of, such as for different usages, manufacturing you have in one section of the city, retail office buildings, residential and commercial properties are not combined and that's for a reason. The noise and the traffic versus the peace and the quiet we bought in the community for the peace and quiet. So, we're concerned about the noise. Commercial real estate is best located where there's high density traffic. So residential real estate is zoned away from the dangerous traffic and noise where people typically desire the quiet use of their property and to allow their children to play in the yard. We don't want the noise, the smell, et cetera from this property owner. I have questions as far as she said, she has four dogs. Are they spayed? Are they neutered? What is going to stop one of them from getting the females to get pregnant, which is going to add another dog on the property? So, what will she do at that point in time if that occurs? Also are you going to inspect the property? Is it going to be inspected to us, you know, on how many dogs she has? So those are my questions. I'm just concerned really about the upkeep. There is a lot of upkeep that goes along with having five animals even four, the property, you know, there's shots, there's the pickup, the feces, there's the barking, there's things like that that go with having all these animals and I know the city of Virginia Beach on section 23-63 does have an excessive noise or sound as a serious hazard to the public health welfare and peace and safety and the quality of life. So, we are concerned about that. There are sound levels too that go along with this as far as having these animals, there's a nighttime sound level and a daytime, and that is section 23.69.

Mr. Alcaraz: Alright Ms. Parker, thank you. I got to ask, you've extended your time here, and I just need to ask any commissioners that have any questions for you. None. Where -- what is your address? Where do you live close by? Ms. Parker? Did you cut her off? Okay.

Madam Clerk: She's at 5205 Turn Drive, Turn Road. You see Turn Road at the bottom there. She's just on the other side of that.

Mr. Alcaraz: She's adjacent?

Madam Clerk: No, she's in the next block, so on the south side of Turn Drive.

Mr. Alcaraz: Okay. Any other speakers? All right, if you can come forward again, if you could answer some of those or rebut what she said, and then I have some commissioners might ask some more questions for you.

Ms. Westleigh: I think the easiest one to address is all of my dogs are spayed and neutered. There's no chance of any of them getting pregnant or procreating. The next question that I think I heard she mentioned was the -- the kennel for a commercial area. I want a residential because I'm living there. My family is living there. My mother, my son, my husband, myself will be residing on the property. For the noise levels, I'm very well with the noise levels and ordinances are in Virginia Beach and because of that, because of when I went through it before, I wanted to ensure that my neighbors were happy. I actually do have decibel meters that I monitor regularly to make sure that I'm well within the ordinance and that I'm not exceeding it. Another thing that I do and that I will continue to do is when my dogs are in the yard, unless I have to quickly run to the restroom, they're going to have supervision while they're in the yard, that's just for their safety as well as my neighbor's. I know that I did speak to the individual that's right next to me on Shore Drive. Their family stated that they were okay with this, and they didn't have a problem with it. They've met a couple of my dogs actually and then; I believe that the individual that lives right behind me that would be on Jack Frost in the corner of Turn Road submitted an email stating that he was also for this. I did try and reach the neighbors that I guess would be touching the back corner of the property which would be on Turn. Every time I've gone by there, they're not there. However, I'm more than happy to give my numbers to the neighbors. If there's any an issue with any of my dogs, I'd like to answer it immediately when it happens, and I don't feel that

sound issue is going to be a problem considering that I monitor my dogs very regularly to make sure that they're not barking in a nuisance.

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

Mr. Plumlee: Just a couple of follow up. So, you indicated your mother lives with you and that's why you have this additional dog?

Ms. Westleigh: Yes. Pickles is her dog.

Mr. Plumlee: Okay. So, if your mother moves away, would you also give up the condition? In other words--

Ms. Westleigh: Then the fifth dog would be gone, so I'd be down to four.

Mr. Plumlee: If the fifth dog's gone, so that could be part of, in other words, we could tie that specifically, you know, circumstances arise which may make that difficult if your mom can't move to a place that'll accept a dog or something like that, but if you accept that as a condition, I think that would help with the neighbor's concerns also.

Ms. Westleigh: That if my mother moves, or if she moves.

Mr. Plumlee: If she moves, then the dog goes with.

Ms. Westleigh: So, I don't think I would agree with that condition considering that if my mom does move, she's probably going into a hospice home and unfortunately, I do believe that her dog is going to outlive her and I don't think at that point I would be able to separate from Pickles due to the emotional attachment that he had with my mother.

Mr. Plumlee: But your representation is she lives with you today and that's why you have the dog?

Ms. Westleigh: Yes, she's handicapped. She is under full time care. So that's why I said if she left the property, I don't think that she would be able to take the dog with her. The dog is hers, so I apologize if there is confusion. I maintain the veterinary bills for the dog. I maintain the shots for the dogs, the care for the dog, but it's her companion. I didn't mean to confuse that.

Mr. Alcaraz: Thank you. Ms. Wilson. Oh, you good? Anybody else? All right. Ms. Byler, did you want to make a motion with your, I guess?

Ms. Byler: Thank you, Mr. Chair. I'd like to make a motion that the application be approved with the additional condition that if for any reason, one of the five dogs leaves the home, that another one not be brought in, and that she then become in compliance with the ordinary regulations and that she gives up the conditional use permit.

Mr. Plumlee: Second.

Mr. Alcaraz: All right. I have a motion from Ms. Byler, second by Ms. Plumlee. Ms. Wilson, does that sound right? Thank you.

Madam Clerk: Can you please make that motion on your iPad?

Mr. Alcaraz: Can you repeat it again?

Ms. Byler: I make a motion that the application be approved with the additional condition that if for any reason one of the five dogs leaves the home that she become compliant with the current regulations and she gives up the conditional use permit so that she may not bring a fifth dog back.

Ms. Westleigh: May I ask a question?

Mr. Alcaraz: No, we're in voting. Sorry.

Madam Clerk: The vote is open. By a vote of nine to zero, agenda item number six has been recommended for approval.

Mr. Alcaraz: We voted for that with the revision. Is there a question?

Ms. Westleigh: The question would just be, that doesn't stop me from in the future down the road if I have no dogs to reapply for an application, does it? Or is this like a permanent I can't reapply in the future period?

Mr. Alcaraz: Can she apply again? Yes.

Ms. Westleigh: Okay. Thank you.

	AYE 9	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Anderson				ABS
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris				ABS
Hippen	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

## CONDITIONS

1. The Conditional Use Permit shall be limited to a maximum of five (5) adult dogs. At any such time if any of the dogs covered by this Conditional Use Permit are removed from this property for any reason, no other dog(s) of any kind, gender, age, or breed shall be permitted on the property to replace the dog(s). The applicant may keep up to four dogs as allowed by the Zoning Ordinance without a Conditional Use Permit.
2. All animal waste from the dogs shall be collected and disposed of in a lawful manner on a weekly basis.
3. The applicant shall ensure that all dogs are properly vaccinated and immunized and are licensed through the City of Virginia Beach.
4. There shall be no breeding of dogs on the site.
5. Day Care, Training, and Boarding services for monetary consumption are not permitted on this site.
6. No more than four (4) dogs shall be permitted to be outdoors at one time and the dogs shall remain under the supervision of the caretaker at all times and shall not be a nuisance to any other property owners or residents.

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

**Rahsha Baptiste**

**RECOMMENDED FOR APPROVAL- CONSENT**

Mr. Horsley: Thank you, Ms. Byler. Next item on the consent agenda, item number seven and eight, Rahsha Batiste, Vicinity Holdings LLC, rezoning from O-2 to B-2. I'm sure I messed up your name.

Ms. Batiste: It's okay. My name is Rahsha Batiste, and I definitely accept terms and conditions.

Mr. Horsley: Okay. Are the conditions acceptable?

Ms. Batiste: Yes.

Mr. Horsley: Okay. Is there any opposition to this application? Hearing none, we've asked, thank you ma'am, asked Commissioner Parks if he'd read this into the record.

Mr. Parks: Thank you. The applicant is requesting to rezone a property at 3396 Holland Road from O-2 Office District to B-2 Community Business, as well as a conditional use permit for tattoo parlor specifically for the application of permanent makeup. The applicant desires to rezone this property in order to operate a beauty spa within two of the existing suites. Services will be facial treatments and permanent makeup on Monday through Saturday between 10 a.m. and 6 p.m. There's no known opposition in five letters of support and knowing that that's why we've recommended it be placed on the consent agenda.

Mr. Alcaraz: All right, I have a motion for those consent agenda items to be approved. Do I have a second?

Mr. Coston: Second.

Mr. Alcaraz: Second by Mr. Coston. Is there any commissioners want to abstain? None? All right.

Madam Clerk: The vote is now open. By a vote of nine to zero, items two, four, seven, eight, and nine have been recommended for approval.

	AYE 9	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Anderson				ABS
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris				ABS
Hippen	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

## CONDITIONS

1. A business license for the Tattoo Parlor shall not be issued to the applicant without the approval of the Health Department to ensure compliance with the provisions of Chapter 23-51 of the City Code.
2. This Conditional Use Permit for a Tattoo Parlor shall be limited to the application of permanent makeup. No other form of tattooing shall be permitted.
3. The actual application of permanent makeup shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
4. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar signage installed on the exterior of the building or in any window, or on the doors. Window signage shall not be permitted. A separate sign permit shall be obtained from the Department of Planning & Community Development for the installation of any new signs.



**Virginia Beach Planning Commission  
November 8, 2023, Public Meeting  
Agenda Item # 9**

**Tiffany Luong**

**RECOMMENDED FOR APPROVAL- CONSENT**

Mr. Horsley: Thank you, Mr. Parks. The last item on the consent agenda is item number nine, Tiffany Luong, Chambord Commons, LLC. Conditional use permit for tattoo parlor.

Ms. Luong: Hello everyone, my name's Tiffany. I accept all the term and conditions.

Mr. Horsley: You accept the conditions?

Ms. Luong: Yes.

Mr. Horsley: Okay. Is there any opposition to this application? Seeing none, we've asked, thank you, Mr. Plumlee if he would read this into the record.

Mr. Plumlee: The applicant is requesting a conditional use permit to operate a tattoo parlor for application of permanent makeup known as microblading within an existing beauty salon in the existing shopping center. It's located along the North Great Neck Road area, property zoned B-2. This has been recommended by our excellent staff for approval. There is no opposition to it and therefore, the Planning Commission appropriately placed it on the consent agenda.

Mr. Horsley: Thank you, Mr. Plumlee. That concludes the consent agenda. So, Mr. Chairman, I move that we accept item number two, Matthew A. Galumbeck and James Cromwell, item number four, Jamila Barnes, item number seven and eight, Rahsha Batiste, Vicinity Holdings and item number nine, Tiffany Luong, move they be approved.

Mr. Alcaraz: All right, I have a motion for those consent agenda items to be approved. Do I have a second?

Mr. Coston: Second.

Mr. Alcaraz: Second by Mr. Coston. Is there any commissioners want to abstain? None? All right.

Madam Clerk: The vote is now open. By a vote of nine to zero, items two, four, seven, eight, and nine have been recommended for approval.

	AYE 9	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Anderson				ABS
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris				ABS
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Horsley	AYE			
Parks	AYE			
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