

## Planning Meeting - 11\_08\_2023

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Mr. Alcaraz: Welcome to the formal session of the Planning Commission for the November 8th. At this time, I'd like to ask for the prayer, Ms. Byler and stand for the pledge.

Ms. Byler: We look to the heavens to give thanks and to ask for divine guidance, painfully aware of those who are today living with the threat of harm. We thank you for our abundant blessings in this beautiful city. The blessing to live safely in our Virginia Beach communities and to enjoy the natural beauty of our oceans, rivers and forest. Knowing that their strength and diversity, I pray that we will have open minds to receive different opinions and to treat each other respectfully. Thank you for wisdom to move forward, 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: All right. Thank you. At this time, I'd like to have our staff starting with our legal help over here. Ms. Wilson to introduce themselves and we'll go down the line and end up with the planning department.

Ms. Wilson: I'm Kay Wilson. I'm the deputy city attorney for land use, and I represent the Planning Commission.

Ms. Hippen: I'm Susan Hippen, and I represent City District seven.

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

Mr. Horsley: My name is Don Horsley. I'm at-large representative.

Mr. Alcaraz: George Alcaraz, District five.

Ms. Cuellar: Holly Cuellar, District eight.

Ms. Byler: Kathryn Byler, District four, generally the town center area and around there.

Mr. Plumlee: Bryan Plumlee, District six.

Mr. Parks: William Parks, District 10.

Ms. Alcock: Caitlyn Alcock, Planning Administrator. Clerking to my left, we have Madison Eichholz and Michaela McKinney. With our planning staff, we have Planning Director Kathy Warren, Hoa Dao, Marchelle Coleman, and Gary Hannigan. Also with our IT support, we have Tiffany Garner Smith.

Mr. Alcaraz: All right, great. Thank you. Now, if I can ask for Madam Clerk to say the guidelines for us so everyone can abide by them, please.

Madam Clerk: 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. We request that all cell phones be put on silent during this meeting. This is an abbreviated explanation of the rules. The complete set of rules is located in the front of the Planning Commission agenda. Following is the order of business for this public hearing, withdrawals and deferrals. The chairman will ask if there are any requests to withdraw or defer an item on the agenda. Considerations of these requests will be made first. Consent agenda, the second order of business is the consideration of the consent agenda, which are those items 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. When an agenda item has been called, we will recognize the applicant or their representative first. Following the applicant or their 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. If a speaker does not respond or if a technical issue occurs, which renders the comments unintelligible, we will move on to the next speaker or the next order of business. Please note that the actions taken by the Commission today are in the form of a recommendation to the City of Virginia Beach City Council, and the final decision to approve or disapprove an application will be made by the City Council. The Commission thanks you for your attendance, and we hope that your experience here today leaves you feeling that you have been heard and treated fairly. Thank you.

Mr. Alcaraz: Thank you. Before we start, I just want to say again, it's a courtesy that we're giving you to come forward to us and we will, we want you to know, we will respect you. Again, there's no individual, personal comments that will be given to us, the staff or the commissioners, but then I ask also that the commissioners do the same. This is a respectful forum and we're going to keep it that way. Okay. Thank you. So the first thing we got to do is on this is asked for, are there any withdrawals? All right. We have none. Are there any deferrals? Just state your name and which agenda item you're talking about.

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Mr. Romine: Good afternoon, Chairman Alcaraz, Steve Romine, agenda item number six, request an indefinite deferral.

Mr. Alcaraz: Okay. I think we have some speakers here, sir. So we're going to go ahead and hear it for them.

Mr. Romine: That's fine.

Mr. Alcaraz: Again, for courtesy.

Mr. Romine: That's fine. Do you want me to address you at that time as well or just standby for questions?

Mr. Alcaraz: Yeah, we'll give you a chance. Thank you.

Mr. Romine: Okay. Thank you.

**Virginia Beach Planning Commission  
November 8, 2023, Public Meeting  
Agenda Item # 1**

**City of Virginia Beach**

**RECOMMENDED FOR APPROVAL- CONSENT**

Mr. Horsley: Thank you, Mr Chairman. I think we have four items on the consent agenda today. First item is the City of Virginia Beach and ordinance to amend section 1804 of the city zoning ordinance pertaining to discretionary development applications. I don't think Kevin Kemp is here but Kathy Warren will address that from her staff. Kathy?

Ms. Warren: Good afternoon Mr. Chairman, Vice Chairman, Commissioners. I'm Kathy Warren, the Director of Planning and Community Development. As you are aware, there is a more detailed presentation this morning at the informal session, but we wanted to highlight some of the details of this proposal. So why the change? Properties are permitted to develop by right, utilizing zoning in place prior to adoption of the AICUZ in December of 2005. Maximum density set by underlying zoning district. Density for discretionary development or a conditional rezoning in the AICUZ is currently limited by the actual number of units existing on the property at the time, the application is submitted, not the previously authorized dwelling units of the zoning district. In effect, property owners and developers prefer to build by rate development to get the maximum density allowed, which disincentivizes for rezoning of parcels to mixed use development or other development patterns that may be more desirable in accordance with the Comprehensive Plan. So this proposal will define previously authorized dwelling units as residential uses currently permitted or approved prior to December 1, 2005 as a matter of right, subject to a conditional use permit, or subject to any prior City Council approval. It will allow City Council to consider discretionary application or modification that would allow the previously authorized dwelling units to be changed in form and/or relocated. The incorporation of additional land or the introduction of compatible uses as per section 1804. There will be an allowance subject to the following. No previously authorized dwelling units shall be relocated into a higher noise zone or into an accident potential zone or clear zone, and previously authorized dwelling units that are affected or change by the proposed discretionary action shall be reduced by five percent. No actions taken shall be allowed to take the additional bonus density of the city's zoning ordinance, article 21, the workforce housing, and then nothing in this

amendment shall require the reduction of previously authorized dwelling units for discretionary actions that shift previously authorized dwelling units into a lower noise zone, but only for those previously authorized dwelling units that are actually moved, not the entire development, or modify conditions or proffers where the number of previously authorized dwelling units are not increased. The site layout or building design is modified and no additional uses are proposed or it is determined by the zoning administrator to be redevelopment and meets the criteria as set forth in section 1804 (d) of this ordinance.

Madam Clerk: Excuse me, Vice Chair. We did have one speaker in support of item one before we take the vote.

Mr. Horsley: Okay.

Madam Clerk: Mark Rosenfield.

Mr. Rosenfield: Good afternoon, Mr. Chairman, Vice Chairman, and members of the Planning Commission. Mark Rosenfield, Executive Vice President with McCleskey Developer here in Virginia Beach. We're located at 2859 Virginia Beach Boulevard, Suite 106 in Virginia Beach, Virginia 23452 and we support the adoption of this proposed ordinance change to allow projects flexibility in land planning while maintaining the spirit of the relationship with the Navy to limit base encroachment. This language modification enables us to design projects that are current, modern, and of quality. So, thank you.

Mr. Horsley: Thank you, sir. So, we have four items to be placed, make a motion that we approve the item number one City of Virginia Beach, item number two City of Virginia Beach, item number five Ruffin 86 LLC and item number seven Anna Costello-Lora Windsor Oaks West Parcel 3.

Mr. Alcaraz: All right. Thank you Mr. Vice Chair. We have a motion. Do I have a second?

Mr. Parks: Yes, second.

Mr. Alcaraz: Second by Mr. Parks.

Madam Clerk:        Mr. Horsley, can you make that motion on your iPad? Thank you,  
Mr. Parks. All right, the vote is now open. By a vote of eight to zero, items  
number one, two, five, and seven have been recommended for approval.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Anderson				ABS
Byler	AYE			
Clemons	AYE			
Coston				ABS
Cuellar	AYE			
Estaris				ABS
Hippen	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

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

**City of Virginia Beach**

**RECOMMENDED FOR APPROVAL- CONSENT**

Mr. Horsley: Thank you Kathy. Is there any opposition to this amendment? All right, thank you. The next item on that consent agenda is the City of Virginia Beach, an ordinance to add sections 237 and 901 of the City Zoning Ordinance pertaining to the use of many warehouses in B-4C zoning district. Garrick from the staff is going to address this.

Mr. Hannigan: Hi, good afternoon commissioners. Garrick Hannigan in the zoning administration division, item two is an ordinance to amend section 237 and 901 of the City Zoning Ordinance and that pertains to the use of mini-warehouses within the B-4C District. The purpose of this amendment is to permit this use with a conditional use permit and additionally an acknowledgement of the urban forms that are desired within the Pembroke strategic growth area. The amendment would add additional form standards to that mini-warehouse use. So this amendment will require mini-warehouses to be contained on the upper floors of a mixed use building, which feature a minimum of one additional use that is unrelated to that mini-warehouse. The mixed use building housing the mini-warehouses will be subject to the same side criterias, any other development within the B-4C district, and in keeping with the environment envisioned by that Pembroke SGA. So with that staff recommends approval of this ordinance as it expands the uses available to developers within the Pembroke SGA while also ensuring that development of mini-warehouses is consistent with the visions of the overall urban core of the city.

Mr. Horsley: Thank you, sir. So, we have four items to be placed, make a motion that we approve the item number one City of Virginia Beach, item number two City of Virginia Beach, item number five Ruffin 86 LLC and item number seven Anna Costello-Lora Windsor Oaks West Parcel 3.

Mr. Alcaraz: All right. Thank you Mr. Vice Chair. We have a motion. Do I have a second?

Mr. Parks: Yes, second.

Mr. Alcaraz: Second by Mr. Parks.

Madam Clerk: Mr. Horsley, can you make that motion on your iPad? Thank you, Mr. Parks. All right, the vote is now open. By a vote of eight to zero, items number one, two, five, and seven have been recommended for approval.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Anderson				ABS
Byler	AYE			
Clemons	AYE			
Coston				ABS
Cuellar	AYE			
Estaris				ABS
Hippen	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			



**Virginia Beach Planning Commission  
November 8, 2023, Public Meeting  
Agenda Item # 3**

**Michael D. Sifen, Inc**

**RECOMMENDED FOR APPROVAL**

Madam Clerk: Agenda item number three. Michael D. Sifen is an application for a conditional rezoning AG-1 and AG-2 agricultural districts, two conditional R-10 residential district at 2000 and 2004 Princess Anne Road in District two.

Mr. Bourdon: Mr. Chairman, for the record, Eddie Bourdon, Virginia Beach Attorney representing Michael D. Sifen, Inc and Robert White Jr. and his family on this conditional rezoning application. The project involves a 38-acre farm that's been in the White family for many, many, many decades. The proposal, I'm going to thank Dao and the entire staff, we've been working on this for over a year, well over a year, primarily on stormwater, which has been through all of the models and can meet the requirements of our current ordinance. This is a 38 lot proposed development on 38 acres. Of which, 24 will be open space of one type or another and I know this was on the consent agenda. So I'll just address a couple of the items that Hoa did a good job of discussing this morning. The first is the idea of having two points of access and as you can see, that's really it isn't feasible. The property, we have Ashville Park to our south, as well as a single family residence on Princess Anne Road, into the north will be the Vanguard Landing Development and Vanguard Landing is not going to be, they'll have some small plots for the residents to garden, but it's not the type of agricultural operation, and most of it will be back where we're reforesting the eastern part of this property, but it's not the type of agriculture operation that involves large equipment and dust and noise, the industrial type of farming operation. So that variance along there to the 50 foot buffer to a 20 foot buffer, we believe is more than warranted. The access issue; however, there's no way to have a second access on Princess Anne Road. What we have agreed to do and it's shown on the plans is put a median for the entirety of the entrance so that you've got two separate sections of roadway in and out. So if there's an accident on, you won't be blocking the entire access way. So that's the best we could do to deal with that and it's the 38 unit, single family development. You all have been provided with a copy of a slightly revised plan. I want to explain that. We had a community meeting that we've notified all the people who had joined the property and the folks across the Sherwood Lakes as well and the two residents of Heritage Park

who border the eastern end of the property, and we had no one from Ashville Park came. I've spoken to the representative for Home Fed, who is in-charge of the whole development in there every day and he has spoken with the president of Ashville Park. Home Owner Association, they meet later next week. The president thinks it's a good idea to extend and connect to their path, that you all have seen and my clients perfectly willing to do that. They will be taking this up and determining whether they want to do it and want us to do it and whether they're willing to give a temporary construction easement to connect to their path. If that does happen, which we think it's going to happen, then we will be submitting the revised plan that shows that additional path running along the southern side of the reforested area, the 8.8 acres that will be reforesting and that will help with stormwater, too. By the way, it's a big help for stormwater to have that forested area out there rather than of agricultural field and that will happen before we get to City Council. If Ashville Park does wish to have the connection, which we believe makes sense, as I think you all are aware, there'll be a four-way intersection now with not away and with the entrance of this neighborhood with crosswalks. There already is the multipurpose trail on the Sherwood Lakeside of Princess Anne Road, going up to the big park that the city is going to be developing at the north end of that lake and we're obviously putting the same trail in the 150 foot transition area buffer in front of our property, which will connect through to the vanguard. One that they'll be putting in and then Munden Farm, which already has theirs so that there will be, as Mr. Kemp said this morning, a lot of opportunities as things progress for people to get around on bikes without actually going out on Princess Anne Road and there will be bike path in Princess Anne Road as I understand it as well, but that's the reason for that new plan. Nothing of any other substance changed whatsoever with that, with that plan. This is a proffered rezoning and as you know, it's been recommended for approval by the TA/ITA Committee and nothing is being built as far as any structures at all in the noise zone. It's all outside of the 65 to 70 DBN. I will be happy to answer any questions.

Mr. Alcaraz: Any questions? I will call you. I think we have one.

Madam Clerk: We have one speaker via WebEx. Bobby Wood.

Ms. Wood: My name is Bobby wood. I live at 2008 [Inaudible 23:16] Drive and have a property that here in Ashville park that is actually backs up to the property in question for rezoning. Our speaker that we actually had a spokesperson,

he's a military fighter pilot and he obviously was called away, he has a list of signatures of those of us that line that property in opposition. Also, I would like to say that we just stumped. There was no notification of any meeting given to any of us, be on our door, in our mailbox, or through any channels for us to know about a previous meeting where the Ashville park residents were invited in order to have an opportunity to speak regarding this rezoning. This is the first I've heard of it right now. John Cole lives directly the Ashville Park present lives directly across the street from me, and we speak every single time we see each other outside. I will say that my husband and I, my husband grew up in the country and, it has always been our dream when he retired after 25 years in the military to come out here to Pungo area and build our dream forever home and we chose this lot carefully. As a realtor, I probably was my [Inaudible 24:44] and I probably seen 50-75 homes before we decided on building and chose this lot specifically because of it backing up to the agricultural property as have all the other individuals that are lining that property and have, you know, chose that property specifically because we see what we look out in our backyards. We have fences that are raw iron so as to not infringe on the property view so that we can see straight out through over it, whether it's soybean or corn or whatever it may be. So I really don't like the idea of having someone's backyard with any type of, you know, fencing backed up to my back property and that's what I'm looking at for my forever home when that's not what I chose, not what I paid for. So, also the BMP that is slated to go in according to that proposal backs up against the back of my property and there's already a ditch behind my property. So, you know, we're looking at, you know, the possibility I lived through the flooding here, so I built here. So I've been here for a while and I lived through the [Inaudible 26:05] Ashville Park and a lot of that was because of the BMP construction at the time and this one here backs up to the majority of the homes and I'm not a fan of that either. So definitely opposition, I wish that my neighbor was able to have made it. I don't know what kept him from making it there today, but he has the signatures.

Madam Clerk: That was her three minutes.

Mr. Alcaraz: That was three minutes. Eddie, just want to make sure I see some more people. Is there any other speakers? Okay, just making sure Eddie.

Mr. Bourdon: All right. So hopefully the speakers tuned in, I do not know there are only six houses that back up to where we have lots and just to be clear, the

Ashville Park Homeowners Association has a 50 foot strip of land behind all of the homes in Ashville Park that abut this property and we're providing a 30 foot buffer on this property again will be owned by the Home Owners Association, not the residents and there the fence, the wrought iron fence that is up on the boundary between the properties will be the only fence. Now, whether someone on one of these lots that face south chooses to put a fence on their property or not, we don't know. We don't expect that that will happen, but there will be 80 feet of property owned by the two associations between the back property line of anyone whose house, the back of the house faces north towards these homes and the same is true only to a greater extent with anybody who faces the BMP. There is a much wider buffer. There is a path and then there's a BMP, a wet pond before you see a path on the other side of the wet pond and then the people's back property line. So we're not abutting directly anybody in Ashville Parks back property line at the minimum width and distance is 80 feet from property line to property line with landscaping and a trail on our property in between. We have trails going down both the strips behind all the houses to connect to the multipurpose trail in the 150 foot. Actually, multipurpose trails in the 50 foot dedicated public right away after we cross 150 foot open space transition area buffer along Princess Anne Road so that's best I can do for that. As in the notices went out to all of the homeowners owners whose properties abut this development in Ashville Park, Heritage Park. Heritage Park, you know, came and then also to the people on Locksley Arch are not away. I don't know which is called on the entrance to Sherwood Lakes. Happy to answer any questions?

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

Mr. Plumlee: Is the BMP plan to be a public BMP or private?

Mr. Bourdon: Well, it will be a public impoundment easement, but the ownership stays with the association.

Mr. Plumlee: So long term maintenance remains with the association?

Mr. Bourdon: The maintenance, yes the impoundment; however, it's shared. I will just put it that way, it's shared between the property owner association and the City of Virginia Beach. That's the way it is.

Mr. Plumlee: So the city will have access if necessary to make improvements to the BMP to prevent there from being any kind of unnecessary problem?

Mr. Bourdon: Correct, that's the way they're all done at this point.

Mr. Plumlee: And the reforested passive open space as part of this plan that will be preserved?

Mr. Bourdon: Yes, that's correct.

Mr. Plumlee: That's locked down.

Mr. Bourdon: Yes, that's 100 percent.

Mr. Plumlee: The reforested area is locked down.

Mr. Bourdon: That is 100 percent correct and that will be owned by the Home Owner Association, but it has, it's proffered that it has to be reforested and just to be clear, it'll do it naturally. We're going to put some seedlings and all down but we are not going to be planting a bunch of big trees out there. It'll happen, you know, over time.

Mr. Plumlee: And one last question, the buffer behind the house of the person that just spoke a few minutes ago, that you indicate is a 50-foot buffer?

Mr. Bourdon: On the Ashville Park side.

Mr. Plumlee: On the Ashville Park side only.

Mr. Bourdon: If you see their Ashville Park owns a strip of land and I believe it is 50 feet. It's either 40 or 50. I think it's 50. That's my recollection. That's behind all of the homes in Ashville Park.

Mr. Plumlee: Yeah, I see where the property line ends and I was just curious to know if that also is going to be undevelopable, blocked off.

Mr. Bourdon: That's a part of the Ashville Park.

Mr. Plumlee: I'm getting nods behind you, yeah.

Mr. Bourdon: Yes, it's open space under the Ashville Park development plan.

Mr. Plumlee: And is it currently forested, do you know?

Mr. Bourdon: There is vegetation in it, it's not like a complete, you know, like some of the things you see along Great Neck, North Great Neck Road, where it's just, you know, blocks all.

Mr. Plumlee: But that maintenance and care will be the obligation of the association?

Mr. Bourdon: That is the application of Ashville Parks Association that the buffer on our side is on--

Mr. Plumlee: I see. Thank you.

Mr. Bourdon: There is two different associations.

Mr. Plumlee: Okay. So she can go to her association and say this needs to be improved and make efforts to increase the vegetation in that buffer?

Mr. Bourdon: If they believe the view looking our buffer and at the lake and then the houses is, you know, deleterious, then they can put more trees up there if they wish.

Mr. Plumlee: Thank you.

Mr. Alcaraz: All right. Any other questions? None. All right. So I'll close it now. If I can get any additional comments and if none, if I can get a motion, please? Mr. Plumlee?

Mr. Plumlee: I don't have a lot of comments other than, you know, in this district we're looking at an entirety, if you look at the city's statistics, it comes to something of like 93 percent is either open space AG or under preservation. There's a very small percentage of single family housing and as we know, we need an inventory of single family housing. It's very slow. We spent a year or they have spent a year going through the process. So I would like to make a motion in support of this project.

Mr. Alcaraz: I have a motion by Mr. Plumlee. Mr. Horsley, do you have something to say?

Mr. Clemons: I'll second it.

Mr. Horsley: Yes, I'll just make a comment that this AG land is in the transition area and it's the proper density in the transition area, that's the reason we knew that this would not remain agriculture forever and I think it's an excellent plan and I support the application also.

Mr. Alcaraz: All right, Mr. Clemons, I got a second from you.

Mr. Clemons: Yes, I second.

Mr. Alcaraz: All right, thank you.

Ms. Byler: Can I make a comment?

Mr. Alcaraz: Yes.

Ms. Byler: I just like to comment that when I reviewed this, I was sensitive that we're taking agricultural and we're rezoning it for houses. However, as has been pointed out, it is in the transition area, so we could anticipate this and if Mr. Horsley thinks it's good, you know it's good, because he's always protecting the agricultural. Moreover, in the informal meeting, we had Mr. Walter Kemp single this out and say what a poster child it was for open space, green space, walkability, pass and bike pass. So I do support it also.

Mr. Alcaraz: All right. Thank you. So I have a motion, a second by Mr. Clemons. Is there anybody abstaining? No.

Madam Clerk: The vote is now open. By a vote of eight to zero, item number three has been recommended for approval.

Mr. Alcaraz: Thank you.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Anderson				ABS
Byler	AYE			
Clemons	AYE			
Coston				ABS
Cuellar	AYE			
Estaris				ABS

Hippen	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

## PROFFERS

The following are proffers submitted by the applicant as part of a Conditional Zoning Agreement (CZA). The applicant, consistent with Section 107(h) of the City Zoning Ordinance, has voluntarily submitted these proffers in an attempt to “offset identified problems to the extent that the proposed rezoning is acceptable,” (§107(h)(1)). Should this application be approved, the proffers will be recorded at the Circuit Court and serve as conditions restricting the use of the property as proposed with this change of zoning.

### Proffer 1:

When the Property is subdivided, developed and landscaped, it shall have the entrance, neighborhood identification sign, typical street section, landscaping, trails and open spaces, including the 150’ Transition Area Buffer substantially as depicted and described on the exhibits entitled, “ROBERT WHITE FARM COMMUNITY – VIRGINIA BEACH, VA. CONCEPTUAL LAYOUT”, dated July 15, 2023 and “ROBERT WHITE FARM COMMUNITY – VIRGINIA BEACH, VA. CONCEPTUAL LANDSCAPE PLAN”, dated July 15, 2023, prepared by Timmons Group, copies of which have been exhibited to the Virginia Beach City Council are on file with the Virginia Beach Department of Planning (the “Conceptual Subdivision Plan” and “Conceptual Landscape Plan”) and are incorporated herein by this reference. A detailed landscape plan for the designated landscaped buffers as depicted on the Conceptual Landscape Plan shall be submitted with the Subdivision Construction Plan and the landscaped buffer on the north side of the Property along with the designated area to be reforested shall be in lieu of the landscape buffer specified by the rural residential development guidelines to protect adjoining agriculturally zoned property.

### Proffer 2:

When the Property is developed, it will be subdivided into no more than thirty-eight (38) single family residential building lots each having a minimum of 12,000 square feet of area. The thirty-eight (38) new homes will be built with a crawlspace or a raised slab foundation and they will contain a minimum of 2,200 square feet of living area for a two story dwelling and 2,000 square feet of living area for a one story dwelling. Each home shall have no less than a two (2) car garage and utilize the quality architectural features and design elements substantially as depicted on the eight (8) pictorial exhibits designated “Robert White Farm Subdivision – Home Quality Example” (1 through 8), which have been exhibited to the Virginia Beach City Council are on file with the Virginia Beach Department of Planning (the “Quality Home Depictions”) and are incorporated herein by this reference.

### Proffer 3:



When the Property is developed, the exterior building materials to be used on the residential structures shall consist primarily of high quality architectural shingles, cementitious siding (e.g., "HardiPlank"), brick or masonry stone, or a combination of those materials along with high-quality accent or ancillary material such as metal roof accents and vinyl shutters. The quality and colors of the exterior building materials shall be substantially as depicted and described on the "ROBERT WHITE FARM SUBDIVISION PROFFERED MATERIAL SELECTION" containing nine (9) pages and dated July 15, 2023, which has been exhibited to the Virginia Beach City Council is on file with the Virginia Beach Department of Planning (the "Material Selection") and is incorporated herein by this reference.

**Proffer 4:**

When the Property is developed, the "playground" area designated within one of the "OPEN SPACE" areas on the Conceptual Subdivision Plan shall be equipped with a children's swing and "PRANCING PANDA" playground equipment substantially as depicted on the six (6) page exhibit entitled "ROBERT WHITE FARM SUBDIVISION – PLAYGROUND EQUIPMENT dated July 15, 2023", which has been exhibited to the Virginia Beach City Council is on file with the Virginia Beach Department of Planning (the "Playground Equipment") and is incorporated herein by this reference. The area designated "REFORESTED PASSIVE OPEN SPACE 8.8± AC" will be sprigged with indigenous evergreen and deciduous trees and otherwise allowed to reforest and regenerate naturally.

**Proffer 5:**

When the Property is developed, on street parking within the community shall be restricted to one (1) side of the street. In addition to the added turn lanes within the Princess Anne Road right of way, and other required improvements within the existing rights of way to create the entrance to this community, as depicted on the Conceptual Subdivision Plan, additional intersection traffic signalization will be installed at the intersection by the party of the first part. As depicted on the Conceptual Subdivision Plan, the community entrance road will be a divided roadway with a curbed median in lieu of a second access vehicular point to this small community.

**Proffer 6:**

When the Property is developed, the party of the first part shall record a Declaration submitting the building lots, all of the other property, and where applicable any easements outside the public rights of way to a mandatory membership Home Owners' Association which shall own and be responsible for maintaining all open space areas, common areas, Transition Area Buffer Easement, vegetated buffer areas, entrance feature signage, landscaping, benches, playground equipment and other improvements within the Open Space Areas, as depicted on the Subdivision Plans. The open spaces and landscape buffers, including the 150' Transition Area Buffer shall be conveyed to the Home Owners' Association prior to the issuance of the first occupancy permit.

**Proffer 7:**

When the Subdivision Plat and Subdivision Construction Plans are submitted, the final stormwater management plan submitted to the Development Services Center (DSC) shall be in substantial conformance with the Preliminary Drainage Study and shall comply with the Stormwater Management Ordinance.

**Proffer 8:**

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

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

**Amberly Carter**

**RECOMMENDED FOR APPROVAL**

Madam Clerk: The next item is agenda item number four Amberly Carter, it's an application for modification of conditions for assembly use at 2105 West Great Neck Road in District eight.

Mr. Alcaraz: Just state your name please.

Ms. Carter: Amberly Carter.

Mr. Alcaraz: You're the owner?

Ms. Carter: I am, yes, speaking on behalf of myself as the applicant.

Mr. Alcaraz: Okay, great. Go ahead.

Ms. Carter: Yes, all right, yes, good morning, commissioners, all of the lovely people behind me and also everyone here to speak in opposition of this. I actually am really thankful for my platform to speak today. I have been operating a wedding venue on Long Bay Point Marina of West Great Neck Road for four years now. We opened just before COVID and we were able to get through that. So I'm sure we'll be able to get through this, but I am really thankful for this opportunity because I believe there's a large misconception of what my goal is for the modification of conditions for this permit. I am not looking to host more events. I am not looking to host events outside. I am not looking to host events with more people. The area behind the building that I operate of now, so right now we are pretty much all inside. We have a very small deck that like a porch that is on the front side of the building that faces the canal and Buccaneer Road. There is a space behind us that was previously operated by Spots Fishing Company. It kind of resembles a carport. There is a large driveway in front about 50 feet by 33 feet and it's just like an open pavement that needs to be fixed. There were 18 wheelers going to and from the Spots Fish Company multiple times a day and [Inaudible 36:38] and so then as you go further back, there's a covered space. So as an extension from the roof that I have now and it's come fully outside space, but it is covered and it's already built, it's just like a carport.

We had the opportunity to take over the space and we thought it would be a wonderful idea for storage and then also for to create a terrace. So what we are looking to do is if you can see here, we have three sets of three windows. The top is what it looks like right now, those on the other side of the wall where the windows are, it's where our ballroom is located. So what we would like to do is take the center set of windows that is under the carport, turn those into the doors that you see below. After the ceremony is over, guests would come out of those doors, see the platform there, and then come down the ramp or the steps. Both sides are open and then have cocktail hour on that terrace for 50 minutes. At the moment, they actually go into the other half of the inside of our building and sometimes go out onto that front porch. Okay when they go out onto the front porch, that is when they're facing Buccaneer Road that is also when they're facing our beautiful boating resort on a Long Bay Point Marina. There are 10 peer houses along the Marina and it is inviting. It's a beautiful space. The sunsets are absolutely beautiful and this is where guests know that they have about 50 minutes before they're going to be needed for anything else if they've been to a wedding before. So we do have guests that want to take a walk or they're excited to see each other in weddings, you know, they haven't seen each other in quite some time. So there's a little bit of ruckus. I have never received a complaint, a formal complaint or an informal complaint of any kind in four years from anyone on Buccaneer Road or Adam Keeling or any anywhere else. The closest thing to a complaint I got was a light shining through Mr. Wise's window, that's actually inlets parking lot and I was able to fix that for him through my contacts at Dominion Power. Anyways, so we are actually trying to take all of the ruckus if you will, from the front patio or from guests wanting to walk along the Marina, and we are trying to bring them outside into this terrace that is completely private. We could not shine a light into someone's house if we wanted to. I could not wave at anyone. There's absolutely no visual sight of any homes. The main reason for being here today is for amplified sound so that is a hundred percent the reason for everyone's misunderstanding. It just kind of just says, like, we're looking at a speaker outside. The last thing that I want to do is be another Ballyhoos, or anything like that. We are absolutely not looking to have a parking lot party or any type of music that impedes on anyone's dwellings. I do not want anyone to have a cookout that I'm impeding their happiness with their family because of sound during cocktail hour. So not only am I more than happy to agree to the recommendations by the Council but I am also willing to completely withdraw the need for amplified sound because it is simply not needed. The sound that I was looking to have is no more than

65 decibels of people talking and the background music during cocktail hour, it would also be faced towards the building where it would be a great, you know, provide that interference from any houses on Buccaneer Road, but we don't need it. We can play a violin out there with absolute, plugged into absolutely no speaker, no amplified sound whatsoever. This is just for 50 minutes of guests, taking guests from the front side of the building to the back side of the building, which is actually solving problems that I didn't even know we were having with the home owners on Buccaneer Road. I completely understand where they're coming from and I'm actually, like I said, thankful that I get to present this because I believe that this will actually solve any issues that they were having prior.

Mr. Alcaraz: All right, so I'm going to ask a question to staff. Staff, I'm hearing, is she withdrawing her requests for amplified music? Is it now? Is it still modification?

Unknown Speaker: It will be a slight modification to the verbiage of condition number 10, and that verbiage would be, right now, the current conditions state that no amplification of music or use of speakers shall be permitted outside of the main building after 8 p.m. So we just delete after outside a main building after 8 p.m. So we will allow to say that no amplify of music or speaker shall be permitted outdoor.

Mr. Alcaraz: No amplified or music. That's two different.

Unknown Speaker: No amplification of music or use of speakers.

Mr. Alcaraz: Or use? Piano and a violin is music without amplified, that's what I'm asking. Okay, but it's not as loud. Okay. Is there any other questions? So we have some opposition we're going to hear.

Ms. Carter: Absolutely.

Mr. Alcaraz: We'll hear them and we'll allow you to come back and rebut.

Ms. Carter: Thank you so much, everyone.

Mr. Alcaraz: Thank you.

Madam Clerk: Rick Boyles, followed by Joe Koklisa.

Mr. Boyles: Good morning, commissioners. Rick Boyles, lifelong Virginia Beach resident. I am a tenant at Longbay Point Marina, have been for the last 17 years. I do come here today in opposition to the amplified sound portion of Ms. Carter's application. We also might want to look technically at the application itself because the original CUP is under Ferguson Wedding, LLC. She's applied as Amber Carter. She also goes by Amber Ferguson, and she also has another company Velvet, LLC. So I'm not sure who's actually making this application today and whether we're actually modifying the right CUP. In any event, Ms. Carter is operator of her establishment for the last three or four years at the Marina. I come and go out of the Marina many times a week. I'm down there a lot of times on the weekends for a couple of days, all weekend long, haven't seen any issues with the organization seems to run a fine organization every once in a while, maybe a little parking problem or maybe some issue with people standing in the street as you go by there, but nothing of any significance. The amplified sound, though, is going on that what was a loading dock for Spots Fish Company, that's located in between Inlet Fitness and the building that she leases from Longbay Point Marina. I think there's an opportunity there for that sound, if it's amplified to get in there and start echoing. There have been some complaints from over at Ballyhoos, you know, we heard this morning at the informal that sound does travel farther across the water than it does across land, and this is an open Marina with lots of water. So, if she's willing to remove the amplified music criteria, I'd love to hear piano music or violin music or anything along those lines there. The other thing that might be addressed by the commission would be that this concrete piece of property, if we could pull the slide back up, is literally on the waterway where Spots Fish used to dock their boats. So I might want to address the safety concern there of people imbibing alcohol too close to the water's edge there, may be, I don't know if you can require some kind of fence or some other nature of safety protection there, and the only other thing that I would point out is when the city grants a variance, a modification or condition, we ought to get something in return at this stage of the game. If we do modify this CUP, I don't know that we're getting anything in return. So again, I don't have any objections to it if the modification, if the amplified sound is taken out of the application, and I appreciate your time here today. Thank you.

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

Madam Clerk: Joe Koklisa.

Mr. Alcaraz: Repeat that name again.

Madam Clerk: Joe Koklisa.

Mr. Alcaraz: All right. Next speaker.

Madam Clerk: That's it.

Mr. Alcaraz: That's it. If you come forward, Ms. Carter. You can rebut anything that was stated.

Ms. Carter: So my name is Amberly Carter, like Kimberly, but Amberly, my legal name is Amberly Carter. I was married in 2017 about a year after I opened my first business, and I have been working ever since. I went to social security office, like twice and to finish changing my name and didn't get called by the end of the day and never got around to it. So here we are seven years later and I didn't change my name from Carter to Ferguson, but I am married. My name is Amberly Carter and I have just been busy and that's why I haven't changed it. The company is Ferguson Wedding Company, LLC and that is the company that is in question today, and then Velvet, LLC is actually option A, was option A for this proposed terrace space. So, we have been on this project for over a year. We are thousands and thousands and thousands of dollars into this project. It was originally supposed to be built out as a restaurant called Velvet. We were going to be a members' only restaurant with boat docking and things like that in that area that fell through with the landlord and so this was our agreed upon use. So that is where all of those questions come into place. Are there any questions on my name or companies?

Mr. Alcaraz: If I may ask legal, is there any problems with entity? It goes with the land, right? The use?

Ms. Wilson: Not that I know of.

Mr. Alcaraz: Thank you.

Ms. Carter: Okay. And then the other question was the benefit to the community. So, of course, like we don't, like he said, we don't have a whole lot of issues as

is, but based on the opposition letters that were received, I would really love to move these guests to this private terrace space located on the backside of the building as to not interfere with residents on Buccaneer Road. I really never knew that was a problem before. Like I said, I never received any complaints but after hearing what they've said, I would really love to respect them enough to solve that problem for them.

Mr. Alcaraz: Okay.

Ms. Carter: Absolutely.

Mr. Alcaraz: Is there any other questions to Ms. Carter? None? All right, you may be seated. Thanks.

Ms. Carter: Thank you. I appreciate.

Mr. Alcaraz: We have a discussion amongst ourselves, unless we have a motion. Yes?

Ms. Wilson: I am little confused, what would condition 10 then?

Unknown Speaker: If you look at your staff report package in 2020, there is a condition so we revert back to that condition. So we would replace condition number 10 with the exact language that was conditioning 2020 under condition number 10. So we we'll read, no amplification of music or use of speakers shall be permitted except within the main enclosed building.

Ms. Byler: So the only thing we're then considering is expansion of the use to include that outdoor area.

Mr. Alcaraz: Mr. Plumlee?

Mr. Plumlee: Well, then if we're dropping the noise matter from the consideration, this question may not be relevant anymore if we've dropped it, but I will just say the amplification question doesn't change the current noise ordinance about bars and night clubs, which says you can't have excessive noise. So it uses the term excessive as I see it already. So the neighbors would certainly have the authority to call the police and say there's excessive noise. You can do that if boats are too loud if they're not muffled properly in that area. So I understand they're dropping this, I guess, from the condition. So we don't have to consider that, but that was what was going on in my mind



during that presentation is that you still have the right, even if this CUP was permitted with that outside amplification to say this is too loud. Please address this and the police have the authority to go on the premises and charge them with the citation, so.

Mr. Alcaraz: All right. Any other comments? Do I have a motion?

Mr. Clemons: So moved.

Mr. Alcaraz: Mr. Clemons as modified?

Mr. Clemons: As modified. I move that we accept this.

Mr. Alcaraz: Thank you and a second by Ms. Cuellar.

Ms. Cuellar: Correct, second.

Mr. Alcaraz: Are there any commissioners abstaining, none. Votes open.

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

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Anderson				ABS
Byler	AYE			
Clemons	AYE			
Coston				ABS
Cuellar	AYE			
Estaris				ABS
Hippen	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

## CONDITIONS

1. All previous conditions attached to the previous Conditional Use Permit granted on February 18, 2020 shall be voided and replaced with the following conditions below.

2. A business license for the Assembly Use shall not be issued to the applicant without the approval of the Health Department to ensure consistency with the provisions of Chapter 23 of the City Code.
3. The applicant shall obtain all necessary permits and inspections from the Planning Department/Permits and Inspections Division. The applicant shall secure a Certificate of Occupancy from the Building Official's Office for use of the existing building as an Assembly Use.
4. The maximum number of individuals within the facility to include the covered patio shall not exceed 197 or the maximum number as required by applicable building codes, noted on the Certificate of Occupancy and posted by the Fire Marshal.
5. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar sign installed on the exterior of the building or in any window, or on the doors. A separate sign permit shall be obtained from the Planning Department for the installation of any new signs.
6. All lighting, temporary or permanent, related to events held on the subject property, shall be directed downward and towards the interior of the site and contained such that the source of light shall be shielded from view from any area outside of the property.
7. Any outdoor storage of materials associated with the Assembly Use shall be prohibited.
8. All trash receptacles shall be emptied regularly so as not to overflow, and litter and debris shall not be allowed to accumulate.
9. Consistent with the requirements for a Special Event, for each event exceeding 250 people, the applicant shall obtain a Special Event Permit and shall notify the Police Department, the Fire Prevention Bureau, the Health Department and Emergency Medical Services of the event's time, size, and scope of activities.
10. No amplification of music or use of speakers shall be permitted ~~outside of the main building after 8:00 p.m.~~ except within the main enclosed building.

**Virginia Beach Planning Commission  
November 8, 2023, Public Meeting  
Agenda Item # 5**

**Ruffin 86, LLC**

**RECOMMENDED FOR APPROVAL- CONSENT**

Mr. Horsley: Thank you. Is there any opposition to this ordinance? All right. Next item is item number five Ruffin 86, LLC subdivision variance. Mr Garrington.

Mr. Garrington: Good afternoon, Mr Chairman, ladies and gentlemen of the Planning Commission for the record, Billy Garrington on behalf of the applicant. Applicant in this case is Ruffin 86, LLC property known as 109 A & B 86th Street and 8600 Oceanfront Avenue. Property in question is to subdivided lots that were created by deed back in the forties that we're going to vacate the interior lot line between the two of them create one less non-conforming lot upon which will be built a single family dwelling, not four duplexes that two duplexes one on each lot that could be built otherwise. A lot still one will not meet all of the requirements of the zoning ordinance because it's a corner lot. It doesn't have the additional 10 feet of width, but it will be a significant less non-conforming over that which is there now and the new use for the property will be one single family dwelling. In the staff, there are three conditions as a part of this request when total agreement with all three those conditions and Thank Marchelle Coleman very much for working with us on this request.

Mr. Horsley: Thank you, Mr. Garrington. Is there any opposition to this? Hearing none. I asked Mr. Plumlee if he'd read this into the record.

Mr. Plumlee: Just briefly, the commission has allowed this matter to be placed on the consent agenda. This is for the vacation of an interior lot line at 86th Street in the Oceanfront. As the applicant's agent pointed out, this will require a variance be obtained by the board of zoning appeals, which staff has agreed is acceptable under the current ordinance. We've been shown plans that are quite attractive for the construction, and it should reduce some of the activity in that area. I've received nothing but positive comments.

Mr. Horsley: Thank you, sir. So, we have four items to be placed, make a motion that we approve the item number one City of Virginia Beach, item number two City of Virginia Beach, item number five Ruffin 86 LLC and item number seven Anna Costello-Lora Windsor Oaks West Parcel 3.

Mr. Alcaraz: All right. Thank you Mr. Vice Chair. We have a motion. Do I have a second?

Mr. Parks: Yes, second.

Mr. Alcaraz: Second by Mr. Parks.

Madam Clerk: Mr. Horsley, can you make that motion on your iPad? Thank you, Mr. Parks. All right, the vote is now open. By a vote of eight to zero, items number one, two, five, and seven have been recommended for approval.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Anderson				ABS
Byler	AYE			
Clemons	AYE			
Coston				ABS
Cuellar	AYE			
Estaris				ABS
Hippen	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

## CONDITIONS

1. When the Property is developed, it shall be developed substantially as shown on the exhibit entitled "SUBDIVISION VARIANCE EXHIBIT – LOT 6, BLOCK 3, CAPE HENRY SYNDICATE, SECTION "D" (M.B. 1, PG. 8b), VIRGINIA BEACH, VIRGINIA FOR RUFFIN 86, LLC", prepared by WPL, dated April 19, 2021, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development.
2. The existing driveways on 86<sup>th</sup> Street shall be redesigned in a manner deemed acceptable to the Department of Public Works.
3. The proposed single-family dwelling shall meet the minimum dimensional requirements of the R-5R Residential (NE) North End Overlay zoning district, unless a BZA Variance is granted by the Board of Zoning Appeals. If a BZA Variance is required, the variance shall be granted on the property prior to the site plan approval for the proposed single-family dwelling.

**Virginia Beach Planning Commission  
November 8, 2023, Public Meeting  
Agenda Item # 6**

**Harrison House, Inc**

**RECOMMENDED FOR DEFERRAL**

Madam Clerk: The next item is agenda item number six Harrison House, Inc. An application for modification of proffers at 1851 Old Donation Parkway in District eight.

Mr. Alcaraz: You come forward sir. Just for the record, have you state your name and that you're asking for a deferral. I will let you speak in case, is that okay since we're having speakers that he can rebut? Thank you.

Mr. Romine: Chairman Alcaraz, for the record, my name is Steve Romine. I represent the Regent of Virginia Beach, LLC, the current owner of the property, which is a subject matter of number, item number six.

Mr. Alcaraz: Thank you. We're going to hear some opposition. I'll let you come back.

Mr. Romine: Thank you.

Mr. Alcaraz: Thank you. First speaker.

Madam Clerk: Yeah. Our first speaker is Nancy Luckberg followed by Jennifer Cox.

Mr. Alcaraz: Again understand, we're deferring this. We're going to hear your comments. You have three minutes.

Ms. Luckberg: Yes, I didn't realize it was deferred and I thought I'm here and I thought I'd make my request so that you know what the neighborhood is feeling and the concerns that we have. My name is Nancy Luckberg and I live in the neighborhood around this property. I believe that the zoning is to allow for rehab, but not to allow for opioid or alcohol rehabilitation. By putting this in the middle of the neighborhood, you are taking away the safe haven that is designed by the neighborhood. You've got parks, you've got schools, you've got the rescue center, you've got the library and now we're putting in the possibility of people who can exit themselves out of this facility at any time since adults cannot be kept inside of a facility if they don't wish to be. So now we have a neighborhood that could have anything going on.

It is a neighborhood that has developed itself for years and everyone who bought in the neighborhood thought they were having a neighborhood that was safe. That wasn't going to have any challenges. Now, we already have, the psych center has this kind of a rehabilitation and we also have a brand new company on First Colonial. That's brand new opioid and alcohol rehab. It's right there by the school. So, it's not that we don't like to take care of each other and ourselves, it's that we think it's in the wrong spot. This building is nestled behind a dermatology office and behind the memory center, and it is nestled back inside so deeply that the building actually hawks over the back fences of the neighborhood such that the third floor can look right inside of neighbors windows and property. It's close. It's tight and it's not making the neighbors happy. There's almost no parking back there. They shared the parking with the Memory Center. It's going to be interesting to see how they get all their facility workers in there. Yes, that's a picky little item, but it's an item. We also had only one outreach for the neighbors. Six neighbors got notes on their door saying that there was an outreach that night. Well, 26 showed up. The word of mouth was pretty strong. I believe you've also received a petition requesting that you not change the zoning, and I standby that. That's my position here today was to speak for the neighbors to speak for the neighborhood. We want our safe haven preserved please. Thank you.

Mr. Alcaraz: Thank you very much. Next speaker?

Madam Clerk: Jennifer Cox, followed by Betsy Kerman.

Ms. Cox: Hi there. My name is Jennifer Cox. I'm actually the owner of the preschool that is about 171 feet away from the building that we're talking about. I actually thought I had taken my name off of this speakership because I had learned that it was deferred when we first got here. So really, I'm just up here to tell you that, as well as I have seen the petition that she's talking about. There's I think about 400 people that have signed so far, I'm not sure in the -- I'll save most of my content for next time when we're really talking about this, but it is very scary from my point of view, just to keep in mind. Thank you.

Mr. Alcaraz: Thank you. Next speaker. Betsy Kremen.

Mr. Alcaraz: Hi, if you can just state your name.

Ms. Kremen: Yes. Hi, I'm Betsy Kremen. I get along with Jennifer; will save my comments until there will be a vote on this knowing that when I first got here that it would be deferred. So we will wait until then. Thank you so much.

Mr. Alcaraz: Next speaker.

Madam Clerk: That was our last speaker.

Mr. Alcaraz: That's all.

Madam Clerk: Yep.

Mr. Alcaraz: All right. You can come, sir. If you have anything you'd like to say. I'm going to ask if there's any opposition for deferral, but then we're going to vote if we're going to defer it for you.

Mr. Romine: Thank you for the opportunity to come back. As you know, the property is zoned O2 and has a use permit for a rehabilitation center. We've just recently been engaged to address the issues and concerns of the community. So we'd like some more time to do that. I think there may be an opportunity to meet with the community and see if there are ways we can meet their concerns and that's why we've asked for an indefinite deferral to explore that possibility and then bring it back at the appropriate time.

Mr. Alcaraz: Great, thank you.

Mr. Romine: Thank you.

Mr. Alcaraz: All right. There is opposition. We've heard from that. If there's any -- is there any questions? Mr. Plumlee.

Mr. Plumlee: No questions. I'd like to make a motion.

Mr. Alcaraz: Ms. Cuellar has to say something.

Ms. Cuellar: No, I just wanted to say, like I said at our last meeting, how important public engagement is. I want to thank those who came today and I want to go ahead and move this for indefinite deferral.

Mr. Alcaraz: All right. Mr. Plumlee made a motion. Ms. Cuellar seconded it. Anybody abstaining? All right, motion. Vote is open.

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

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Anderson				ABS
Byler	AYE			
Clemons	AYE			
Coston				ABS
Cuellar	AYE			
Estaris				ABS
Hippen	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

## CONDITIONS

1. All previous conditions attached to the previous Conditional Use Permit granted on November 9, 2004 shall remain in effect, except for Condition 5: "The Rehabilitation Center will not treat patients seeking admission for drug and alcohol addiction" which shall be deleted.



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

**Anna Castillo-Lora**

**RECOMMENDED FOR APPROVAL- CONSENT**

Mr. Horsley: Thank you, Mr. Plumlee. The last item on the consent agenda is item number seven Anna Castillo-Lora, Windsor Oaks, West Parcel 3, LLC, conditional use permit.

Ms. Castillo-Lora: Good afternoon, council members. My name is Anna Castillo-Lora. I'm the wedding officiant. So basically, just want to use the, we'll need a conditional use permit to use the parcel in the Holland Plaza Shopping Center for, as a wedding chapel and also a reception hall for small events.

Mr. Horsley: There are some conditions. Are you acceptable to conditions?

Ms. Castillo-Lora: Yes.

Mr. Horsley: Yes. Thank you.

Ms. Castillo-Lora: Thank you.

Mr. Horsley: Is there any opposition to this, hearing none. We've asked Commissioner Byler to read this into the record.

Ms. Byler: This property is owned by Windsor Oaks West Parcel 3, LLC. The applicant is requesting a conditional use permit for an assembly use to operate an alcohol free and tobacco free venue in an existing 2,070 square foot suite in the Holland Plaza Shopping Center. The shopping center is located along Holland Road on property zone B-2, Community Business District. The city has recommended some conditions and the applicant has agreed to them. There is no known opposition and is appropriate to be added to the consent agenda.

Mr. Horsley: Thank you, that concludes the consent agenda.

Mr. Horsley: Thank you, sir. So, we have four items to be placed, make a motion that we approve the item number one City of Virginia Beach, item number two

City of Virginia Beach, item number five Ruffin 86 LLC and item number seven Anna Costello-Lora Windsor Oaks West Parcel 3.

Mr. Alcaraz: All right. Thank you Mr. Vice Chair. We have a motion. Do I have a second?

Mr. Parks: Yes, second.

Mr. Alcaraz: Second by Mr. Parks.

Madam Clerk: Mr. Horsley, can you make that motion on your iPad? Thank you, Mr. Parks. All right, the vote is now open. By a vote of eight to zero, items number one, two, five, and seven have been recommended for approval.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Anderson				ABS
Byler	AYE			
Clemons	AYE			
Coston				ABS
Cuellar	AYE			
Estaris				ABS
Hippen	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

## CONDITIONS

1. A business license for the Assembly Use shall not be issued to the applicant without the approval of the Health Department to ensure consistency with the provision of Chapter 23 of the City Code.
2. The applicant shall obtain all necessary permits and inspections from the Department of Planning & Community Development/Permits and Inspections Division. The applicant shall secure a Certificate of Occupancy for use of the existing building as an Assembly Use.
3. The maximum occupancy load shall not exceed the maximum number as required by applicable building codes, noted on the Certificate of Occupancy, and posted by the Fire Marshal.
4. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar sign

installed on the exterior of the building or in any window, or on the doors. A separate sign permit shall be obtained from the Department of Planning & Community Development for the installation of any new signs.

5. All event activities shall occur within the building. Outdoor events shall be prohibited unless specifically permitted with a Special Event permit.
6. No amplification of music or use of speakers shall be permitted except within the enclosed building.
7. Hours of operation shall be limited to 9:00 a.m. to 10:00 p.m., Monday through Sunday.