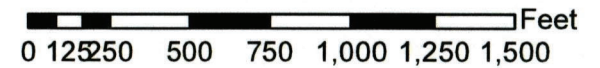


-  Site
-  Property_Polygons
-  Zoning
-  Parking Lot Drive Aisle
-  Building

Wolfe Bros Events, LLC
1145 Princess Anne Road





CITY OF VIRGINIA BEACH AGENDA ITEM

ITEM: WOLFE BROS EVENTS, LLC [Applicant & Property Owner] Conditional Use Permit (Assembly Use) for the property located at 1145 Princess Anne Road (GPIN 2400493564), COUNCIL DISTRICT – PRINCESS ANNE

MEETING DATE: August 25, 2020

■ **Background:**

The applicant is requesting a Conditional Use Permit for an Assembly Use, specifically for event venue, on a 63-acre site located in the Blackwater area of the Princess Anne District. The property is surrounded by agriculturally-zoned properties and the closest residential dwelling is approximately 1,000 feet from the proposed 5,565 square foot venue building. The request was deferred from the October 9, 2019 and December 5, 2019, Planning Commission public hearings in order for the applicant to present the request to the Agricultural Advisory Commission and surrounding neighbors. As a result, the applicant modified the original request by reducing the number of outdoor events from 50 to 30 per calendar year and decreasing the maximum number of attendees from 250 to 150, with an exception that up to five of the 30 events may have up to 250 attendees. All outdoor events will be concluded by 10:00 p.m. and indoor events will be concluded by 11:00 p.m. There is no recommended limit to the number of indoor events per year. Parking can be accommodated on-site, as the outdoor riding ring can serve as an overflow parking area.

■ **Considerations:**

Despite the revisions noted, the Agricultural Advisory Commission remains opposed to the request noting that this non-agricultural use is best located in the suburban and urban areas of the city. In Staff's view, in limited instances venues such as this are appropriate in the rural area; however, the Planning Commission disagreed and recommends denial. The Planning Commission shares the opinion of the Agricultural Advisory Commission that event venues in general are not a bona fide agricultural activity; therefore, are not compatible in the agriculturally-zoned district. In addition, the Commission is concerned with the high traffic volume during an event would have a negative impact on the character of the agricultural community. Further details pertaining to the application, as well as Staff's evaluation, are provided in the attached Staff report. One letter of opposition was received about the request noting concerns related to noise, traffic, and incompatible use in the agricultural community.

■ **Recommendation:**

On June 24, 2020, the Planning Commission passed a motion to recommend denial of this request by a vote of 7 to 4. Due to an advertising error, the item is rescheduled for the August 25, 2020 joint session with Planning Commission and City Council.

Should the City Council consider approving this application, the following conditions are provided for deliberation.

1. Except for ADA parking, alternative surfaces (bluestone sand and gravel) may be permitted for on-site for the minimum required number of parking spaces. ADA parking shall be provided in accordance with the ADA criteria.
2. The applicant/owner shall install and maintain a City standard commercial entrance at Princess Anne Road. Said entrance shall be installed in accordance with the City of Virginia Beach Department of Public Works Engineering Division Specifications and Standards.
3. Outdoor events shall be limited to no more than thirty (30) per the calendar year and the maximum number of attendees shall not exceed 150 per event, except up to 5 of the 30 events may have up to 250 attendees.
4. All outdoor events shall be concluded by 10:00 p.m. and indoor events shall be concluded by 11:00 p.m.
5. Amplified music, except acoustical music, shall be prohibited after 10:00 p.m. for outdoor events and 11:00 p.m. for indoor events.
6. All lighting shall be contained on the subject property. The source of the light is to be shielded so as to not be visible from the property line of any adjacent residential use properties.
7. This Assembly Use may continue to operate on the site subject to an annual determination by the Planning Director or designee that the presence of the use is not detrimental to public health, safety, and welfare. Furthermore, the Assembly Use, as conditioned herein, shall not cause public inconvenience, annoyance, disturbance, or be incompatible with other uses in the vicinity or otherwise interfere with the reasonable use and enjoyment of neighboring properties by reason of excessive noise, traffic, or overflow parking.
8. A Site Plan shall be submitted to the Department of Planning & Community Development/Development Services Center to ensure compliance with applicable regulations for all proposed on-site improvements. Site Plan approval shall be obtained prior to issuance of a building permit, which shall be required for the proposed venue structure and any other improvement, per City regulations. In addition, a Certificate of Occupancy shall be required prior to the occupancy of the proposed venue building.

■ **Attachments:**

- Staff Report and Disclosure Statements
 - Location Map
 - Minutes of Planning Commission Hearing
 - Letter of Opposition (1)
-



Recommended Action: Staff recommends Approval. Planning Commission recommends Denial.

Submitting Department/Agency: Planning Department



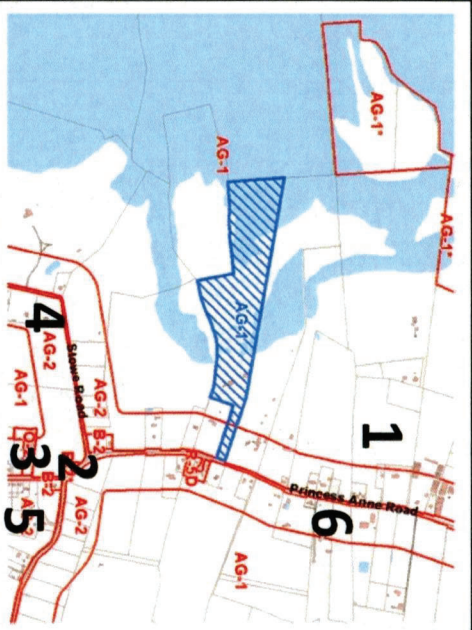
City Manager:



<p>Request Conditional Use Permit (Assembly Use)</p> <p>Staff Recommendation Approval</p> <p>Staff Planner Hoa N. Dao</p> <p>Location 1145 Princess Anne Road GPIN 2400493564 Site Size 63.10 acres AICUZ Less than 65 dB DNL Watershed Southern Rivers</p>	
<p>Existing Land Use and Zoning District Single-family dwelling / AG-1 & AG-2 Agricultural</p> <p>Surrounding Land Uses and Zoning Districts</p> <p>North Single-family dwelling, cultivated field / AG-1 & AG-2 Agricultural</p> <p>South Single-family dwelling, cultivated fields / AG-1 & AG-2 Agricultural</p> <p>East Princess Anne Road Single-family dwellings, cultivated fields / R-5D Residential, AG-2 Agricultural</p> <p>West Undeveloped land / AG-1 Agricultural</p>	

Background & Summary of Proposal

- This application is a request for a Conditional Use Permit for an Assembly Use on a 63-acre site located in Blackwater in the Princess Anne District. Per the applicant's request, the application was deferred at the October 9, 2019, and December 5, 2019, Planning Commission public hearings in order to engage interested stakeholders.
- As a result of these discussions, the applicant modified the original request reducing the number of outdoor events from 50 to 30 per calendar year and decreasing the maximum number of attendees from 250 to 150, except up to five of the 30 events may have up to 250 attendees.
- A revised Site Plan was provided to Staff on May 11, 2020 showing the proposed venue building increased from 4,200 square feet to 5,565 square feet, including a 1,365 square foot future expansion on the north side of the venue building.
- The applicant resides in the existing single-family dwelling on the property and operates a horse boarding business.
- The subject property is surrounded by agriculturally zoned properties and land uses. The closest residential dwelling is approximately 1,000 feet from the proposed venue building.
- Details associated with the proposed event venue are listed below:
 - Events will be held both indoors and outdoors.
 - Indoor events will be within the proposed 5,565 square foot structure.
 - Maximum occupancy of the venue will be established by the Building Official; however, in no case shall more than 150 people, or 250 people for five events, be permitted on the property regardless of the capacity authorized by the Building Official.
 - The number of indoor events will be unlimited.
 - Outdoor events will be limited to no more than 30 events per calendar year and will not have more than 150 attendees per event, except up to five of the 30 events may have up to 250 attendees.
 - Access to the site is via a paved driveway from Princess Anne Road.
 - Parking
 - The applicant has requested that alternative parking surfaces (bluestone sand and gravel) be allowed for on-site parking. The request is supported by the Director of Planning & Community Development pursuant to Section 203.b.5 of the Zoning Ordinance.
 - A minimum of 50 parking spaces are required for the proposed venue with a maximum of 250 attendees.
 - The proposed 42,000 square foot parking area has the capacity for up to 200 parking spaces without the use of valet parking.
 - Parking valet services will be provided for all events.
 - Due to the use of valets and valet parking, additional cars beyond 200 will fit in the parking area..
- Outdoor events will be concluded by 10:00 p.m.; therefore, no music, amplified or otherwise will occur after 10:00 p.m.
- Indoor events will be concluded by 11:00 p.m.; therefore, no music, amplified or otherwise associated with indoor events will occur after 11:00 p.m.



Zoning History	
#	Request
1	SVR (Lot Width Reduction) Approved 06/23/2016
2	CRZ (AG-2 to Conditional B-2) Approved 7/7/2009
3	MOD (Modification of Conditions) Approved 9/24/2013 CRZ (AG-2 to Conditional O-2) Approved 11/8/1995 CUP (Private Club, Lodge, Social Center, Eleemosynary Establishment, Athletic Club) Approved 11/8/1995
4	CUP (Alternative Residential Dev.) Approved 6/14/2005
5	CUP (Residential Kennel) Approved 7/12/2000
6	CUP (Church) Approved 6/22/1999 CUP (Pre-school) Approved 6/23/1998 CUP (Church) Approved 8/14/1996

Application Types	MOD – Modification of Conditions or Proffers	FVR – Floodplain Variance
CUP – Conditional Use Permit	NON – Nonconforming Use	ALT – Alternative Compliance
REZ – Rezoning	STC – Street Closure	SVR – Subdivision Variance
CRZ – Conditional Rezoning		
LUP – Land Use Plan		

Evaluation & Recommendation

The property is surrounded by agriculturally zoned property and land uses. The back half of the 63-acre property is heavily wooded. The events will primarily be held within the proposed 5,565 square feet building that will not be visible from the adjacent residential dwellings. The nearest residential dwelling is measured over 1,000 feet from the proposed venue building. No food preparation will be done on-site with the exception of reheating. Food for the events will be catered and brought to the site.

The Agricultural Advisory Commission has reviewed the request and is opposed to having these type of uses on agricultural zoned property when they are not ancillary to an agricultural use. As a result, the applicant reduces the number of outdoor events to no more than 30 events per year for up to a maximum of 150 attendees per event, except up to five of the 30 events may have up to 250 attendees. In addition, amplified music, except for acoustical music, will be prohibited after 10:00 p.m and all events will be concluded by 11.00 p.m. Even with the revisions to the events, the Agricultural Advisory Commission is opposed to the request.

While indoor events are not restricted to a maximum number of events per year or maximum number of attendees, they will be conducted within the enclosed 5,565 square feet building. Considering that the parcel is 63 acres in size and the nearest residential dwelling is located over 1,000 feet from the proposed venue area, Staff recommends the proposal be approved with the conditions listed below.

Recommended Conditions

1. Except for ADA parking, alternative surfaces (bluestone sand and gravel) may be permitted for on-site for the minimum required number of parking spaces. ADA parking shall be provided in accordance with the ADA criteria.
2. The applicant/owner shall install and maintain a City standard commercial entrance at Princess Anne Road. Said entrance shall be installed in accordance with the City of Virginia Beach Department of Public Works Engineering Division Specifications and Standards.

3. Outdoor events shall be limited to no more than thirty (30) per the calendar year and the maximum number of attendees shall not exceed 150 per event, except up to 5 of the 30 events may have up to 250 attendees.
4. All outdoor events shall be concluded by 10:00 p.m. and indoor events shall be concluded by 11:00 p.m.
5. Amplified music, except acoustical music, shall be prohibited after 10:00 p.m. for outdoor events and 11:00 p.m. for indoor events.
6. All lighting shall be contained on the subject property. The source of the light is to be shielded so as to not be visible from the property line of any adjacent residential use properties.
7. This Assembly Use may continue to operate on the site subject to an annual determination by the Planning Director or designee that the presence of the use is not detrimental to public health, safety, and welfare. Furthermore, the Assembly Use, as conditioned herein, shall not cause public inconvenience, annoyance, disturbance, or be incompatible with other uses in the vicinity or otherwise interfere with the reasonable use and enjoyment of neighboring properties by reason of excessive noise, traffic, or overflow parking.
8. A Site Plan shall be submitted to the Department of Planning & Community Development/Development Services Center to ensure compliance with applicable regulations for all proposed on-site improvements. Site Plan approval shall be obtained prior to issuance of a building permit, which shall be required for the proposed venue structure and any other improvement, per City regulations. In addition, a Certificate of Occupancy shall be required prior to the occupancy of the proposed venue building.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.

The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Comprehensive Plan Recommendations

The Comprehensive Plan designates the subject property as being in the Rural Area. The Rural Area is located in the southern half of Virginia Beach, south of Indian River and Sandbridge Roads. It is characterized as low, flat land with wide floodplains and altered drainage with a presence of agricultural and rural related activities including traditional and specialty crop cultivation, tree farms, equestrian facilities, wetland banks, fish farms, and other similar uses. An important objective of the Plan for the Rural Area is to protect and sustain all of Virginia Beach's valuable environmental, scenic and agricultural resources in the Rural Area against inappropriate activities and intense growth pressures.

Natural & Cultural Resources Impacts

The site is located in the Southern Rivers watershed. Drainage in the Southern Rivers watershed is highly impacted by the presence of high groundwater, poorly draining soils, and high-water surface elevations in downstream receiving waters. There does not appear to be any significant natural or cultural resources associated with the site.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Princess Anne Road	5,800 ADT ¹	12,000 ADT ¹ (LOS ⁴ "D")	Existing Land Use ² – 10 ADT Proposed Land Use ³ – No Data Available
¹ Average Daily Trips	² as defined by a single-family dwelling	³ No information available in the ITE Trip Generation Manual for event venues	⁴ LOS = Level of Service

Master Transportation Plan (MTP) and Capital Improvement Program (CIP)

Princess Anne Road in the vicinity of this application is considered a rural two lane highway with a 50-foot right-of-way. The Master Transportation Plan shows an undivided roadway with a bikeway and an ultimate right-of-way width of 100 feet. There are currently no roadway Capital Improvement Projects slated for this segment of the roadway.

Public Utility Impacts

Water

City water is not available to this site. Impact on the private well will require Health Department approval.

Sewer

City sanitary sewer is not available. Any impact to an existing onsite sewage treatment facility requires Health Department approval.

Public Outreach Information

Planning Commission

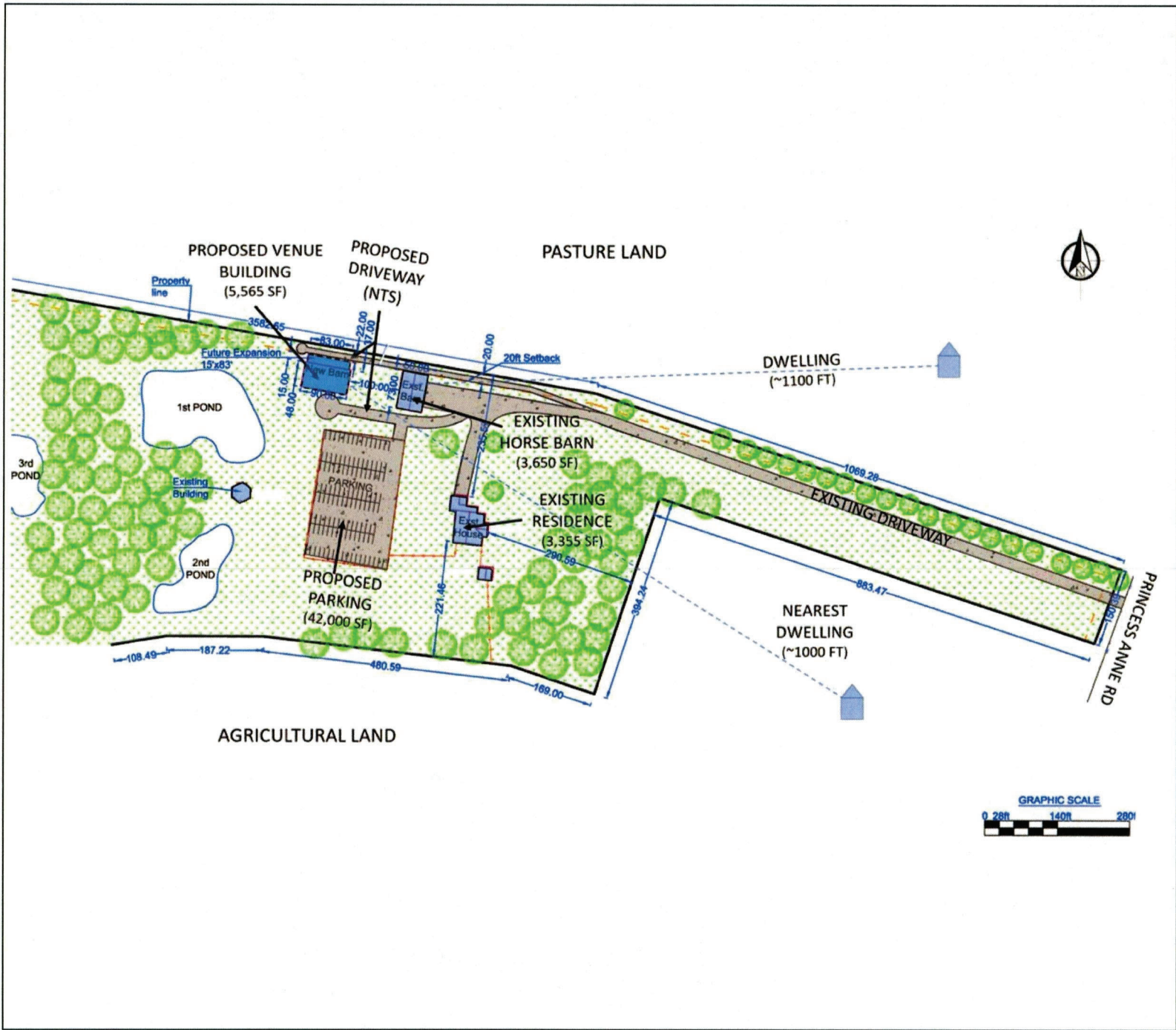
- The applicant/applicant's representative met with the Agricultural Advisory Commission on October 14, 2019 to discuss the details of the request.
- One letter of opposition has been received by Staff noting concerns related to noise, traffic congestion, and incompatible use in the agricultural community.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on May 22, 2020.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, August 9, 2020, and August 16, 2020.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on August 12, 2020.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgo.gov/pc on August 20, 2020.

City Council

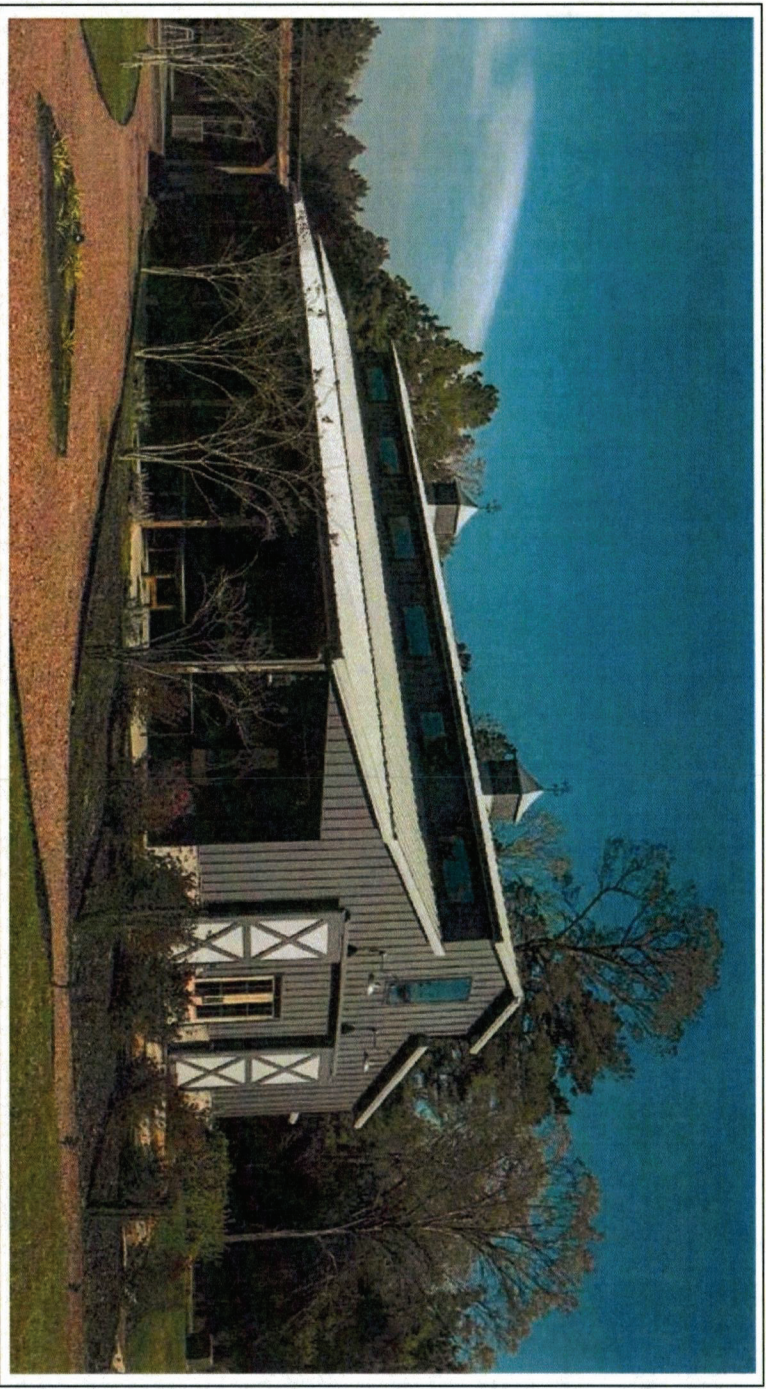
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, August 9, 2020 and August 16, 2020.

- As required by City Code, the adjacent property owners were notified regarding both the request and the date of the City Council's public hearing on August 12, 2020.
- The City Clerk's Office posted the materials associated with the application on the City Council website of <https://www.vbgov.com/government/departments/city-clerk/city-council/Documents/BookmarkedAgenda.pdf> on August 21, 2020.

Proposed Site Layout



Proposed Venue Building Rendering



Site Photos



Site Photos





APPLICANT'S NAME Wolfe Bros Events, LLC

DISCLOSURE STATEMENT FORM

The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a board, commission, or other body appointed by the City Council. Such applications and matters include, but are not limited to, the following:

Acquisition of Property by City	Disposition of City Property	Modification of Conditions or Proffers
Alternative Compliance, Special Exception for	Economic Development Investment Program (EDIP)	Nonconforming Use Changes
Board of Zoning Appeals	Encroachment Request	Rezoning
Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
Chesapeake Bay Preservation Area Board	Lease of City Property	Subdivision Variance
Conditional Use Permit	License Agreement	Wetlands Board

The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law.

SECTION 1 / APPLICANT DISCLOSURE

FOR CITY USE ONLY / All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the application(s).

<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE	
<input checked="" type="checkbox"/>	NO CHANGES AS OF	DATE	08.13.2020
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE	

HD



Check here if the **APPLICANT /S NOT** a corporation, partnership, firm, business, or other unincorporated organization.

Check here if the **APPLICANT /S** a corporation, partnership, firm, business, or other unincorporated organization.

(A) List the Applicant's name: Wolfe Bros Events, LLC
if an LLC, list all member's names: _____

If a CORPORATION, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

Jeffrey Wolfe is the managing member.

(B) List the businesses that have a parent-subsidary¹ or affiliated business entity² relationship with the Applicant: *(Attach list if necessary)*
NONE

See next page for information pertaining to footnotes¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

Complete Section 2 only if property owner is different from Applicant.

Check here if the **PROPERTY OWNER /S NOT** a corporation, partnership, firm, business, or other unincorporated organization.

Check here if the **PROPERTY OWNER /S** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.

(A) List the Property Owner's name: _____
if an LLC, list the member's names: _____



If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

- (B) List the businesses that have a parent-subsidary¹ or affiliated business entity² relationship with the Property Owner: *(Attach list if necessary)*

¹ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

SECTION 3. SERVICES DISCLOSURE

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPARATELY



APPLICANT

	YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
Accounting and/or preparer of your tax return	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Architect / Landscape Architect / Land Planner	<input checked="" type="checkbox"/>	<input type="checkbox"/>		ZEAL CONSTRUCTION MORTON CONSTRUCTION
Contract Purchaser (if other than the Applicant) – identify purchaser and purchaser’s service providers	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser’s service providers)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Construction Contractors	<input checked="" type="checkbox"/>	<input type="checkbox"/>		ZEAL CONSTRUCTION
Engineers / Surveyors/ Agents	<input checked="" type="checkbox"/>	<input type="checkbox"/>		HAYDEN FRYE
Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		TOWNE BANK
Legal Services	<input checked="" type="checkbox"/>	<input type="checkbox"/>		TROUTMAN SANDERS
Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	<input type="checkbox"/>	<input checked="" type="checkbox"/>		

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	


If yes, what is the name of the official or employee and what is the nature of the interest?

Disclosure Statement



CERTIFICATION:
I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

APPLICANT'S SIGNATURE 	PRINT NAME Jeffrey A Wolfe	DATE 6/25/19
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Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.
- Following City Council's decision, the applicant will receive a decision letter from Staff.
- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.
- If the request requires land disturbance and/or a subdivision of property, please contact the Development Services Center (DSC) to discuss next steps for site plan/plot review. Contact the DSC at 757-385-4621 or the Development Liaison Team at 757-385-8610.
- Please note that further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.
- The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

The verbatim of the June 24, 2020 Planning Commission meeting is provided below; however, the Planning Commission will consider the application on August 25, 2020, again due to advertising error.

Items # 7.
Wolfe Bros Events, LLC
Conditional Use Permit (Assembly Use)
1145 Princess Anne Road

June 24, 2020

RECOMMENDED FOR DENIAL

Mr. Landfair: Thank you Madam Chair. The next item on today's agenda is Agenda Item seven Wolfe Brothers Events, LLC for Conditional Use Permit request for an assembly use at 1145, Princess Anne Road in the Princess Anne District. The applicant's representative is RJ Nutter. Mr. Nutter, you have up to 10 minutes, please state your name for the record. Thank you.

Mr. Nutter: Thank you, Mr. Landfair. For the record, my name is RJ Nutter I am an attorney, I represent Wolfe Brothers and I am pleased to be here today and I especially want to thank you for moving this request up the agenda. We were behind Thalia, so, it is big treat for us, so, thank you very much. I do have some handouts for if you do not mind, I am not sure the right procedure. Thank you. Thank you, Jonathan. As I indicated, I represent Wolfe Brothers and a little bit about Jeff and his brother Dan, they are Virginia Beach boys who are raised here. They went to Kellam High School. And their careers have been in and out of Virginia Beach and they wanted to come back here retire and start a small business. So, they purchased this property on Princess Anne Road to 1145, Princess Anne Road, and they wanted to open a small event venue for corporate meetings and for weddings. And I would tell you that since they file this application, they have had beyond measure the number of people who have called from Pungo Area who wanted to have a wedding at this residence, because they grew up in Pungo. In fact, the first wedding, if this is approved, would be for a large family from Pungo, who wanted to have far more people that we could even permit. So, to say that I can clearly tell you there is a strong need and desire for wedding venue like this, and in the Pungo Area. And couple of things about them in this application, it is really the perfect site and unlike

any other application I have ever handled for an event venue with this much separation, screening, and preparation to go along with it. As you know, it is the venue itself was 1300 feet from Princess Anne Road is located behind the existing home is right here, in fact, Jeff and his wife have moved in there, live there today. There is an existing barn, that is located right here. They are starting to fix up. And then the venue location is right behind that, right here. So, it is 1300 feet away. It is 1000 feet from the closest dwelling. And on top of that, they have the stormwater system was already designed and put in place. And there are three existing stormwater ponds today. And they have confirmed with their engineers that this can handle the small additional area that is being added it for the barn. The parking area is former area where they would do horse training and so, forth. And, so, the good part about that is pervious and yet strong enough to support the parking. So, 100% of the parking for this use is on the property over 1000 feet from Princess Anne Road behind the existing residence. And I have never seen an event like that planned anywhere else in the City Virginia Beach. When weddings and corporate and meetings are held in churches, in country clubs, and restaurants surrounded by residential much, much closer without any of these accommodations. So, other nice thing about this is the venue being located here, as you have seen from the aerials this backs up to one of the large wetland estuary areas. So, it is going to not bother anybody, when they have a wedding, even with all the conditions that staff has put on here, which we agree with. So, I just want you to know that all of those conditions are acceptable and a couple things I point out about the conditions. The first is, we agreed voluntarily to reduce the number of events that we have previously applied for from 50 to 30, a year. We also, agreed to reduce the number of guests from 250 to 150, but to permit up to five of those 30 could be up to 250, because some of the demand in that area. Another important point I will point out to you is that one of the conditions requires that this be annually reviewed. So, if there is a problem it can be remedied, and the Planning Director has complete authority to go out there and make sure if there is a problem it is addressed by the applicant, or he will bring it back before the Commission and the Council. So, none of those conditions exist on any of the facilities that I have ever done. All of them are perfect here and there is a strong demand for this use. Now in terms of outreach, I want to tell you passing along the letters now and I appreciate that Jonathan. There are two adjacent property on it the first right here the 1000 feet away that is John and Joanne Henderson. They are actually excited about this, they came to speak in favor of this, when it was on the agenda in October. We felt like with the very application we did not want to

hold them up, so, we asked them to simply sign a letter which they have done. The other family is right here, and this is Mrs. Carol Webb Darden, she has lived at that location for over 50 years. She is excited, she said, I will come to counsel if I can get in and out pretty quickly and I understand that. So, you have an application that it meets every criteria you could ever think about for screening and for deployment of all of the resources on the site entirely, all the conditions are acceptable, and the adjacent property owners are in favor. In addition to that they went across the street, there is a small cul-de-sac with small neighborhood across the street they went to each and every single one of those property owners and talked to them over the course this period of time. No one had any objection. We understand you have two, one letter and one phone call in opposition. We are not sure where the person phone call lives, by venerate I want you to know that every property owner right around this is in favor of this application. And I did have an opportunity to here this morning informal session. And I understand a couple things, one is, this is not a threat of agricultural industry. This is a use that is routinely located in agricultural industries all over the state. It is in the Wine Country in Charlottesville, it is in Eastern Shore in the farm countries because millennials, like to have a wedding in a barn, for whatever reason, my son-in-law's wedding within barn and that is fine. But, I will tell you, it is not a rowdy event, families pay thousands of dollars for these events. It is the best day of those families lives, certainly, one of the most memorable. And so, this is a really wonderful event. This is not a problem. And, it is something we should celebrate. So, in terms of agricultural industry, we do not see ourselves with the threat to that and especially now hearings Mr. Horsley that the ordinance that you propose is coming up just next month. But, I think the fair thing even if that is adapted, is that we filed our application one year ago, in July 2019. So, it would not be fair to change the rules on an applicant, who's met with your staff, met with adjacent property owners and agreed to every condition they have been requested of them, have come here purchased the property, and made accommodations to go forward. That is just not how we do things. We do not do when we drafting new ordinances and we do not do things like that here in the General Assembly, quite frankly. One of the things I will share with you is, since moving here they have tried to be really good neighbors and being fit into the community. So, they have actually all the lumber they purchased for the improvements are making on the existing barn, have been through Crete hardware, even though they paid a higher price for that then it could have gone to lows and got a lower price. In addition to that, Billy Conboy who was the number one item on our agenda

today for a kennel down there. Billy has been hired to do the barn. He is very excited. He would have stayed but his wife is having a baby today. I know, I could not believe he is not here, but nonetheless. His wife was having a baby, so, he did not feel like comfortable staying and wanted to get home. And finally, we are working with Bennett's Creek Nursery right down the street and will be planning a lavender farm, where we can toward the front of this property. Because one of thing we heard from Agriculture Committee was that you are not doing any agriculture there, so, we thought, fine we would like to do that anyway. We continue to have the corresponding operation and we would have add this growing operation as well, all using local contractors. So, you have got a home grown guy retiring in Virginia Beach, starting a small business, reached out to support of all of his neighbors and worked for the Planning Commission to work for recommendation of approval. So, I would ask that you approve it. If the ordinance, Mr. Horsley is proposing next month, goes through, you would not have a proliferation of them if that was your concern. So, but this is not a threat and the people who know the best would be the two adjacent neighbors, both of whom have appeared peer before and both of them now signed letters of support. So, I am happy to answer any questions you all might have and I appreciate it, and Mr. Horsley I am sorry I never like to be opposite Mr. Horsley quite frankly, longtime friends and but even friends can disagree sometimes, so, at any rate, happy to answer any questions Madam Chairman.

Ms. Oliver: Anybody having questions for Mr. Nutter? Yes, Mr. Weiner.

Mr. Weiner: I mean, I am just finding out, today this ordinance is coming up. If you know that it was coming up?

Mr. Nutter: I did not know, I would say this we had deferred this application voluntarily to allow the City and Staff to come up with an ordinance. I just did not know what it would be or when. So, since we waited nine months we felt like we had to go, so, I was delighted to hear it is right behind us.

Mr. Weiner: I mean, I am just going throw this out there.

Mr. Nutter: That is right.

Mr. Weiner: If this was deferred so, you could sit down with them with this ordinance and discuss it further that would be possible.

Mr. Nutter: I do not think it would be. In fact, the ordinance in my mind is the perfect solution. Because the concern that was raised at least by many in the

Agricultural Community to me was that this might proliferate, but not be hundreds of these coming forward and that could undermine its property values, it could undermine all sorts of things. So, the fact that it is coming one month after us is perfect, because no other application you give him before that comes in now. So, it is own the way. And again we filed here, a year ago.

Mr. Weiner: I understand that I just do not feel like this coming together. After hearing today, I am just hearing this morning that the ordinance has coming out today.

Mr. Nutter: I understand.

Mr. Weiner: I had no idea that was coming out so, and I do not feel like that we are not talking together.

Mr. Nutter: I think the difference is that they do not want any and we feel like we deserve to have a shot of being one. That is the difference and that would cut off what we were told was a major concern that is the proliferation of these features. And there are several other who are down there today, so, this would cut that off, if that is the rule of the Planning Commission and the Council, and I do not know where that is.

Ms. Oliver: Hold on Mr. Nutter, Mr. Redmond has got a question.

Mr. Redmond: We do not like opposing Mr. Horsley, I do not like opposing either one of you, there is no easy spot here. I do want to make couple clarifying points, first of one is or what a year you have been requiring people to abide by stormwater standards based on sea level rise in light for an ordinance I think the past what two weeks ago, something like that. So, it is not unheard of that, we do kind of have a forward looking opinion about how we do some of those things. We are doing it and I have done it.

Mr. Nutter: Right, exactly.

Mr. Redmond: On in a very high profile way. At the same time there is a concern Mr. Inman has been rather articulate about the nature of changing the character of certain parts of the city and I mean, I am speaking specifically of short term rent. You know it is a legitimate concern I think to say. We are concern that the nature of our neighborhood or our part of the city is going to be changed now, how do you draw that line. I mean, we want to be one and instead of none and I understand all that too. It is not an easy spot or an easy decision to make. I did not sleep great last night. And, it was this

application was not wrong. So, in any event, but there are I think some of those considerations that you mentioned that we that do, we just do them, we have done them as part of a regular part, this is why I can think we should that today. Thank you. And I missed the discussion this morning I am sorry, I am sorry.

Mr. Nutter: That is okay.

Mr. Redmond: I apologize for that, but I do, I have known of this sometimes had discussions with both of these.

Mr. Barnes: Yes sir. Oh, I am sorry, Mr. Redmond you finished?

Mr. Redmond: Yes.

Ms. Oliver: Mr. Barnes do you have a question for Mr. Nutter.

Mr. Barnes: Yes madam, I do not have a question for him, but he stay there maybe. I think this particular application is the culmination of why this is taking place today, because the Agriculture Committee and the Advisory Commission and people that live there could see what was coming has been allowed in the past in certain areas, it was a big venue and Pungo, which is in Pungo proper that just does this, I mean, I guess it is okay, but that is right downtown Pungo. So, you do not have any exportation beyond that. So, I think the Farm Community down there, basically horses are not an afterthought and that is what this was originally was a horse farm. A lot of times what happens to those things that they buy them, not many people make money on them. It is a place to keep horses or whatever, and they end up getting sold because it is not a very proper thing and then you got this building that you do not know what to do with. So, you try to do what you can and I do not blame him for that. But what Mr. Nutter said in fact is that he sees a big need for this that it is beyond what he thinks is exactly the fact why we are doing this, we do not want this part of the City to be an event destination. The City spent a lot of money on agriculture and the AG Reserve Program to preserve space and keep the Farm Community there. So, we do not want to jeopardize that, but more traffic which we have to move equipment up and down the road all the time is the big problem with that anyhow. And, I think he just made the point that is why this this ordinances needs modification. I think, I can probably tell you more because he is a little bit of background on some of that stuff if he wants to talk about it.

Mr. Horsley: I do not have any specific questions for Mr. Nutter now.

Ms. Oliver: Okay.

Mr. Horsley: I think, I prefer to hear from the rest of the speakers and then we can make an analogy.

Mr. Nutter: I understand or I do not believe we have any other.

Ms. Oliver: I do not think there are any others.

Mr. Horsley: There are no other speakers.

Ms. Oliver: Yes, yeah.

Ms. Klein: I have a question. Is the horse farm continuously congruent with the agricultural use because you are raising live animals.

Mr. Barnes: Do what?

Ms. Klein: So, if it is an agricultural zone area, and you are raising horses is that congruent?

Mr. Barnes: Yeah, there is five parts of agriculture, there is agriculture, horticulture, viticulture, aquaculture, and I forgot what the other thing. Any case there is five others and agriculture that comes with animals come under the farm by agriculture, horticulture of course plants, viticulture being wine, aquaculture being fish.

Ms. Klein: Okay.

Ms. Oliver: Yes.

Mr. Wall: Mr. Nutter, it is just going, maybe you have answered this, may be a specific. It is going to be maintained the horse or that they can aboard horse.

Mr. Nutter: They will continue to aboard horses there, in fact the paddock is the area where the parking would be serve that purpose previously and the lady next door Mrs. Darden that is what she does, she raises horses and boards.

Mr. Wall: Okay. Yeah, it does not look like the fence was down on the riding range, so, I had no.

Mr. Nutter: Oh, I see, I just think, when they come to see, they are changing the barn and they are improving the existing barn and it was in pretty bad shape.

Ms. Oliver: Mr. Nutter, I know and I am looking for it, I cannot seem to find it right now. There is condition from Planning Staff was put in here for a year review.

Mr. Nutter: Yes madam.

Ms. Oliver: And I guess my question is, if after a year, it is not performing the way it was intended to or it is more than what was expected is do they lose that conditional use permit. Yes.

Mr. Nutter: At first what happened, of course, I have never had this happen.

Ms. Oliver: Why.

Mr. Nutter: But I was told that what they would do is they first tried to work with the applicant to correct whatever problems that did not happen they would bring it back for the commission to revoke these.

Ms. Oliver: You got a question for Mr. Nutter.

Mr. Alcaraz: In the informal I would ask, as I remember when this came up I think it was the fall October.

Mr. Nutter: October. Yes, sir.

Mr. Alcaraz: And then again I asked in the informal for a copy or some kind of written form on the agricultural report. What I got was a proposed draft ordinance to change it. I just think, we asked them to defer it and now they come back to me is like that they have come back and now we are going to tell them that get post change. So, I am going to side with a approval. I just wanted to say that.

Ms. Oliver: Yeah. Mr. Horsley.

Mr. Horsley: I will give a little bit of history on the whole situation down here.

Ms. Oliver: I might let Mr. Nutter, you might sit down. I know guys but you do not let him sit down.

Mr. Horsley: He will probably know it by hard anyway.

Ms. Oliver: And, I am going to go ahead and close this and open it up to the Commissioners.

Mr. Horsley: Okay.

Ms. Oliver: Go ahead.

Mr. Horsley: Alright, about three years ago came some questions from some of the farmers in the area, mainly ones some of them in the produce business,

who do hayrides and U-Pick and things like this. And, with family events and they families come out there and then all of a suddenly, the daughter comes with them and then they say well this will be a wonderful place to have a wedding. So, the idea came up to few of these people and they said approach the AG Department and say we would like to look into maybe seeing if we could have weddings over there as ancillary used to our farming operation to help us because farming is not the most lucrative business in the world, even though some people think it is. But, so, anyway they started looking into it and we had set countless meetings with Mr. Tremor and I with Kay Wilson and we tried to kind of hash out what we thought would be the best thing and we would talk to some of the farmers and they would talk back to us and we could never come up with a good plan that they would not be all out, you know, deal with. I mean, a few weddings a year is pocket changes to some people, but you know, half dozen weddings a year to some people you can make couple of thousands of dollar that makes some difference in some folks. So, we could not come up with a good fix there. So, it kind of went mute for a while and then Mr. Nutter came up with his clients and they came up with this idea and it revitalized that way of thinking. But, some of these people when they saw all this happening and it was a big deal, I think original was 50 a year outside weddings and other events that take place, pretty big outft. So, the Agriculture Community says, you know, after we discussed it at Planning Commission and the community really realized what was taking place they said we are about to bring this board AG Advisory Commission. So, Mr. Nutter and his clients came to the AG Advisory Commission in January, and presented a case and then they left an AG Advisory Commission discussed it and they said this is just too much to put in Agricultural Community. And, we can have this and Ms. Wilson was at the meeting and said you all go back and get with Ms. Wilson and see if you can come up with an ordinance. So, Steve and I and the Department of Agriculture Director and Bobby, and Mr. Tajan and I think Carolyn Smith was there. We sit for hour one day in the cag room trying to come up with a scenario that would fit everybody's needs. And we come up with, well we maybe do one a month. That would not work because that is not conducive enough for people to make a big investment, but that would not be too much on AG Community maybe. But anyway, make longer story short, we came up and finally said the best thing it looks us to like is to eliminate that as a conditional use. So, that is what we decided to do. I asked Ms. Wilson, if she draw up the ordinance and she has well in the meantime we have had COVID and all this other stuff going on and the AG Advisory has not had the opportunity, so, we are supposed to meet in April,

have not had opportunity to meet yet and go over it what was presented. So, we stand with the community basically, but they are pretty hard knows that they did not want it. So, I think the ordinance is coming forth will be what they are going to approve and recommend back to Planning Commission and Council. And I will be honest to Mr. Nutter if this had come in earlier with lesser numbers, I may have given in early on, I mean when it came in with the magnitude wise and then you have made some cuts and if you are up here and you said I made some cuts and you are still way up here is still way too many. I know you are thinking about the one that is in Pungo like Steve said and that is in a different area. That is not really in, it is in the agricultural area but it is not out in the country part, it is in a little community of Pungo and that is limited to 20 a year from what I remember. But, even with the numbers you come in, the magnitude of that is just gone. The people say the roads, it would be more extra traffic on the road, you put that 30 big weddings a year, thereon Princess Anne Road and if they are going to be on weekends that is a busy time on Princess Anne Road, people going back and forth from North Carolina to Sandbridge in Virginia Beach, that Princess Anne Road is a very busy road and then you throw farm equipment on it during busy seasons it really gets to be a hazardous. So, it just too much for the area and it is a commercial venture and that would be taking place, I appreciate the idea of keeping a few horses to board to say this agriculture is fine, but it is just not enough, it is just too far weighted to the commercial side and I just cannot support it today, I mean it is just too much going on.

Mr. Barnes: Yes, madam. I am on agree with Donald. And the other thing this would not be the end of it, you know, once we allow this, then they are going to say why you allow this guy to do this, and X number of weddings or events per day. So, it is not going to be the end of it, so, at some point in time this thing just has to stop. I mean, nobody else has gotten these today I am going to make a motion that we deny.

Ms. Oliver: Before you make that I have a question. And then, I will get to Mr. Redmond. So, the ordinance, I mean, we obviously have not seen it. Ms. Wilson, if you could speak to what is coming ahead so, that we can understand whether this is the only one that is going down there or it is that change with this, what does the ordinance change.

Ms. Wilson: What the ordinance changes is that today, if you wanted to put in assembly use in the AG there would be a conditional use permit. What the AG Advisory Commission would like to suggest to City Council and the Planning Commission is that it now be a prohibited use.

Ms. Oliver: So, there would not be anymore.

Mr. Barnes: No more.

Mr. Wilson: There would not be anymore.

Ms. Oliver: So, this would be the only one with a yearly conditional use permit on it.

Ms. Wilson: No there are I think three or four others.

Mr. Barnes: But this will be the last one.

Ms. Oliver: Thank you, this would be the last one.

Ms. Wilson: Yes. This would be the last one.

Mr. Barnes: Yes madam, but somebody got to be last, right. And, I think that was the one before. You know, I do not think it is just. So, I still move that we.

Ms. Wilson: Mr. Redmond has one question.

Mr. Barnes: Oh, you got one more question.

Ms. Wilson: Yes sir. I do not think we are done yet.

Mr. Redmond: No, I do not think we are done yet, just a couple of points I would like to make. So, I think, Mr. Horsley and I served together here 14 years, it is probably about 13 years and 11 months ago, I learned that matters in this part of the city it makes good sense to defer to his judgment. Because, he knows it better than I do. That is what the decision that I came. Now, sometimes you just feel really strongly about something and you do not agree. But, I have learned that he knows this better than I do. This looks like a fine wedding venue, it looks like a great place to get married. There are lots of places in Virginia Beach to get married. And, George to your point, I do think they have worked both sides and I really saw it, but you know, I think, the discussions that have been ongoing and lots of different permutations about that I do not think anybody has tried to double cross anybody. I do not think there was any sort of ever any kind of ill-will or ill-intent or yanking the rug out from under anybody, it is just sometimes we get these things there hard decisions to have make. But, I do think there is a legitimate concern in the Agriculture Community that it remained agricultural and I share it, and I really do. It is wonderful part of the city. It is wonderful industry to have so, many cities around us do not have anything like it, I feel like they are pride. I feel really privileged that we have the Agriculture Industry in Virginia Beach that we do and I want to keep it and

maintain it. I do not know that this one thing is a threat to it. But, I know that the people who know it best are concerned about it and that gives me concern. Mr. Nutter has done a marvelous job of framing his cases and what he says is very appealing. But, to my judgment, I feel like I just have to defer the folks who know that better. And based on my own judgment that this industry is so, critical to us and this way of life is so, critical for the identity of the city I will follow Mr. Horsley's lead proportionately and oppose the application. But, with full knowledge, I think that everybody called in this today which has gone on for a long time really has had in good faith.

Ms. Oliver: Thank you. Mr. Weiner and then Mr. Inman.

Mr. Weiner: I unlike David, because I really want to see something happened here somehow somebody worked together. Mr. or someone asked you a question and I know he said it toward lower numbers you might think of maybe supporting maybe 10 or 12a year, who was down that low. Would that be some or just completely.

Mr. Horsley: I do not think they would entertain any numbers like that.

Mr. Weiner: Okay, I just wanted to ask the question.

Ms. Oliver: Mr. Inman and then Mr. Wall.

Mr. Inman: But that sort of allow the lines always we could not talk about what David just said, as I am concerned about the potential volume of events, 30 events a year, and the fact that how late he can go. The music has to stop at 10, but the party to be want to clear out at 11, I am not sure how well that can be really monitored way down there, but we all know the sound travels more at night than any other time and I just worry about the impact on tranquility of life down (inaudible 01:15:40) with that amount of entertainment going on that particular location. I realized it is probably is that is far off Princess Anne Road as you might want to get in that respect, but still I think the sound would travel a lot.

Ms. Oliver: Yeah, well. I think Mr. Wall.

Mr. Wall: Okay, I have two things. So, the first one is, maybe, this can be answered by Mr. Tajan. But, what are the buy rights uses, but simply uses on a property currently in the agricultural districts. It was mentioned in the word of the Board it is not like you limit all weddings in Pungo period. Nobody can have a wedding on any property in Pungo that is not, it is mentioned you can have four.

Mr. Tajan: The City Code allows special events for up to four.

Mr. Wall: Up to four with the conditional use permit.

Mr. Tajan: No, just special events instruments are permitted.

Mr. Wall: Oh, special events in that condition, yeah, special events. Okay, so, it is not like means cut that out on a weddings ongoing from property at barns. The aesthetics seems like a great spot, I mean, I search the building and the property itself and it look like they will be a perfect venue for wedding. But at the same time, you know, I can see the commercialization in and out of this area as well as you hear you hear this many times, you know, well this is just one, you know, it is just this one application, which is going to hurt, but it also, it kind of sets the standard and the standard for fairness, you know, where do you drive, you know, are we fair for the next application and so, if we are trying to maintain the agricultural area, then it just appears that we would need to maintain it as best we can. As hard as it is for that one application that comes before us, as well you know I am going to do this and it is hidden, it is like, it is true. But, we have to look at it in the bigger picture.

Ms. Oliver: Yes, Mr. Gram.

Mr. Gram: So, I agree with a lot of what has been said here today, and I will say though Dave being a father of a 25-year-old who is actually going to get married in a barn in Pungo. It was very difficult and I almost had to spend the money to have that wedding in Charlottesville in a barn instead of Pungo. But as before I know a new dawn and maybe I could have had it at Mr. Horsley's farm, but, I think at this point and I totally trust the judgment of our two commissioners that live and work in Pungo and have been there for really doing for generations. But, I would like to hear from the applicant, what are they willing to do because it sounds like sitting here right now, it sounds like this vote may not go their way. And, I would just like to hear if there is some sort of compromise we did as George said, we basically asked them to defer, they deferred it and that deferral did not really work out in their favor. So, I just would like to hear, kind of, if there is any kind of compromise.

Ms. Oliver: Mr. Nutter, you want address that question please.

Mr. Nutter: Thank you, I will try to and you will know me, I am compromise as part of this business, to be perfectly honest with you. There are, however, certain limits to prevent that or prevent and redo which you can compromise and this is not something that is thrown together like a barn, you have put in a

normal farm. This is a very expensive building, lots of sound attenuation throughout the building. The sound system somewhere that Mr. Inman you talked about it is a special sound system that goes around in low levels around that structure. In fact, they have had it turned up as high as they could get it and no one could hear it at the street, no one. So, they have really taken great lengths and but the problem we have is with that kind of investment to do the right thing we could not cut much more to be very honest with you. I mean, we thought if they were left 20 at the another location there was no limits on the one at the Kellum Farm right here, right down the street, which is surrounded by residential has no limits on the amount they could have. And you can claim it is not agricultural, but that is in the middle of residential. So, we felt like 30 was a number they could still sustain their business model, going forward. In fact, we have reduced the number of people there because the average wedding in Virginia Beach is 120 people, as the average wedding. So, if we have to go to 125 to 130 or something like that and we could probably do that, but generically I will tell you, they are not loaded with people. But, there is a demand for them I can tell you that. And again, I still think the right answer, if you want to stop this and that is why we deferred this so, long is to wait for an ordinance that would do that. So, we have done that I just did not know it was literally in July, totally I did not know that. I have been following the City Attorney's Office, but I did not know that that was the case. But, we were working with you all to reduce the number, defer this nine months, so, that we could have it so, you would not have any more if that was your desire. So, I think that is a big compromise, that was a big compromise to enter themselves if it would not even fit, I understand that. I wish we could have more to give, but to be honest with you it just takes a certain number to make it work.

Ms. Oliver: Thank you. Anybody else, Mr. Inman.

Mr. Inman: Mr. Nutter, I realized in this COVID environment we are living and it is likely a really crazy question, but I mean, has the applicant anticipated possibly getting this approval and booked some events or has some tentative events booked there, what are they.

Mr. Nutter: Yes, sir. They have had a lot of requests. I run of them the first request was from, I think I said earlier, a large family and Pungo, who wanted to have 350 people at the venue. And we told them that was way more than we could accommodate number one and number two we told them that the number we are limited to was 250 previously. And, that is why we went down to the 150 and allow us to have five weddings a year with what 250, and those are families down there who want to have those weddings. But,

otherwise I will tell you the average wedding is about 120 people. And, again what we found on these, Mr. Whitney is going to find out when he goes to his son's wedding is that not everybody comes in the way same time, they disperse over, because the people at my age level start to leave little earlier. And people who are a little younger, they will be a small group of them and stay till the bitter end. The last dance, if you will. But, most of the wedding party has left long before the end of the wedding. So, it is a very staggered situation.

Mr. Inman: If I missed something in the conditions, is this condition to be weddings only.

Mr. Nutter: No sir, it is not, it is corporate events as well. They have had a number of corporations want to go out for a day event at the barn. Have dinner there and go home. And many of the companies names you would recognize.

Ms. Oliver: Mr. Barnes.

Mr. Barnes: Yes madam. Could I repeat the motion please.

Ms. Oliver: Well it is just a second, anybody else? Mr. Nutter, thank you so, much.

Mr. Nutter: My pleasure.

Mr. Barnes: Yes, madam. I make a motion that we done without this permit.

Ms. Oliver: There is a motion by Mr. Barnes, seconded by Mr. Horsley, to deny it. Marchelle.

Ms. Oliver: Oh, I am sorry. I have got to ask if anybody needs to abstain from this vote. No. Alright, then we will go ahead and call for the vote, Marchelle.

Mr. Graham: I do you need to make it we go to looks like they are using Towne Bank for financing.

Mr. Nutter: I did not see that.

Mr. Horsley Madam Chair, I needed to disclose that I am on about it to Towne Bank the financial institution that they have listed.

Ms. Oliver: Okay. Mr. Inman.

Mr. Inman: I will also, disclose than one the Towne Bank Advisory Board, Virginia Beach, and do not have sufficient financial interest or any decision making power over loans or such, I do not consider I have a conflict. And I will be vote.

Ms. Oliver: Great, thank you. That is it, we will go ahead and call for the vote Marchelle.

Ms. Coleman: Okay. If you are in favor of a motion say, yes and if you are opposed say, no and this motion is to deny the application, Mr. Alcaraz.

Mr. Alcaraz: No.

Ms. Coleman: Mr. Barnes.

Mr. Barnes: I am oppose, no I am not.

Ms. Coleman: So, you are against, there is yes.

Mr. Barnes: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: No.

Ms. Coleman: Mr. Gram.

Mr. Gram: No.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: No.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver.

Ms. Coleman: Mr. Wall.
 Mr. Wall: Yes.
 Ms. Coleman: Mr. Weiner.
 Mr. Weiner: Yes.
 Ms. Coleman: Ms. Oliver.
 Ms. Oliver: Yes.
 Ms. Coleman: Okay. By recorded vote of seven for and four against Agenda Item seven is hereby recommended for denial by the Planning Commission.
 Ms. Oliver: Thank you.

VOTE

	AYE 7	NAY 4	ABS 0	ABSENT 0
Alcaraz	AYE	NAY		
Barnes	AYE			
Coston		NAY		
Graham		NAY		
Horsley	AYE			
Inman	AYE			
Klein		NAY		
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Conditions

1. Except for ADA parking, alternative surfaces (bluestone sand and gravel) may be permitted for on-site for the minimum required number of parking spaces. ADA parking shall be provided in accordance with the ADA criteria.
2. The applicant/owner shall install and maintain a City standard commercial entrance at Princess Anne Road. Said entrance shall be installed in accordance with the City of Virginia Beach Department of Public Works Engineering Division Specifications and Standards.

3. Outdoor events shall be limited to no more than thirty (30) per the calendar year and the maximum number of attendees shall not exceed 150 per event, except up to 5 of the 30 events may have up to 250 attendees.
4. All outdoor events shall be concluded by 10:00 p.m. and indoor events shall be concluded by 11:00 p.m.
5. Amplified music, except acoustical music, shall be prohibited after 10:00 p.m. for outdoor events and 11:00 p.m. for indoor events.
6. All lighting shall be contained on the subject property. The source of the light is to be shielded so as to not be visible from the property line of any adjacent residential use properties.
7. This Assembly Use may continue to operate on the site subject to an annual determination by the Planning Director or designee that the presence of the use is not detrimental to public health, safety, and welfare. Furthermore, the Assembly Use, as conditioned herein, shall not cause public inconvenience, annoyance, disturbance, or be incompatible with other uses in the vicinity or otherwise interfere with the reasonable use and enjoyment of neighboring properties by reason of excessive noise, traffic, or overflow parking.
8. A Site Plan shall be submitted to the Department of Planning & Community Development/Development Services Center to ensure compliance with applicable regulations for all proposed on-site improvements. Site Plan approval shall be obtained prior to issuance of a building permit, which shall be required for the proposed venue structure and any other improvement, per City regulations. In addition, a Certificate of Occupancy shall be required prior to the occupancy of the proposed venue building.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid. The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Planning Commission
11/21/2019

Council District - Princess Anne

This letter is regarding the hearing to be held on Dec. 05, 2019 for the applicant Wolfe Bros Events, LLC. I understand this organization has applied for a conditional use permit allowing them to conduct a business in a residential zone.

Thirty-seven years ago my husband and I moved here to find privacy and a quiet neighborhood. We have invested a large amount of our finances and sweat equity into improving the property for our own benefit and our children's, (the neighbor's have also benefited). Our land value has steadily risen, along with land taxes.

Allowing Wolfe Bros Events, LLC to conduct a business...a noisy one at that!...is the opposite of what this neighborhood represents. There will be noisy crowds and more traffic on this small two lane road. Our land values will decrease along with the peaceful atmosphere. We will not benefit in any way from this business changing our neighborhood. This is the country, not downtown.

Please do not allow this application to go through.

Sincerely,

Betty McLaughlin
1133 Princess Anne Road
Va. Beach, Va. 23457