



VIRGINIA BEACH

BAYFRONT ADVISORY COMMISSION
2875 SABRE STREET, SUITE 500
VIRGINIA BEACH, VIRGINIA 23452
PHONE (757) 385-4621
FAX (757) 385-5667

BAYFRONT ADVISORY COMMISSION
Ocean Park Volunteer Rescue Squad
3769 E. Stratford Drive
(Enter on side opposite Shore Drive)
June 15, 2023

CALL TO ORDER – 3:30 pm

APPROVAL OF MINUTES

Review and Approval of Minutes from 5/18/23 meeting

CHAIRMAN'S REPORT

Welcome Guests and Introductions – Phil Davenport, Chair

STAFF REPORTS

PRESENTATIONS/PROJECT BRIEFINGS

- 1) Upcoming Planning Commission Items: Street Closure and Modification of Conditions applications at Commonwealth Brewery – 2444 Pleasure House Road, Mr. Eddie Bourdon

SUBCOMMITTEE REPORTS

Design – Bob Magoon

Communications – Paul Schubert

Public Safety, Transit, Parking & Pedestrian Access – Martin Thomas

UPDATES OF CURRENT PROJECTS

OLD BUSINESS

NEW BUSINESS

- 1) Proposed resolution to amend the membership of the Bayfront Advisory Commission
- 2) BAC Annual Report – Due August 31
 - a. Goals and Objectives for FY24
 - b. Future recommendations to City Council
- 3) Shore Drive Corridor Plan Discussion

COMMUNITY REPORTS & PUBLIC COMMENTS

ADJOURN

BAYFRONT ADVISORY COMMISSION

DRAFT MINUTES – May 18, 2023

The regular meeting of the Bayfront Advisory Commission was held on May 18, 2023, at 3:30 p.m., at the Ocean Park Fire and Rescue Squad Building (3769 E. Stratford Road).

MEMBERS PRESENT: Phil Davenport (Chair), Bob Magoon (Vice Chair), Morgan Ayers, Joe Bovee, Wally Damon, Chuck Guthrie, Bill Hearst, Martin Thomas, John Coston, Christopher Taylor, Joash Schulman

MEMBERS ABSENT: Frank Rabena (excused), Stacey Shiflet (excused), Holly Cuellar (excused)

CITY STAFF PRESENT: Hank Morrison – Planning, Kay Wilson – City Attorney, Jeremy Kline – Public Works

CALL TO ORDER

Chair Phil Davenport called the meeting to order at 3:30pm.

MOTION TO APPROVE THE MINUTES FROM 4/20/23 MEETING

A motion was made by Wally Damon, seconded by Bob Magoon, to approve the minutes from the 4/20/23 meeting.

The motion passed 7-0.

CHAIR'S REPORT

The Chair announced that the city budget was approved. He recognized Councilman Taylor to speak, who indicated that budget discussions will begin again this summer. The Chair then recognized Councilman Schulman to speak. He echoed Mr. Taylor's comment about budget discussions beginning earlier for next fiscal year, and spoke about how the budget provided moneys for an update to the Shore Drive Corridor Plan, cameras to be installed at the Lynnhaven Boat Ramp, and restrooms at Chicks Beach.

The Chair introduced Jeremy Kline, Deputy Director of Public Works, who will be attending BAC moving forward.

The Chair announced that he and Councilman Schulman, Danny Murphy, Morgan Ayers, and representatives from Public Works would be walking Shore Drive to observe gaps in sidewalk and other safety and connectivity issues that can be addressed prior to the beginning of the Shore Drive Phase 4 project.

PRESENTATIONS/DISCUSSIONS

There were no presentations.

STAFF REPORTS

Hank Morrison made the following announcements:

- The CUP for Launch Creative Space has been deferred indefinitely. If it is put back on the Planning Commission agenda in the future, Mr. Morrison will inform the Commission.
- The representative for Commonwealth Brewery's proposed street closure will be at next month's BAC meeting to speak to the group and ask questions.
- The Planning Commission voted unanimously to recommend approval of the Flood Resiliency Toolkit and Commercial Area Pattern Book, and City Council will be voting on whether to adopt the documents on June 6.

COMMITTEE REPORTS

- **DESIGN** – Reviewed the Launch Creative Space CUP. Did not find any issues
- **COMMUNICATION** – Reported that there are 136 subscribers and April newsletter had gone out. Requested that the newsletter be posted on the city's website.
- **PUBLIC SAFETY, TRANSIT, PARKING & PEDESTRIAN ACCESS** – No report. Martin Thomas stated that he will renew efforts to look at areas for bike racks. Chair suggested that members of the BAC send Mr. Thomas locations where bike racks would be useful.

OLD BUSINESS

No old business

NEW BUSINESS

1. CM Schulman announced there will be a Virginia Beach History scavenger hunt at Pleasure House Point on May 20, 10am-1pm.

PROJECT BRIEFINGS

There were no project briefings.

COMMUNITY REPORTS AND UPDATES

Mike Provost from the Vessel Disposal and Reuse Foundation spoke about an issue his foundation was having with a local marina. The marina has 13 derelict vessels, and the foundation has removed 6 vessels that had sunk, costing them \$43,600. The Chair requested that the City Attorney look into the legal aspects of this activity, as well as speaking to the City Manager's Office and City Council about avenues to improve the situation. Mr. Guthrie also offered to reach out the Virginia State Legislative representative about the issue.

Todd Solomon asked where Public Works was in the design process for Shore Drive Phase 4. Jeremy Kline said that he would look into the details and let BAC know at next month's meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:53 pm.

Phil Davenport
Chair

Hank Morrison
Comprehensive Planning Administrator

Modification of Conditions

Contact Information

Applicant's Name Commonwealth Brewing Company, LLC, a Virginia limited liability company

Address 2444 Pleasure House Road

City Virginia Beach State Virginia ZIP 23455

Phone 757/305-9652 Email jeramy@commonwealthbrewco.com

Applicant's Representative R. Edward Bourdon, Jr., Esq.

Address 4429 Bonney Road, Suite 500

City Virginia Beach State Virginia ZIP 23462

Phone 757/499-8971 Email amccorkle@sykesbourdon.com

Property Owner's Name Same as Applicant

Address _____

City _____ State _____ ZIP _____

Phone _____ Email _____

Property Information

Address or Location 2444 Pleasure House Road

GPIN(s) 1570-50-2725-0000

Land area (acres or square feet) 33,846 sq. ft. City Council Election District #9

Existing Zoning B-2 Overlay District ☐ Yes ☒ No (If yes, specify _____)

Strategic Growth Area (SGA) ☐ Yes ☒ No (If yes, specify _____)

AICUZ N/A Watershed Chesapeake Bay

Special Flood Hazard Area ☐ Yes ☒ No (If yes, specify _____)

If you need assistance with obtaining any of the above information, please contact the Planning and Community Development Department for assistance at (757) 385-4621.

Modification of Conditions

Modification of Conditions Request

Please provide the type & date of the City Council approval associated with this request is to modify conditions.

Conditional Use Permit for a Craft Brewery on December 9, 2014

Modification of Conditions Details

Please provide a detailed description of the proposal below. Include information related to previously approved City Council actions and any modifications requested, pending or anticipated variance requests and/or Chesapeake Bay Preservation Act requests, number of units, square footage of building, exterior building materials, hours of operation, number of employees, etc.

The December 9, 2014 Conditional Use Permit was the very first craft brewery Conditional Use Permit Application entertained by the City and it either accompanied, or followed by one (1) month, the City's adoption of an amendment to the CZO to add "Craft Breweries" as a Conditional Use in the B-2 (and other) Zoning District. The applicant represented himself in negotiating the purchase of 2444 from the Chesapeake Beach Volunteer Fire and Rescue Department, Inc. and the City to help facilitate their move to the new facility. He also represented himself on the Conditional Use Permit and accepted the six (6) conditions recommended by Planning staff.

Since commencing production and opening for business in the summer of 2015, Commonwealth Brewing has enjoyed significant success and a strong following in this marketplace and within the Chesapeake Beach Community. It has established an excellent adaptive re-use of the old volunteer fire station building, which has permitted the owner to assemble two (2) of the three (3) adjoining parcels zoned unconditional B-2 Commercial.

This application accompanies a Street Closure Application for the section of Lake Drive between Pleasure House Road and Northampton Boulevard which will add a strip of land 25 feet in width to the north side of the property and five (5) additional onsite parking spaces.

The applicant has acquired one (1) of the two (2) adjacent properties on the south side of the subject site (2440 Pleasure House Road) which had a legally non-conforming residential use on a B-2 zoned property and removed the non-conforming dwelling. The applicant has used a portion of this property for outdoor seating and has submitted a Conditional Use Permit Application to include the property with 2444. The applicant hopes to acquire the parcel adjacent to 2440 Pleasure House Road which fronts upon Judge Lane that is a legally non-conforming residence, and re-subdivide the three (3) parcels into one (1) commercial parcel and increase the parking while also improving site access and circulation.

Condition numbered 1 is requested to be modified, with the new site layout to be referenced in condition #1.

*SEE ATTACHED NARRATIVE

With respect to the existing outdoor seating depicted on the Site Layout plan, the required parking under our present parking ordinance of 67 spaces is in excess of the demand and necessity since the applicant acquired 2456 Pleasure House Road and the Patriot's Pub closed. This is reflected in a parking study provided by the applicant's engineer in reliance upon a similar study involving craft breweries in Vancouver, Washington.

Unlike typical restaurants, a significant number of patrons use Uber, Lyft, Cabs and ride sharing to avoid any temptation to drive under the influence. Equally impactful in lessening demand, and thus the need for excessive onsite parking is this location in a relatively densely populated beach front community in which there is substantial use of bikes, skateboards and walking to and from Commonwealth Brewing during the nice weather months when the outdoor seating is utilized.

Upon the closure of Lake Drive, there will be twenty-nine (29) onsite parking spaces and a loading space onsite at 2444 Pleasure House Road. In addition, the City (Public Utilities) will retain ownership of all 50 feet of the eastern end of Lake Drive for a future relocation of its existing pump station. Public Works has indicated their willingness to support a Temporary Encroachment to permit access and parking in the southern 25 feet of their parcel created by the street closure until the full parcel is needed for constructing the new relocated pump station. This will facilitate continued use of an additional three (3) parking spaces for a total of thirty-two (32).

The principal of Commonwealth Brewing has acquired the commercial property to the north (2456 Pleasure House Road) and closed a tenant business which had created numerous neighborhood complaints and violation notices from the City (Patriot's Pub). The building is vacant, with part of it being used solely for storage by the owner.

2456 Pleasure House Road has 24 parking spaces and with the closure of Lake Drive that will increase to 27 parking spaces. In the event of a large planned fundraiser or similar planned or special event, this site can be used for valet parking if necessary. In addition, the owner is agreeable to leaving the building at 2456 vacant and committing all of the parking to use by Commonwealth Brewing until the anticipated acquisition of the final B-2 property on Judge Lane facilitates creation of additional parking on the south side of the property with consolidation of the assembled properties.

In the interim, the total available parking spaces will be 59 which, for the reasons cited herein exceeds the parking demand, with the exception of a handful of Special Events which utilize valet parking and transportation from satellite parking.

Street Closure

Contact Information

Applicant and Property Owner Name Commonwealth Brewing Company, LLC & Beery Ventures, LLC
Address 2444 Pleasure House Road
City Virginia Beach State Virginia ZIP 23455
Phone 757/305-9652 Email jeramy@commonwealthbrewco.com

Applicant's Representative R. Edward Bourdon, Jr., Esq.
Address 4429 Bonney Road, Suite 500
City Virginia Beach State Virginia ZIP 23462
Phone 757/499-8971 Email amccorkle@sykesbourdon.com

Property Information

Address or Location of property adjacent to the proposed Street Closure 2444 & 2456 Pleasure House Road
GPIN(s) of property adjacent to the proposed Street Closure 1570-50-2725-0000 & 1570-50-2959-0000
Description of the location of the proposed Street Closure _____
Land area of the proposed Street Closure (acres or square feet) _____
City Council Election District #9
Existing Zoning B-2 Overlay District ☐ Yes ☒ No (If yes, specify _____)
Strategic Growth Area (SGA) ☐ Yes ☒ No (If yes, specify _____)
AICUZ N/A Watershed Chesapeake Bay
Special Flood Hazard Area ☐ Yes ☒ No (If yes, specify _____)

Adjacent Property Information

A.
Owner Name Commonwealth Brewing Company, LLC
Address or Location 2444 Pleasure House Road, Virginia Beach, Virginia 23455
GPIN(s) 1570-50-2725-0000
Existing Zoning B-2

B.
Owner Name Beery Ventures, LLC
Address or Location 2456 Pleasure House Road, Virginia Beach, Virginia 23455
GPIN(s) 1570-50-2959-0000
Existing Zoning B-2

Street Closure

C. NF City of Virginia Beach

Owner Name _____

Address or Location 4788 Lake Drive, Virginia Beach, Virginia 23455

GPIN(s) 1570-50-3916-0000

Existing Zoning B-2

If you need assistance with obtaining any of the above information, please contact the Planning and Community Development Department for assistance at (757) 385-4621.

Street Closure Details

Please provide explain the reason for the street closure and provide any additional information that may be useful in the review of this application.

The applicants are the owners of 2444 and 2456 Pleasure House Road which share the north and south side right of way lines of this entirely paved section of Lake Drive east of Pleasure House Road and west of Northampton Boulevard.

When closed the western portion of the property will be divided and incorporated into the two (2) adjoining properties. A majority of the western closed right of way will be added to 2456 with roughly 15 feet going to 2444. The City will reserve a 22 foot wide perpetual ingress/egress easement over a paved drive aisle to be maintained by the adjoining property owners across the southern portion of the closed right of way from Pleasure House Road to the eastern closed portion of Lake Drive which will be retained in fee simple by City Public Works and incorporated into the existing City pump station site abutting the northeast portion of the Lake Drive right of way to be closed.

REQUESTED BY COUNCILMEMBER SCHULMAN

**AN ORDINANCE TO AMEND THE MEMBERSHIP
OF THE BAYFRONT ADVISORY COMMISSION**

WHEREAS, the mission of the Bayfront Advisory Commission (BAC) is to review and make recommendations to the City Council regarding public and private projects and issues associated with the Bayfront area, or projects or issues associated with the Bayfront area that the City Council may refer to the Commission;

WHEREAS, several City Council-appointed boards and commissions include student members who have provided valuable support and perspectives to those boards and commissions in the fulfillment of their respective missions;

WHEREAS, the BAC has requested that the City Council amend the membership of the BAC to include student members; and

WHEREAS, adding two additional citizen members (for a total of twelve) would also benefit the BAC;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF VIRGINIA BEACH, VIRGINIA:

That the membership of the Bayfront Advisory Commission shall include twelve (12) citizens of the Bayfront area and six (6) ex-officio members: the Planning Commission members and the City Council members from the 8th and 9th Election Districts, the Commander of Joint Expeditionary Base Little Creek-Fort Story, and the Park Manager of First Landing State Park. The membership shall also include three non-voting student members, one of whom resides in Election District 8, one of whom resides in Election District 9, and one who is enrolled in the Virginia Beach City Public Schools Environmental Studies Program at the Brock Environmental Center. Student members shall be appointed for a term of one year. To align students' terms with the academic year, when feasible, the City Council will appoint student members for a term that begins on July 1 and ends on June 30. A majority of the appointed voting members shall constitute a quorum.

Adopted by the Council of the City of Virginia Beach, Virginia, on the ____ day of _____, 2023.

APPROVED AS TO LEGAL SUFFICIENCY:

City Attorney's Office

R-2
June 2, 2023