

CITY OF PORTSMOUTH
PLANNING COMMISSION
TRANSCRIPT OF PUBLIC HEARING
TUESDAY, MAY 2, 2023 at 1:30 p.m.
CITY COUNCIL CHAMBER

COMMISSIONERS PRESENT:

Sherrri Thaxton, Chairperson
Donna Coleman, Vice Chairperson
Anthony Hinds
Primas Paige
Miriam Jiggetts

COMMISSIONERS ABSENT:

Danielle Barnes
Keith Curry

CITY STAFF PRESENT:

Jocelyn T. Adumuah, Interim Planning Director
Meg Pittenger, Assistant Director
Regina O. Jackson, Zoning & Planning Coordinator
Jeff Miller, Deputy City Attorney
Valerie Malzone, Senior Planner
Brian Swets, Manager of Comprehensive &
Strategic Planning
Carl Jackson, Manager of Transportation Planning
Amy Mervine, Senior Planner
Julie Chop, Principal Planner

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1 (Call to order at 1:30 p.m.)
2 CHAIRWOMAN THAXTON: Good
afternoon, Ladies and Gentlemen.
3 I would like to welcome you all to
this very important meeting today, Tuesday, May
4 the 2nd, 2023, in the City of Portsmouth City
Council Chambers.
5 Madam Secretary.
6 MS. JACKSON: Thank you, Madam
Chair.
7 Commissioners, we will now
confirm -- we will now have roll call. Please
8 indicate your presence electronically.
Five members of the Planning
9 Commission are present.
CHAIRWOMAN THAXTON: Commissioners,
10 before you are the minutes of the April 4th, 2023
Public Hearing.
11 If there aren't any changes, we are
in need of a motion.
12 COMMISSIONER PAIGE: Madam Chair,
this is Commissioner Paige, I make a motion for
13 approval of the minutes.
CHAIRWOMAN THAXTON: Commissioners,
14 we have a motion.
Is there a second?
15 Commissioner Hinds.
COMMISSIONER HINDS: Madam Chair,
16 Anthony Hinds, second.
CHAIRWOMAN THAXTON: Thank you.
17 Madam Secretary.
MS. JACKSON: Thank you, Madam
18 Chairman.
We have a motion and a second to
19 approve the minutes from the April 4th, 2023
public hearing and you will be now voting
electronically.
20 COMMISSIONER JIGGETTS: Excuse me.
The board is saying seconded by
21 Curry.
The second was Hinds.
22 CHAIRWOMAN THAXTON: Okay.
MS. JACKSON: The minutes are
23 approved by votes of 5 to 0.
Announcements of future meetings
24 and conferences. Please note our next scheduled
work session is Tuesday, June 6th, 2023 at
25 12:30 p.m., City Council Chamber, followed by
public hearing at 1:30 p.m., City Council Chamber.
Items reviewed today will be

1 presented to City Council for action at their
2 June 13th, 2023 public hearing or as otherwise
3 noted.

4 Planning Commission rules limit a
5 speaker up to five minutes to speak.

6 We also ask that everyone please
7 silence your cell phones at this time, if you have
8 not already done so.
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1 UP-23-07, COMMERCIAL DISTRICT 3

2 MS. JACKSON: Our first public
3 hearing item, UP-23-07, Commercial District 3.

4 Ron Holloway with New Home Builders
5 requests a use permit to construct four townhouses
6 on approximately 0.231 combined acres located at
7 3002 and 3006 Deep Creek Boulevard in the General
8 Mixed Use, GMU, Zoning District.

9 The future land use map of the
10 Build One Portsmouth Comprehensive Plan designates
11 these properties for multifamily residential.

12 The properties are owned by New
13 Home Builders and is further described as Tax Map
14 145, Parcel 19 and 20.

15 The staff coordinator is Amy
16 Mervine.

17 And will the applicant or
18 representative for this application please come
19 forward and present your application at this time.

20 MR. HOLLOWAY: Good afternoon.

21 THE COMMISSIONERS: Good afternoon.

22 MR. HOLLOWAY: What do I do next?

23 I don't know.

24 First time doing this.

25 CHAIRWOMAN THAXTON: Your name,
sir, and your address.

MR. HOLLOWAY: I am Ron Holloway
from New Home Builders and I'm requesting a use
permit at 3002 and 3006 Deep Creek Boulevard. And
what I'm really requesting is just -- it's already
zoned for multifamily use.

The only thing I'm requesting is to
be able to put driveways in each property.

That's what I'm requesting.

Is there anything else that I need
to specifically do?

CHAIRWOMAN THAXTON: No, sir.

Commissioners, do you have any
questions for Mr. Holloway?

COMMISSIONER JIGGETTS: I don't
have a question for Mr. Holloway.

Thank you for wanting to do this
project, but I do want it read into the minutes
about my concerns that we are not having the
School Board or the school administrators to
always respond to our Planning Department where we
know we're going to be having residential housing
or multifamily housing or apartments.

We need to have our school
administration responding because this always

1 directly impacts the school enrollment.

Thank you.

2 CHAIRWOMAN THAXTON: Commissioners,
are there any additional questions for
3 Mr. Holloway?

COMMISSIONER PAIGE: Yes.

4 Mr. Holloway, so first let me get
some clarity. Is it the plan for you to construct
5 these townhomes that are right here, right?
Correct?

6 MR. HOLLOWAY: Yes, sir.

7 COMMISSIONER PAIGE: My only
question is that: In the back side of the house
it's exposed to the railroad tracks?

8 MR. HOLLOWAY: Yes.

9 COMMISSIONER PAIGE: Is it possible
for you to put some sort of shrubbery or
boundaries in place? Because it's a potential
10 that children might live there.

11 MR. HOLLOWAY: Yes, sir.

12 COMMISSIONER PAIGE: Some sort of
shrubbery or boundaries, if we can add that into
the condition to create some sort of border.

13 Because with all of the recent
accidents or incidents that we've had with trains
and then we don't want one of the children to
14 potentially, you know, run out over to the train.

15 Even though there is a paver, a
walkway there, would you be opposed to putting
some sort of bushing or something to kind of
16 square off the house?

17 MR. HOLLOWAY: Not at all.

We're going to fence it.

18 COMMISSIONER PAIGE: Oh, there it
is. Okay. Wonderful. Wonderful.

Thank you.

19 CHAIRWOMAN THAXTON: Commissioners,
any other questions?

20 Mr. Holloway, I have a question.

21 MR. HOLLOWAY: Yes, ma'am.

22 CHAIRWOMAN THAXTON: So the
trashcans under Condition Number 7 cannot be
stored out front.

23 Are you going to create a scenario
where they can bring them in through the back
or --

24 MR. HOLLOWAY: Yes, ma'am.

25 CHAIRWOMAN THAXTON: -- are they
going to be expected to put them in their garage?

MR. HOLLOWAY: It will be

1 sidewalking.

2 So they can put them either in the
3 garage or just bring them straight out the
4 driveway or put them in the backyard.

5 CHAIRWOMAN THAXTON: Because you
6 said they were going to fence it. So they'll have
7 a gate in the rear?

8 MR. HOLLOWAY: Yes.

9 Yes, ma'am, on both sides.

10 CHAIRWOMAN THAXTON: Thank you,
11 sir.

12 Commissioners, any additional?
13 Miss Jiggetts.

14 COMMISSIONER JIGGETTS: Well, I
15 just would like to say for clarity's sake, I would
16 hope that the trashcans would be in the back and
17 not in the garages because of the obvious reasons.

18 Rodents love to --

19 MR. HOLLOWAY: Yes.

20 COMMISSIONER JIGGETTS: -- explore
21 and seek out.

22 So that would just be my comment.

23 MR. HOLLOWAY: Okay.

24 Not a problem.

25 COMMISSIONER JIGGETTS: Thank you.

26 CHAIRWOMAN THAXTON: Commissioners,
27 any additional questions?

28 Thank you, Mr. Holloway.

29 MR. HOLLOWAY: Thank you.

30 Thanks for listening, guys.

31 CHAIRWOMAN THAXTON: Absolutely.

32 Commissioners, if there's no
33 additional questions, we are in need of --

34 MS. JACKSON: Thank you, Madam
35 Chairman.

36 Ladies and Gentlemen, this is a
37 Public Hearing on Item UP-23-07.

38 I have no registered speakers.

39 If there is someone here who did
40 not get an opportunity to register and would like
41 to address this application, you may come forward.
42 State your name and your address for the record
43 and you will be given up to five minutes to speak.

44 Appearing to be done, Madam

45 Chairman, Members of the Planning Commission, this
46 Public Hearing is now closed.

47 CHAIRWOMAN THAXTON: Commissioners,
48 if there's no additional questions, we are in need
49 of a motion and a second.

50 COMMISSIONER PAIGE: Madam Chair, I

1 make a motion -- this is Commissioner Paige -- for
2 approval of UP-23-07 with conditions.

3 CHAIRWOMAN THAXTON: Commissioners,
4 is there a second?

5 COMMISSIONER PAIGE: Conditions to
6 include the shrubbery or fence that was agreed
7 upon.

8 CHAIRWOMAN THAXTON: Okay.
9 Commissioner Hinds.

10 COMMISSIONER HINDS: I second that
11 motion.

12 CHAIRWOMAN THAXTON: Thank you.
13 Madam Secretary, we have a first
14 and a second.

15 MS. JACKSON: We have a motion and
16 a second and you will be voting electronically.

17 This item is approved by a vote of
18 5 to -- of a vote of 5 to 0 with conditions, the
19 shrubbery and the fence.

20 Our next --

21 COMMISSIONER JIGGETS: Excuse me.
22 I believe the applicant was clear
23 that there would be fencing. So I see no need to
24 include shrubbery in the conditions.

25 CHAIRWOMAN THAXTON: Commissioner
Jiggetts, I believe the shrubbery, Mr. Paige was
including that in that paper street behind the
parcels.

Correct?

COMMISSIONER JIGGETTS: No.
The shrubbery had to do with the
back of each townhome.

CHAIRWOMAN THAXTON: Okay.

COMMISSIONER JIGGETTS: But the
owner made it clear that it was going to be
fenced.

So we have no need to put in a
condition about shrubbery when the applicant has
already said it would be fencing.

CHAIRWOMAN THAXTON: Commissioner
Hinds.

COMMISSIONER PAIGE: Let me give
clarity.

When he established that he was
putting up a fence, that was a part of -- that was
the condition that was understood.

He stated that he was putting up a
fence.

Shrubbery -- let me restate. A
fence and/or shrubbery. Does that work? But he

1 already stated that he was going to put up a
2 fence.

3 So do we need to restate this
4 motion?

5 COMMISSIONER HINDS: Madam
6 Chairman, if I may, I had understood the original
7 motion to be shrubbery or fencing, which has been
8 adopted.

9 If we were to change that, we would
10 have to undertake some motions practice, but I
11 believe that shrubbery or fencing works for
12 everybody in the alternative.

13 CHAIRWOMAN THAXTON: Okay.
14 Thank you.

15 COMMISSIONER PAIGE: I'm good.

16 MS. JACKSON: So we're good?

17 CHAIRWOMAN THAXTON: We're good.

18 COMMISSIONER JIGGETTS: Excuse me.
19 I still want to weigh back in.

20 In the business arena we have
21 something called a divided release, and I did not
22 want to see a divided release on this motion
23 because the applicant firmly stated there was
24 going to be fencing. So if you just give me
25 clarity on that.

And I don't understand why it can't
be done without having to go through another
motion behind that. It's just a matter of the
applicant was clear. He said it would be fencing.

So if he said it would be
fencing -- he didn't say anything about shrubbery.
He said fencing -- then I don't see why we're
putting shrubbery in there as an option.

COMMISSIONER HINDS: I think it
benefits the applicant, if anything.

I mean, certainly if he wants to
simply use fencing, he can do that, just as he
represented.

If for some reason during site
planning he should decide that he would prefer to
use shrubbery, that's an option with the condition
as stated in the motion.

But since we have already voted on
it, that is -- as it stands right now, that is the
condition, shrubbery or fencing.

COMMISSIONER PAIGE: I'm good.

CHAIRWOMAN THAXTON: You're good?

COMMISSIONER JIGGETTS: My fellow
Commissioner asked me was I good. I'm good.

It's just that to me once the

1 applicant firmly states what they are going to do,
2 I don't see why we give a divided release on the
3 motion.

4 That's the only thing I'm saying.
5 Thank you.
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1 UP-23-08, HAMPTON ROADS CROSSING

2 MS. JACKSON: Our next, UP-23-08,
3 Hampton Roads Crossing.

4 Larry S. Barry, P.E., of AES
5 Consulting Engineers requests a use permit for a
6 warehouse and light manufacturing use in order to
7 develop five warehouse and light manufacturing use
8 in order to develop five holdings -- five
9 buildings totaling 61,200 square feet on
10 approximately 7.34 acres of land located at
11 1050 University Boulevard in the Conditional
12 General Mixed Use, GMU-K, Zoning District.

13 The future land use map of the
14 Build One Portsmouth Comprehensive Plan designates
15 this is property as commercial.

16 The property is owned by
17 Terry-Peterson Residential Company and is further
18 described as Tax Map 833, Parcel 1.7.

19 The staff coordinator is Julie
20 Chop.

21 The applicant is already at the
22 podium. State your name and your address for the
23 record, sir.

24 MR. BARRY: Good afternoon.

25 Thanks for being here today.

My name is Larry Barry. I'm a
professional engineer. I'm employed by AES
Consulting Engineers. I'm a senior principal.

I live at 2100 Georgetown
Boulevard, Chesapeake, Virginia and the zip code
23325.

And I guess standing here it's
easier to talk. Since we were here -- I have with
me Tuck Bowie, who is the president of
Terry-Peterson Development.

And since we attended the -- I'll
call it the informal session or the early session,
I noticed there was a few comments that were made
that I'll try to address as part of my statement
and not spend a lot of time going back over the
plan and what we're proposing to do since I think
the staff did a very good job of presenting that.

I first started actually working
on this land in the mid-1980s with another
developer who had had it under contract to build
shopping centers and a lot of retail.

And, of course, the marketplace
slipped out after that and the property kind of
sat vacant looking to be developed until around
the middle of 2005, when Terry-Peterson contracted

1 to do the property and as part of the initial
2 emphasis of doing that was to build the Old
3 Dominion VMASC Center, building for Old Dominion
4 and the -- what's referred to now as the doctors
5 office building.

6 The Old Dominion building, the
7 doctors office building was in the City of
8 Portsmouth, and then the land left over was
9 planned at that point in time for another 75 to
10 100,000 square foot office tower.

11 I think 305 parking spaces were
12 mentioned earlier.

13 The master plan -- the planning of
14 the site was actually done jointly in both cities
15 simultaneously with an overall plan.

16 Both cities were cooperative.

17 We had hearings in both locations
18 during -- because it was a very fast track project
19 for the V Mass Building, we actually had a
20 committee of city staff from Suffolk and
21 Portsmouth that met regularly to review the design
22 plans that my firm prepared.

23 I've been -- like I said, I've been
24 involved since the initial stages and I guess
25 based on my age I'm probably the history man for
26 this project.

27 So it was all done at once.

28 And it's basically 100 percent
29 developed, except for this 7 acre site, which over
30 the last 20 -- almost 20 years we've had several
31 opportunities and people to look at it, but
32 because of the way it's tucked in behind the other
33 two office buildings, it's not really a prime
34 commercial site for retail.

35 As you can see, there's a
36 tremendous amount of retail out there now.

37 It's not a hotel site. They tried
38 to get hotel people interested in it.

39 And if you have seen anything at
40 all since the pandemic, there is no office market
41 right now for suburban office buildings, which was
42 originally planned.

43 About two years ago a broker came
44 to Terry-Peterson's office and talked to him about
45 a development that's been built in Chesapeake.

46 It was actually planned and was
47 getting ready to go into construction or what I --
48 I would use the term a flex space, which is not a
49 pure warehouse. It's not a pure manufacturing
50 plant.

1 It's a combination of a smaller
2 office and then an area where whatever the
3 company's doing they can use and do inside.

4 What was unusual about this
5 particular development, it had been set up such
6 that, you know, because of the small building,
7 10,000, 12,000 square foot footprints, you can
8 actually get delivery trucks, panel-type trucks
9 that you see, UPS, et cetera, et cetera type of
10 trucks up to make deliveries; but at the same time
11 you could provide a common loading dock if you had
12 vehicles that needed a 4-foot dock height.

13 That's not to say that we expected
14 to have a tremendous amount of tractor trailer
15 traffic, but there are companies that will get,
16 you know, one or two maybe deliveries in that size
17 truck a month, but they need -- they walk away
18 from any kind of product that doesn't have a
19 4-foot dock because they need to have a 4-foot
20 dock for certain deliveries.

21 So that was part of what drove us
22 to have a loading dock.

23 We're not an Amazon warehouse where
24 we're lining them up, you know, 10 or 20 at a time
25 and then they're going back and forth.

 So there's going to be a minute
amount of that type of traffic. We would expect a
lot of fleet vans.

 The particular project that's been
built and fairly occupied now in Chesapeake --
which is where the images that I used to present
how the architecture would look -- I think one of
the -- one of the units is -- about 20,000 feet
has been taken by the company that goes out and
restores homes and businesses when they have
accidents, flooding or fires and things of that
nature.

 Another unit has been taken by a
mobile vet that drives around to do veterinary
services to people at their homes. So it's
pretty -- it's pretty interesting in what these
things have become and it's something that
Portsmouth doesn't have and they surely do not
have it in this region of the city.

 If you look at your comp plan that
was developed in 2018, most of the areas were
designated for these types of uses were over near
the northern part of the city near the waterfront
or down along High Street coming in this
direction.

1 This region of the city is
2 completely devoid of the I'll call it industrial,
3 even though it's more office flex, but let's use
4 the term industrial. That's what you call it in
5 your comp plan as compared to commercial.

6 Mr. Peterson met with the Economic
7 Development Director and talked to him about this
8 project and he felt that it was something that
9 Portsmouth could really need -- could really use
10 and need and it was something that we could market
11 and probably fill up and create jobs quickly.

12 We then -- he then held I think
13 back in September the first meeting with the
14 Planning Department to talk about the project.

15 Everybody was excited about the
16 project, but we also knew that -- just to clarify
17 things -- when we go to get -- when we go to
18 market the buildings and start lining up tenants,
19 we didn't want to get into a situation where
20 because it's zoned commercial and you have a lot
21 of uses -- as you talked earlier about what we can
22 do under our current zoning.

23 If we get anybody that comes in
24 that might lean a little bit more to warehousing
25 or they have minor assembly where they're getting
various parts or pieces in and they assemble it,
that might be considered the light manufacturing.

 We felt it was -- it was
recommended by the planning staff that we apply
for a use permit for both warehousing, as well as
light manufacturing, which is why we're here
today.

 After that meeting, we developed
the site concept, made some revisions, had several
other meetings with planning staff; extremely
cooperative, very responsive to us and explaining
things that we needed to be done, and that kind of
brought us here today.

 So we're here to ask about -- ask
for your approval so we can move forward to design
and construction and get this project on the
market for Suffolk. You might want to call your
Economic Development Director and just see if he

 agrees with me about what this use would be and
how it could benefit the city. The whole
development has, you know, thousand residential
units in it, along with the commercial that you
have seen.

 All of those commercial users have

1 WB-67 trucks that come into the site to make
2 deliveries daily and probably there's a half dozen
3 more that come in just to stock the stores.

4 I would suspect that the few that
5 we would have would not be a large increase in the
6 amount that you are seeing today on the roadways.

7 Since I designed the roadways back
8 in -- and worked with the City of Suffolk on the
9 roundabout, I can tell you that the roundabout was
10 designed at that time for trucks to maneuver
11 around in a proper fashion.

12 We would have had -- and we laid
13 out the parking lots for the office buildings such
14 that we could bring WB-67s in to deliver
15 materials.

16 We also laid it out for the
17 apartment projects because a lot of the trucks
18 that bring -- moving trucks that might bring
19 somebody across country are also WB-67s.

20 That larger truck came into play in
21 the mid-2000s and became the standard one that we
22 have to use for modeling. We were doing our
23 modeling for trucks.

24 In addition to meeting with the
25 city, we did also reach out to the Churchland
26 Civic League, which it's interesting that they're
27 a fairly good distance away from where this
28 property is since we're all the way out in the
29 western edge, but the Churchland Civic League is
30 the civic league that represents the landowners
31 around us.

32 I know notifications were sent to
33 the adjacent property owners. We received no
34 comments from them. And when we presented it to
35 the civic league, they had about 20 members there
36 that evening, they strongly endorsed this
37 development for the city and Portsmouth.

38 I asked it when -- to the audience
39 if anybody lived nearby and no one was a close by
40 resident. So I can't say that they were there for
41 that presentation, but I know they've been
42 notified by the staff. I think with that I --
43 that's probably all I think I need to add and I'm
44 ready to take questions, if any of you members
45 have them.

46 CHAIRWOMAN THAXTON: Thank you,
47 Mr. Barry.

48 Commissioners, are there any
49 questions for the applicant?

1 COMMISSIONER JIGGETTS: I have a
question, but it's really for planning staff.

2 I think I understood that you were
not in favor of the project. You recommended
3 denial.

4 Is that correct?

MS. ADUMUAH: Yes. It's true.

5 COMMISSIONER JIGGETTS: Please
explain why again.

6 MS. ADUMUAH: Okay.

7 One, on the north and east
boundaries, they're residential development.
That's not a positive thing.

8 The comprehensive plan recommends
more or less commercial, lower impact commercial
development.

9 Historically the area was
residential. Over time it was constantly rezoned
10 to higher and higher intensity land use.

11 They always did a conditional on it
to ensure that there wasn't negative impact to the
residential development.

12 So based on the comprehensive plan
and the fact that it abuts residential
13 development, we haven't seen any major changes in
that area that would dictate a need for this.

14 I think flex development is a good
use perhaps in another place.

15 So we were concerned about possible
impacts to the residential development and because
16 the comprehensive plan did not support that type
of development.

17 COMMISSIONER JIGGETTS: Thank you.

18 I will be going on record as
supporting this application, and I will tell you
what swayed me.

19 When the planner -- the senior
planner was speaking on the types of businesses
20 that are allowed in the area, one that stood out
to me had to do with automobile dealerships and
21 gas stations. And both of those use heavy type of
trucking to either bring in their vehicles or
22 bring in gasoline.

23 So I will be going on record as
supporting this project.

24 Thank you.

CHAIRWOMAN THAXTON: Commissioners,
any additional questions?

25 Commissioner Hinds.

COMMISSIONER HINDS: Thank you,

1 ma'am. Actually, I just have a handful of
2 questions, I guess.

3 MR. BARRY: Okay.

4 COMMISSIONER HINDS: So we did
5 receive the email from the City of Suffolk, and
6 thank you for answering the question.

7 It just seemed kind of irregular
8 that we would reach out without some sort of
9 agreements there or master planning, you know,
10 that kind of went hand in hand.

11 So thank you for putting that piece
12 to the puzzle together for me.

13 Have you guys met with the City of
14 Suffolk at all? Did they address any of these
15 concerns with you?

16 MR. BARRY: No, we did not have any
17 meetings with the City of Suffolk on this.

18 When I look at the property, we --
19 you know. We did a TIA and looked at the traffic
20 volumes that were projected for all the streets
21 and the roadways in the neighborhood.

22 Now, I'm going to back up a little
23 bit on this so this might get a little lengthy,
24 but when we originally started the project in
25 2005, we had a master plan that had hotels, office
buildings and commercial properties and 600
residential units.

They started building the
residential units -- and it's a puzzle type of
thing where things can be moved around. Nothing
was fixed on a particular parcel.

When they began building the 600
residential units, they marketed to commercial
property.

And other than getting a couple
little outparcels, I think a gas station on the
corner or a Burger King and things of that nature,
they couldn't generate any real interest in the
bigger.

And they looked at the markets and
they were pretty well told by the national
retailers that you need more rooftops nearby.

So we went to Suffolk and had
several meetings with them to talk about that and
asked about coming back and increasing the
residential unit count from 600 to 1,000, which
the City of Suffolk agreed with.

We filed and it was approved.

I don't know that Portsmouth was
involved in any of that, but as a result of

1 changing the number of residential units, we had
2 to re-study the sanitary sewer systems, the water
3 systems for fire flows, and the traffic impact
4 study was updated in 2011.

5 When that traffic study was
6 updated, we didn't eliminate the hotels and the
7 office square footage that was called for.

8 We added 400 more cars, 400 more
9 residential units to the network in the computer
10 system, which increased the traffic levels.

11 Now here we are in 2023. This
12 particular site was generating -- was set up --
13 still had a residual in Portsmouth for 70,000
14 square feet of office, which would have generated
15 about 750 vehicle trips per day.

16 What we're proposing to go in here
17 is only 60,000 square feet of flex space, but
18 because it has such a lower traffic demand, it's
19 only going to generate about 350 vehicles per day.
20 So here's a net of about 400 less vehicle on the
21 roads throughout Hampton Roads Crossing and
22 entering the streets in the City of Suffolk, but
23 because -- by the time we finished building all of
24 the residential units, the land -- there was a
25 large landmass where we would plan 400 hotel rooms
and another couple hundred thousand square feet of
office, all in Suffolk, that never got built and
there is no place to build it.

So the real net difference today if
we don't build an office building on this piece or
something that's a high traffic generator and we
do what we're doing, is almost 500 -- 5,000
vehicles per day less in total traffic that you'll
see on the roads inside our community or going out
onto the streets surrounding it.

So at that point -- you know, we
didn't -- the numbers basically said that -- I
didn't even know why we would need to do a TIA,
but the city asked for it and we submitted it. We
got a couple comments from Portsmouth's traffic
engineers and they have approved the TIA that
we've done and they made no comment about the
volume of tractor trailers.

And we can go back into the
numbers. It's all part of the national books that
were used from the Federal Government.

And for every kind of use, they'll
break down what might be a passenger car vehicle
versus a truck vehicle, but that truck percentage
is very -- large tractor trailer percentage is

1 very low for this kind of use.

2 I don't know if that answers your
3 question.

4 COMMISSIONER HINDS: I don't think
5 we're questioning the intensity of traffic because
6 obviously the number of cars and vehicles will be
7 down with this type of development, one or the
8 other.

9 I think their concern naturally is
10 the suitability of the road system that would
11 carry you from the roundabout, through
12 someone's -- through the parking lot to the next
13 thing.

14 So I think that was like probably
15 their main concern.

16 MR. BARRY: And here's my answer to
17 that point. The roundabout was designed for the
18 tractor trailers to come into the site and service
19 the buildings.

20 You already see there's university
21 buildings and the other office buildings in the
22 site.

23 We've looked at that and modeled
24 the two access points.

25 They work with WB-67 trucks and
there's already a large number of these vehicles
coming in to service the commercial center that's
only a few hundred feet past the roundabout.

So there's already commercial
vehicles of that size, tractor trailers, WB-67s
coming in on a daily basis to the roadway. And
we're not adding -- we will not be adding
additional trucks every single day to the traffic
that's already there.

COMMISSIONER HINDS: So I guess
the -- so I think you have answered that question.
So I'm going to lay that one aside for a minute,
if I can.

I'm assuming you are planning on
building all five of these spaces at once?

MR. BARRY: Yes, sir.

COMMISSIONER HINDS: And then
marketing those five spaces?

MR. BARRY: Yes.

COMMISSIONER HINDS: And vacants,
you know, build them to suit you or however --

MR. BARRY: They'll be leased.

The ones I used in my graphics were
condos. They were actually sold. These are going
to be leased and be in the ownership of

1 Terry-Peterson.

2 COMMISSIONER HINDS: But all five
3 will come online all at once?

4 MR. BARRY: Yes, sir.

5 COMMISSIONER HINDS: So I guess I'm
6 going to pick this back up again and lay it over
7 here.

8 Since we've kind of opened the
9 Pandora's box of letting Suffolk in on and letting
10 them have their say in this, is there any
11 objections to maybe postponing this for 30 days
12 and leaving the public hearing open maybe to allow
13 you to maybe get their blessing since we're kind
14 of --

15 MR. BARRY: Since we received that
16 kind of late in the game, we've reached out today
17 to the City of Suffolk to talk to their Public
18 Works Director, who formerly was the Traffic
19 Engineer in the City of Suffolk when this
20 development was developed to get his input on it.

21 I believe that he will look at what
22 they said as being a little bit stronger --

23 CHAIRWOMAN THAXTON: Mr. Barry.

24 MR. BARRY: I'm sorry.

25 CHAIRWOMAN THAXTON: No. We need
you to speak into your mike, please.

I'm sorry to interrupt you.

MR. BARRY: We reached out to
Robert Lewis, who is the Public Works Director in
the City of Suffolk.

At the time this -- for 25 years or
so he was the City of Suffolk's Traffic Engineer.
We couldn't reach him. He was in a meeting. So
we haven't had a chance to talk to him directly,
but we're under the impression that when he
reviews what came out of the staff that we will
get a reconsideration when he understands what
we're really building.

I'm afraid -- they're going to be
building warehousing back there and everybody
thinks that -- Suffolk has had so many problems
lately with warehousing out on Route 58 that if
you mention warehouse, you know, they go into
shock.

And so I think that was a little
bit of an overreaction, but our client would
prefer not to defer and hopefully we'll have that
resolved by the time we get to the City Council.

COMMISSIONER HINDS: I understand
that in your world time is money.

1 I also understand the world that we
2 have to be good neighbors with our cities. When
3 we invite them into a conversation, it's not great
4 business practice to slam the door in their face.

5 I actually support this, as well,
6 on first blush, unless, you know, we have a group
7 of citizens to tell me otherwise, I think; but I'm
8 not sure I can support it without now having some
9 sort of blessing from them, now that we've invited
10 them in this conversation.

11 Thank you.

12 CHAIRWOMAN THAXTON: Commissioners.
13 Commissioner Jiggetts, did you have a question?

14 COMMISSIONER JIGGETTS: Yes.

15 I have a question for our City
16 Attorney. Because we have to be in full
17 disclosure as we sit at this podium.

18 I just personally want to know if
19 it is a conflict of interest if one of our
20 Commissioners is actually employed by the City of
21 Suffolk?

22 I just need clarity.

23 ATTORNEY MILLER: No. No. There's
24 no conflict of interest under state law there.

25 COMMISSIONER JIGGETTS: Why is
that?

ATTORNEY MILLER: Under the State
Conflict of Interest Act, it's not something in
which there's a personal interest or contractual
interest on behalf of the individual.

COMMISSIONER JIGGETTS: Are you
stating that if a Commissioner works for a city
that has gone on record as opposing this
particular applicant, you don't see that as a
conflict of interest?

I want to be very clear on that.

ATTORNEY MILLER: Yes, ma'am.

No, I do not, not under state law.

COMMISSIONER JIGGETTS: Thank you.

CHAIRWOMAN THAXTON: Commissioner
Hinds.

COMMISSIONER HINDS: In the
interest of full transparency, which I believe 100
percent in, Miss Jiggetts is speaking of myself.

I do work for the City of Suffolk
Public School System, which actually is a
completely separate entity under state law.

I do not have any reporting
measures to the City Manager, Planning
Departments, Community Development or any of the

1 others that were mentioned in this email.

2 What I said on this dais, it is to
3 serve the citizens of Portsmouth exclusively.

4 Thank you for bringing that
5 concern, Miss Jiggetts, and I felt like it would
6 be important to be transparent with everybody
7 watching.

8 Thank you.

9 COMMISSIONER JIGGETTS: Thank you
10 for your full disclosure, Commissioner Hinds.

11 I appreciate it.

12 We've served on different boards
13 before and I know that's the type of person you
14 are; but as I've already said, I certainly would
15 be supporting this project if we can bring it to a
16 vote.

17 CHAIRWOMAN THAXTON: Thank you,
18 Commissioners.

19 Thank you, Mr. Barry.

20 Are there any additional questions?
21 Commissioner Paige.

22 COMMISSIONER PAIGE: This is not a
23 question. And I'm still kind of on the fence
24 about this one because I'm concerned that a
25 portion of -- a great portion of the land in
Portsmouth is becoming an industrial site.

And I think that we have an
opportunity here to possibly make a decision that
will not turn our city into an entire gray, you
know.

This is a site that's green that is
by homes.

It's a buffer between commercial.
And I don't know if I'm ready for the entire city
to be industrial, you know, and that's pretty much
what it looks like.

And so I'm going to -- I'm going to
say I'm not for this because there is a great
amount -- I can look out of that window now and
see more gray than green. That's a problem for
me. And so I just wanted to put that on record.

CHAIRWOMAN THAXTON: Okay.

Thank you, Commissioner.

COMMISSIONER PAIGE: Thank you.

CHAIRWOMAN THAXTON: Madam

Secretary.

MS. JACKSON: Thank you, Madam

Chairman.

Ladies and Gentlemen, this is a

1 public hearing item on UP-23-08.

2 Madam Chairman and Commissioners,
3 Tuck Bowie, who is the owner of the property, is
4 here, if you have any questions for him.

5 MR. BOWIE: Good afternoon,
6 Commissioners.

7 My name is -- for the record, my
8 name is Tuck Bowie. I'm the president of
9 Terry-Peterson Residential Company.

10 It wasn't my intent to talk today,
11 but I think there's been some issues that have
12 been raised that I would certainly like to
13 address.

14 First of all, Mr. Hinds, to your
15 question about the City of Suffolk raising a
16 question.

17 I was really taken back by the fact
18 that we didn't get this input from them until
19 yesterday.

20 COMMISSIONER HINDS: Same time we
21 did.

22 MR. BOWIE: Same time you did, and
23 I'm sure there's some reasons for that.

24 I'm the one that reached out, first
25 of all, to the Planning Director this morning,
Kevin Wyne, and then he suggested that I not reach
out to Jason Sautters, who -- traffic engineer who
wrote it but to his boss to talk to him about it.

And I reached out to him and
unfortunately was unable to get him today, but
what I want to make clear is I'm not sure why
Suffolk even has the right to ask the question.

These streets that we're talking
about, University Boulevard where traffic would
come in -- assuming they're trucks.

And, again, I don't think there are
going to be any large trucks like Suffolk is

making it sound, but comes in off College of Drive
onto University Boulevard, these are all publicly
dedicated streets that are now maintained by the
city or by VDOT.

Suffolk doesn't maintain their
streets. They get money from VDOT and VDOT
maintains the streets.

So I don't see where Suffolk has
the right to question what kind of a vehicle comes
there on those roads.

As Mr. Barry pointed out earlier,
he was the engineer of record from the very

1 beginning.

2 These streets were designed both
3 from a structural perspective and a horizontal
4 perspective to accommodate a truck like that.

5 So for them to come in at the
6 11th hour and make the comments that they made and
7 insinuate that we're building this large
8 industrial, heavy industrial and manufacturing
9 situation, obviously they didn't take the time to
10 read the application and understand.

11 And, quite honestly, you can tell
12 my frustrations. We have invested a lot of money
13 in this project. It's the first mixed use
14 development that's ever been done in both the City
15 of Suffolk and the City of Portsmouth.

16 As Mr. Barry indicated, we've built
17 a thousand residential units, about 150,000 square
18 feet of retail. There are ten retail outparcels.
19 We're finishing the last apartment.

20 So we're building -- that are age
21 targeted and this is the last part of our
22 development.

23 Why would we do anything that would
24 compromise or jeopardize our investment?

25 It just doesn't make any sense.

So I'm the one that told Mr. Barry
I don't want to defer this.

I think it's unfair to use that as
a reason to deferring us moving forward with this.
Relative to your comment, Commissioner Paige,
while I understand what you're saying, if you look
at the site plan, there's a tremendous amount of
green space that we're going to create with this.
We spent time before we even got to this point, as
Mr. Barry alluded, talking to your Director of
Economic Development and I would encourage you to
please bring him up here and have him
validate what Mr. Barry and I are saying, but we
spent a lot of time having that discussions, then
meeting with your staff to talk about these things
and then having a meeting with the civic league
and we went out of our way to do that prior to
this meeting so that we could vet that with them
and have them tell us what their thoughts are and
to a person.

They all said, We like what you're
doing.

Now, Mr. Hinds -- or Commissioner
Hinds, you had asked the question earlier about
what uses could be done there and there are a lot

1 of obtrusive uses that by right could be done
2 there, which we have no intent of doing.

3 And the staff even suggested -- or
4 the comprehensive plan even suggested high density
5 residential. We'd be more than happy to build
6 apartments back there.

7 Do you think the residential
8 neighborhood would appreciate that? I don't think
9 so. Nor do I think that they want a bunch of five
10 or six-story office buildings back there looking
11 down into their windows.

12 So for all of those reasons, I
13 think this -- this is a good use. It makes a lot
14 of sense. It's going to generate tax revenue for
15 the City of Portsmouth and I would encourage you
16 to support this today, but I'd also encourage you
17 to bring your Economic Development Director up
18 here also because Mr. Barry and I have alluded to
19 certain things.

20 I'd like for him to validate that.
21 Thank you for your time and I'd be
22 happy to answer any questions.

23 CHAIRWOMAN THAXTON: Thank you,
24 Mr. Bowie.

25 Commissioners. Commissioner Hinds.

COMMISSIONER HINDS: Thank you.
Thank you for your comments.

I'm probably the one that honestly
supports -- supported this from the day -- from
the time I read it, honestly, but I do think
that -- with this late information, I don't think
there's really anything hurt by having more
information from our partners and to where we can
get solidified answers because evidently the
master plan is together in the city and we reached
out for comment.

And if we're not going to
honor the comment, then why did we reach out to
begin with? That's kind of where I'm sitting
from.

If what you're telling me is
100 percent truth and, honestly, the work that you
guys have already done indicates that what you're
telling me is the truth, there is no harm, in my
opinion, of getting an answer to that to where we
can feel comfortable there.

Secondly, this is the second time
they've requested Mr. Donahue to come to the
podium.

Is it appropriate for me to ask

1 Commissioner Donahue to come to the podium and
give his thought on that?

2 Are we okay with that?

3 COMMISSIONER JIGGETTS: I was going
to say the same thing.

4 CHAIRWOMAN THAXTON: Yes.

5 MS. PITTENGER: Yeah. When you're
done, you know, asking questions he can -- you
know. It's a public hearing, so...

6 CHAIRWOMAN THAXTON: Commissioners,
are any additional questions for Mr. Bowie?

7 COMMISSIONER HINDS: I'm finished.

8 CHAIRWOMAN THAXTON: Mr. Paige, did
you have one? Okay.

9 COMMISSIONER JIGGETTS: I just want
to say, I concur. If we can get Economic
Development Director, Mr. Donahue, to take the
podium, I think it would be very beneficial.

10 CHAIRWOMAN THAXTON: Thank you.

11 COMMISSIONER JIGGETTS: If he's
willing to do so.

12 MR. BOWIE: Thank you all for your
time. I appreciate it.

13 CHAIRWOMAN THAXTON: Thank you,
Mr. Bowie.

14 COMMISSIONER JIGGETTS: You are
quite welcome.

15 COMMISSIONER COLEMAN: Mr. Donahue,
you can come up.

16 MR. DONAHUE: It sounds like an
invitation.

17 Good afternoon.

18 Brian Donahue.

19 I'm the Director of Economic
Development for the City of Portsmouth.

20 Chair, Vice Chair, Members of the
Planning Commission, it's a pleasure to be before
you this afternoon for this application.

21 As Mr. Barry and Mr. Peterson have
indicated, we've been working some time together,
both as an Economic Development Office, our
Planning Department and the development group to
get before you today.

22 What I can speak to are questions
regarding the marketability, feasibility of this
project and really why we're here today.

23 There is a significant demand and
need for this product in Portsmouth and I would
say not just Portsmouth but really all of Hampton
Roads.

1 Our inventory in this type of
2 product, flex space, is really limited.

3 I would compare this project to
4 what you can see very close to where we sit today
5 in Port Centre with our commerce park, as well as
6 perhaps Airline Business Park and Airline
7 Boulevard.

8 So some of the comparable uses that
9 you are seeing there is what they are proposing to
10 have in this project and that includes a lot of
11 small businesses.

12 When our office works with a
13 development group to assess a site or a project's
14 potential in Portsmouth, what we're really looking
15 at is highest and best use for the property.

16 And when we determine that, our
17 department is willing to support a project and
18 bring it to our partner departments to begin that
19 process of evaluating it to move forward.

20 We do feel like this is an
21 appropriate use. We do feel like it's the highest
22 and best use for the property. We have I think
23 been planning the development of this site since
24 the early 2000s.

25 So we're 20 years in, as Mr. Barry
has indicated, and we have yet to see a project
with the viability that this project is presenting
to you all today.

Commercial office space is
something that has been a bit of a challenge in
this location.

In fact, the MAST One Building that
this will sit adjacent to still has a vacant yet
to be built out office suite on the top floor that
has sat since the building has been completed.

So it's really not a viable market
for commercial office space.

I think we've addressed the issues
with residential development here on this site.
We're really looking at this as being a jobs and
business driver.

These types of units can support
small businesses, contracting firms, you know,
light small scale manufacturers, which we have in
Portsmouth now, but quite frankly we don't have
enough of.

So we're talking about technology
industries, autonomous vehicles, places where
office space is needed, in addition to warehouse

1 space for the assemblage of these advanced pieces
of equipment.

2 We have lost leads in projects,
3 prospected businesses looking at Portsmouth where
we did not have space to accommodate them located
4 here in Portsmouth.

5 So this will fill that void.
6 We understand Terry-Peterson
Company's track record. They are high performers.
7 They've been successful with what they've done in
Hampton Roads Crossing.

8 This is the last piece of the
9 puzzle to finalize the build out and complete the
Portsmouth portion of their project.

10 So as a department, I can speak,
you know, to the viability of this proposed
11 application and what they are looking to do.

12 We have the utmost confidence that
upon its completion we can lease this space out
13 working with them very, very rapidly.

14 There's not a product like this in
the market as it stands currently.

15 So this will be in high demand for
the region. It's got accessibility to serve not
16 just Portsmouth but really all of Hampton Roads
and beyond because of the transportation network
17 that it's located adjacent to.

18 So as a department, we do support
this application and what's been proposed before
19 you today.

20 I'm happy to answer any specific
questions you might have.

21 CHAIRWOMAN THAXTON: Thank you,
Mr. Donahue.

22 Commissioner Hinds.
23 COMMISSIONER JIGGETTS: No.
Jiggetts. I'm first.

24 CHAIRWOMAN THAXTON: Oh, I'm sorry.

25 COMMISSIONER JIGGETTS: Yes.
Thank you, Director Donahue.

26 Do we have any proformas on this
particular project at all in terms of tax revenue
27 for the City of Portsmouth?

28 MR. DONAHUE: In terms of what it
will generate?

29 COMMISSIONER JIGGETTS: Yes.

30 MR. DONAHUE: In terms of revenue?

31 COMMISSIONER JIGGETTS: Yes.
Proformas, revenue.

1 MR. DONAHUE: Commissioner
Jiggetts, we do not have a specific proforma.

2 I think the details of the project
3 in terms of the construction cost, which is always
4 fluctuating these days, that's somewhat fluid
5 until their plan is finalized.

6 Of course, a lot of that depends on
7 the decision that you make today and ultimately
8 City Council.

9 But, you know, for a \$10 million
10 project -- I'm not saying that that's what this
11 will cost and perhaps the developer can speak to
12 that -- but that would represent about \$130,000
13 annually in real estate tax revenue to the city.

14 So just to give you kind of an
15 example of what, you know, that could generate
16 here. That's what we're looking at in terms of a
17 value. That's what would be realized just in the
18 real estate tax revenue.

19 You also need to give consideration
20 to personal property tax, machinery and tools and,
21 of course, we always look at job creation, as
22 well.

23 COMMISSIONER JIGGETTS: Thank you
24 so much for that response.

25 And this isn't for you per se,
26 Mr. Donahue, but I think it's good when our
27 Planning Department in their transmittal they
28 include other cities.

29 I don't have a problem with that.

30 There's nothing wrong with that.
31 That's a good thing, but just because a city --
32 another city gives input that may represent a
33 different perspective or a negative point
34 of view does not mean that that has to drive our
35 decision on this Planning Commission. It is our
36 job and our responsibility to vote the way we feel
37 we should vote, but just because another city says
38 no does not mean that it is disrespectful for us
39 to go against and say yay.

40 We want different cities to have
41 input.

42 There's no problem with that, but
43 at the end of the day it is our responsibility to
44 do the best for the City of Portsmouth.

45 Thank you.

46 CHAIRWOMAN THAXTON: Thank you.
47 Commissioner Hinds.

48 COMMISSIONER HINDS: Thank you,
49 ma'am.

1 This is for Attorney Miller.
2 So just to make sure, back to
3 Mrs. Jiggetts' concern of me potentially having a
4 conflict.

5 Just to make sure everybody is
6 familiar with, the state code about a city does
7 appropriate to a school system and the City of
8 Suffolk does ultimately pay my salary.

9 You don't have any conflict at all?
10 I just want to make sure you
11 understand -- you don't view that as a conflict?
12 I just want to make sure.

13 I know you know the law about this.
14 I just want to make sure I'm very transparent
15 about this.

16 ATTORNEY MILLER: Yes.
17 No conflicts.

18 COMMISSIONER HINDS: The second
19 question would be: Could we approve and still
20 allow the ball to roll pending a blessing from the
21 City of Suffolk when it comes to the traffic piece
22 of this, their concern?

23 ATTORNEY MILLER: I think you
24 can -- you can do that in a sense that it will
25 proceed to Council and you can express the hope
that perhaps some sort of condition agreeable to
Suffolk could be reached and inserted prior to the
Council's session, but there's no way -- once you
approve it, it's going to go to City Council.

So you can't claw it back if your
hopes are not realized. If that makes sense.

COMMISSIONER HINDS: Okay.
Could we have maybe a side note to
our City Council to kind of look for this?

Because I don't -- I don't have
enough to where I want to hold it up, but I do
think that it is disingenuous for us to ask an
opinion and then not accept or not even take it
under advisement when there could be some
potential things to that.

That's where my concern is.

I mean, I don't want to hold up the
project because honestly I think I'm probably more
a green light on this than red light.

If this last bit of piece of
information didn't come through, my thought was --
unless I have reason to receive tremendous
pushback from the community, which is definitely
not happening here -- I was going to support this.

But, again, I think it's

1 disingenuous of us as a city to ask and then not
2 at least accept and allow them to report and then
3 it's even further disingenuous to not allow the
4 contractor or the potential developer to not be
5 able to defend themselves back to that accuser, I
6 guess.

7
8 So I just wondered what is in our
9 playbook of things that could potentially be
10 deployed, I guess, in that regard?

11 ATTORNEY MILLER: Well, when staff
12 prepares materials for Council, they include what
13 the Planning Commission did with a particular
14 item.

15 So it can certainly be included in
16 that summary that Planning Commission expressed a
17 concern about the City of Suffolk's comments and
18 requested that the applicant speak with the City
19 of Suffolk in an effort to resolve that.

20 COMMISSIONER HINDS: Thank you.

21 CHAIRWOMAN THAXTON: Commissioners,
22 are there any additional questions for
23 Mr. Donahue?

24 COMMISSIONER HINDS: None of
25 Mr. Donovan. I do have a question of the
26 applicant though.

27 CHAIRWOMAN THAXTON: Thank you.

28 MR. DONAHUE: Thank you.

29 COMMISSIONER HINDS: Thank you,
30 Mr. Donahue.

31 Would you be agreeable to working
32 with the City of Suffolk to make sure that direct
33 questions are answered?

34 MR. BOWIE: Absolutely.

35 My intent was to come here today
36 with an answer for you because I knew you were
37 going to ask this question.

38 COMMISSIONER HINDS: Okay.

39 MR. BOWIE: You would not be
40 transparent if you didn't.

41 COMMISSIONER HINDS: Okay.

42 MR. BOWIE: I just -- as I said, I
43 was taken back, first of all, because of all the
44 work that we've done in the City of Suffolk for
45 them to make a comment like that and, secondly,
46 that they would respond at the 11th hour as they
47 did.

48 As you suggested, had they not done
49 that, we wouldn't be having this conversation
50 about this point.

51 So we are absolutely between now

1 and City Council going to have a meeting with the
2 City of Suffolk and get this issue rectified.

3 COMMISSIONER HINDS: Okay.
4 Thank you.

5 MR. BOWIE: You're welcome.
6 Thank you.

7 COMMISSIONER HINDS: Glad you're
8 willing to do that.

9 Thank you.

10 MR. BOWIE: Yes, sir.

11 CHAIRWOMAN THAXTON: Thank you,
12 Mr. Bowie.

13 Commissioners, any additional
14 questions?

15 Madam Secretary.

16 MS. JACKSON: Thank you, Madam
17 Chairman.

18 Ladies and Gentlemen, this is a
19 public hearing on Item UP-23-08.

20 If there is someone here who did
21 not get an opportunity to register and would like
22 to address this application, you may come forward.
23 State your name and your address and you will be
24 given up to five minutes to speak.

25 MR. YATROFSKY: Good afternoon,
Madam Chair, Commissioners and other neighbors.
I'm Mark Geduldig-Yatrofsky, P.O. Box 50141,
Portsmouth, Virginia, 23703.

I had not intended to speak on
this, but there are some issues that came up here
that were not in the packet, this message from the
City of Suffolk being one of them.

And I would like to add some
perspective from where I sit as a resident of
Churchland, familiar with a lot of the history of
the City of Portsmouth, including the annexation
of 1963 which brought -- eventually brought
Churchland into the City of Portsmouth and the
repercussions of that annexation, this being --
this divided sort of municipal authority being one
of them.

I consider that area in which this
project is cited as being sort of the Bermuda
Triangle of Hampton Roads, where we have
entanglement with not only the City of Suffolk in
certain parts of this divided property, with the
City of Chesapeake, as well.

And, you know, my concern for
Portsmouth as an urban core city that has been
precluded, along with other urban core cities,

1 from any annexations after the sixth decade of the
2 last century, you know, being landlocked.

3 Historically Portsmouth has had as
4 much as 50 percent of its land being tax exempt,
5 which is not a healthy fiscal condition to live
6 with.

7 So I'm very enthusiastic about the
8 prospect of doing some commercial development in
9 an area that we have codeveloped with the City of
10 Suffolk, but up to this point we've gotten all the
11 public use, the nontaxable use there, and they've
12 derived all the revenue.

13 So this is an opportunity for us to
14 get a little back and without doing any harm to
15 residential use.

16 Another of my interests is ensuring
17 that people in neighborhoods are not negatively
18 impacted by commercial development.

19 So this appears to be something
20 that is kind of the Goldilocks project in that it
21 provides us the potential for revenue and it does
22 not serve as a detriment to any nearby residential
23 uses.

24 For those reasons, I want to
25 encourage you to take favorable action on this
project.

The City of Suffolk, you know, I've
not seen that memo.

I'd be more comfortable if I had at
this point, but it almost feels like a spoiler
sort of position on their part.

I don't know if there's bad blood
about the fact that we own substantial water
rights in their city and this is like a turn of
the knife.

But as somebody who serves on a
regional commission here and attends the regional
body meetings, one of which I will be attending
tomorrow, I'm big on regional cooperation, but I
think Suffolk is being somewhat uncooperative
here.

And I respect the desire to hear
from them and act in good faith when they raise an
objection, but I'm not sure their objection is
wholly based on good faith.

So I would not want it to deter
favorable action on this.

Thank you very much.

25 CHAIRWOMAN THAXTON: Thank you,
Mr. Yatrofsky.

1 MS. JACKSON: Ladies and Gentlemen,
again, this is a public hearing on Item UP-23-08.

2 If there's anyone else here who
would like to address this application, you may
3 come forward. State your name and your address
and you will be given up to five minutes to speak.

4 COMMISSIONER JIGGETTS: Excuse me.
I had noted that I wanted to speak
5 after Mr. -- I'm not even going to mess up your
name, but I know you well.

6 I don't know if you saw that I had
my button open.

7 CHAIRWOMAN THAXTON: No, ma'am.
It was not lit up.

8 COMMISSIONER JIGGETTS: It's not?

9 CHAIRWOMAN THAXTON: No, ma'am.

10 COMMISSIONER JIGGETTS: Which one?
This one?

Okay. Thank you.

11 CHAIRWOMAN THAXTON: Mr. Yatrofsky.

12 COMMISSIONER JIGGETTS: Thank you,
Commissioner Hinds.

13 I just want to, in my opinion, just
try to wrap a bow around it.

14 I don't feel that the City of
Suffolk weighing in, as I said, I don't see that
as a negative. I think it's a positive.

15 Because my background being in
banking and economic development, we want to have
input from our various cities.

16 It does not mean that we're going
to agree with them. We don't want that. We don't
17 want to be surrounded by a bunch of yes on any
type of initiative. We don't want to be
18 surrounded with all cities saying yes. You don't
want that.

19 You get the best democratic input
when you allow input, and I just wanted to be
20 clear on that. We have allowed input, and that's
okay. It's good.

21 It's good to have input, but just
because you have input does not mean you are bound
22 to agree with the input and the way we vote.

23 So I just wanted to put that out
there and go on record in the minutes as saying
that.

24 Thank you.

25 CHAIRWOMAN THAXTON: Commissioner
Hinds.

COMMISSIONER HINDS: I was going to

1 allow the public hearing to close.

2 MS. JACKSON: Is there anyone else
3 who would like to address this application? You
4 may come forward. You have up to five minutes to
5 speak.

6 Appearing to be none, Madam
7 Chairman and Members of the Planning Commission,
8 this public hearing is now closed.

9 CHAIRWOMAN THAXTON: Commissioner
10 Hinds.

11 COMMISSIONER HINDS: Thank you,
12 Madam Chair.

13 I am going to make a motion that we
14 approve UP-23-08 with the conditions as outlined
15 in the staff report, with an understanding and
16 notation to Council and update format that when
17 they go to hear this as to the findings of the
18 developer.

19 COMMISSIONER JIGGETTS: I second
20 from Commissioner Jiggetts.

21 CHAIRWOMAN THAXTON: Commissioner
22 Hinds, would you repeat that just a little bit for
23 me, please.

24 COMMISSIONER HINDS: I'll try from
25 the beginning again.

Commissioner Hinds making a motion
to approve UP-23-08 as presented with the
conditions in the staff report, with a staff note
to Council as to the report back from
the findings from the City of Suffolk.

CHAIRWOMAN THAXTON: Okay.
Thank you.

Commissioners, we have a first and
a second.

Madam Secretary.

MS. JACKSON: Thank you, Madam
Chairman.

We have a motion and a second and
you will be voting electronically.

This item is approved by a vote of
4 to 1 with conditions.

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1 Z-23-03, WEST CRADOCK

MS. JACKSON: Our next item,
2 Z-23-03, West Cradock.

Sheppard Quality Homes, Inc.
3 requests rezoning, zoning map amendment, on
approximately 0.63 acres located at 2020 Greenwood
4 Drive from conditional multifamily, UR-M-K, to
urban residential, UR, Zoning District.

5 The future land use map of the
Build One Portsmouth Comprehensive Plan designates
6 this property for multifamily residential.

7 The property is owned by Sheppard
Quality Homes, Inc. and is further described as
Tax Map 468, Parcel 5.

8 The staff coordinator is Amy
Mervine.

9 Will the applicant or
representative for this application please come
10 forward and present your application at this time.

MS. SHEPPARD: Good afternoon.
11 I apologize for my attire.

CHAIRWOMAN THAXTON: Ma'am, can you
12 step over to the microphone, please.

Thank you.

13 MS. SHEPPARD: I apologize for my
attire. I was running late.

14 So Sheppard Quality Homes, we
build --

15 CHAIRWOMAN THAXTON: Your name.

MS. SHEPPARD: Andrea Sheppard.

16 CHAIRWOMAN THAXTON: Thank you.

MS. SHEPPARD: Sorry.

17 We build new homes in the area and
we had purchased this lot with the intent of
18 building two new homes and demolishing the
existing home.

19 We actually have several friends
that live on this street and we would be building
20 two single-family homes, which we feel would be
more beneficial because it is completely
21 residential, for the most part.

22 I believe there -- you know, it's
right there behind a main street, but there is
another residential home. So it would be -- you
23 know, but we wouldn't be -- you know.

24 We'd be more than happy to do a
multifamily if you all would prefer, like a
townhouse. We'd be preferable
25 with whatever you all would want to do.

But we would fully intend to build

1 two single-family homes. We've already started
demolishing it actually.

2 When we purchased it, the deed
3 stated that it was two lots. So we were under the
impression that it was still two lots, but when we
4 did further details on it, it would revert after
the use permit expired, but then we found out that
we had to have it rezoned to have that done.

5 So that's what we're requesting is
6 that it be submitted back to a zoning of -- what
is it urban residential?

7 Sorry. I'm a little nervous.

CHAIRWOMAN THAXTON: Oh, it's okay.
You're fine. Don't be nervous.

8 MS. SHEPPARD: We've built several
homes. We've built in you all's historic area,
9 too. We've worked with the Commission on that and
we didn't have any problems building within the
10 scope of what you all wanted and presenting all of
that.

11 We built within in the historic
Chesapeake. Pretty much all the areas we built
12 with all the requirements.

CHAIRWOMAN THAXTON: Commissioners,
13 any questions?

Commissioner Coleman.

14 COMMISSIONER COLEMAN: Commissioner
Coleman with a question.

15 We'll find out if there's anyone
here to speak during the public hearing, but do
16 you know of anyone that may -- of anyone that had
any adverse comments or have you gone through the
17 neighborhood?

18 I heard you to say that you have
friends, but have you talked to neighbors?

19 MS. SHEPPARD: My husband has
spoken to several because he works on-site and
they all seemed kind of happy about it being torn
20 down and being rebuilt.

COMMISSIONER COLEMAN: Okay.

21 Thank you.

CHAIRWOMAN THAXTON: Any additional
22 questions, Commissioners?

No.

23 Thank you, Miss Sheppard.

MS. SHEPPARD: Thank you.

24 MS. JACKSON: Thank you, Madam
Chairman.

25 Ladies and Gentlemen, this is a
public hearing on Item Z-23-03. I have no

1 registered speakers.

2 If there's someone here who would
3 like to address this application, you may come
4 forward. State your name and your address for the
5 record and you will be given up to five minutes to
6 speak.

7 MS. WILLIAMS: Good afternoon.

8 My name is Martha Williams and I
9 live at 2100 Greenwood Drive and I'm all for the
10 two single-family homes.

11 I'm not for a multifamily complex.

12 I just been there so long and I'd
13 rather see homes there, single-family homes, than
14 the complex.

15 That's all I have to say.

16 That's it. Thank you.

17 CHAIRWOMAN THAXTON: Thank you,
18 Miss Williams.

19 COMMISSIONER PAIGE: This was for
20 the applicant. And just to state again, your
21 intention is to build single-family homes?

22 MS. SHEPPARD: Yes, sir.

23 You see from the elevation page,
24 that's just an example of one of the homes. We'll
25 be building two of those on the property.

COMMISSIONER PAIGE: I just wanted
to make sure that that was clear.

MS. JACKSON: Is there anyone else
who would like to address this application?

Appearing to be none, Madam
Chairman and Members of the Planning Commission,
this public hearing is now closed.

CHAIRWOMAN THAXTON: Commissioners,
is there any additional discussion?

Commissioner Paige.

COMMISSIONER PAIGE: Madam Chair,
I'd like to make a motion for the approval of
Z-23-03.

This is Commissioner Paige.

COMMISSIONER HINDS: I second that.
Hinds.

CHAIRWOMAN THAXTON: Madam
Secretary, we have a first and a second.

MS. JACKSON: Madam Chairman, we
have a motion and a second to approve Z-23-03 and
we will be voting electronically. This item is
approved by vote of 5 to 0.

CHAIRWOMAN THAXTON: Madam
Secretary, I believe that this concludes our
agenda for today. Is that correct?

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MS. JACKSON: That is correct,
Madam Chairman.

CHAIRWOMAN THAXTON: Commissioners,
is there any further questions or business?

Miss Adumuah, any further business?

MS. ADUMUAH: I just want to note
that there are two public hearings coming up for
the Innovation District Master Plan.

May -- the next one will be
June 6th at Social Services. That's 2 to 4 and
from 6 to 8.

CHAIRWOMAN THAXTON: I'm sorry.
The one in May was when?

MS. ADUMUAH: May 16th. And the
topic on that will be urban design and place
making. And the one for June 6th is just going to
be next steps.

CHAIRWOMAN THAXTON: Okay.
And the one for May 16th, Social
Services Building, as well?

MS. ADUMUAH: Social Services.
There are two meetings, 2 to 4 and
6 to 8 for both days. So if you can't come out in
the middle of the day, you're working, perhaps at
night.

CHAIRWOMAN THAXTON: Thank you.
If there's no further business,
then this meeting is now adjourned.

It's 2:45 p.m.
(Meeting adjourned at 2:45 p.m.)

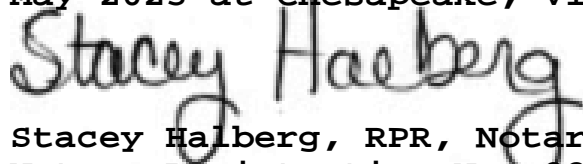
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COMMONWEALTH OF VIRGINIA AT LARGE, to-wit:

I, Stacey Halberg, RPR, a Notary Public for the Commonwealth of Virginia at Large, of qualification in the Circuit Court of the City of Chesapeake, do hereby certify that this proceeding was recorded in stenotype by me and reduced to computer printout under my direction; and that the foregoing is a true, accurate and complete transcript of said proceedings.

Given under my hand this 15th day of May 2023 at Chesapeake, Virginia.



Stacey Halberg, RPR, Notary Public
Notary Registration No. 329434