

In The Matter Of:
City of Portsmouth
Planning Commission - Public Hearing

June 6, 2023

ZAHN
COURT REPORTING

208 E. Plume Street, Suite 214
Norfolk, Virginia 23510
tel: 757 627 6554 *fax:* 757 625 7077
email: info@zahncourtreporting.com

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CITY OF PORTSMOUTH
PLANNING COMMISSION
TRANSCRIPT OF PUBLIC HEARING
TUESDAY, JUNE 6, 2023, at 1:30 P.M.
CITY COUNCIL CHAMBER

COMMISSIONERS PRESENT:

- Sherri Thaxton, Chairperson
- Donna Coleman, Vice Chair
- Anthony Hinds
- Miriam Jiggetts
- Keith Curry
- Danielle Barnes

COMMISSIONERS ABSENT:

- Primas Paige

CITY STAFF PRESENT:

- Jocelyn T. Adumuah, Interim Planning Director
- Regina O. Jackson, Zoning & Planning Coordinator
- Julie Chop, Principal Planner
- Amy Mervine, Senior Planner
- Jeff Miller, Deputy City Attorney

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1 (Call to order at 1:35 p.m.)

2 CHAIRWOMAN THAXTON: Good afternoon,
3 ladies and gentlemen. I would like to welcome you
4 all to this very important meeting today, Tuesday
5 June 6, 2023, in the city of Portsmouth City Council
6 chambers. As referenced for our guest today,
7 UP-23-12 is being deferred until July 18, 2023. And
8 that will change the order of our agenda. That was
9 made available to you.

10 Madam Secretary.

11 MS. JACKSON: Thank you, Madam Chairman.
12 Commissioners, we will now have roll call.
13 Please indicate your presence electronically.

14 (Roll Call)

15 MS. JACKSON: Six members of the Planning
16 Commission are present.

17 CHAIRWOMAN THAXTON: Commissioners, before
18 you are the minutes of the May 2, 2023, public
19 hearing. If there aren't any changes, we are in
20 need of a motion.

21 COMMISSIONER JIGGETTS: Madam Chair, I do
22 have some things I need to question about the
23 minutes.

24 CHAIRWOMAN THAXTON: Commissioner
25 Jiggetts, could you speak into the microphone.

COMMISSIONER JIGGETTS: My apology.

In the minutes, it had indicated that --
this is from last month, May -- had indicated on the
project on the market for Suffolk. I don't think
that's correct. It was the applicant under the
UP-23-08. And, obviously, it's our project in
Portsmouth. So I don't think that was an accurate
reference. So I will ask that that be checked to
make sure for clarity sake. That was the main
thing. So I don't want to say correction because we
need to check it to see if that's what the applicant
actually stated.

CHAIRWOMAN THAXTON: Okay. If you all
would -- if it's okay, we can go ahead and approve
the minutes with the verification that that
statement is correct. Would that suffice?

COMMISSIONER JIGGETTS: That would
suffice.

CHAIRWOMAN THAXTON: Yes? Okay.

Commissioners, we need a motion to approve
the minutes.

COMMISSIONER JIGGETTS: I so move to
approve the minutes with verification of that

1 statement.

COMMISSIONER CURRY: I second that.

2 CHAIRWOMAN THAXTON: Thank you,
Commissioners.

3 MS. JACKSON: We have a motion and second
to approve the minutes from the May 2nd public
4 hearing. You will be voting electronically.
(Electronic Vote)

5 MS. JACKSON: The minutes are approved by
a vote of six to zero.

6 Announcements of future meetings and
conferences. Due to the 4th of July holiday, please
7 note that our next scheduled work session is
Tuesday, July 18, 2023, at 1:30 p.m., City Council
8 Chamber, followed by public hearing at 1:30 p.m.,
City Council Chamber.

9 Items reviewed today will be presented to
City Council for action at their July 11 public
10 hearing or as otherwise noted.

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

12 We also ask that everyone please silence
your cell phones at this time if you have not done
13 so.

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1 UP-23-09, DOWNTOWN:

2 MS. JACKSON: Our first item, UP-23-09,
3 Downtown. The Book Club, LLC, requests a Use Permit
4 to operate an entertainment establishment on the
5 approximately 0.143 acres located at 620 High Street
6 in the Downtown Urban Center, D1-T5, zoning
7 district. The Future Land Use Map of the Build One
8 Portsmouth Comprehensive Plan designates this
9 property for mixed use downtown. The property is
10 owned by Two Monkeys, Inc., and as is further
11 described as Tax Map 18, Parcel 130. The staff
12 coordinator is Amy Mervine.

13 Will the applicant or representative for
14 this application please come forward and present
15 your application at this time.

16 MS. ADUMUAH: Ms. Jackson, excuse me. Are
17 they going to vote to defer this case for the
18 July 18th meeting?

19 CHAIRWOMAN THAXTON: We were going to do
20 that at the end.

21 MS. JACKSON: I was going by the order of
22 my agenda.

23 CHAIRWOMAN THAXTON: We were going to do
24 that at the end.

25 MS. ADUMUAH: Okay.

CHAIRWOMAN THAXTON: Thank you.

26 MS. JACKSON: Can the applicant for
27 UP-23-09 please come forward and present your
28 application at this time.

29 MR. MCELROY: How are you all doing today?
30 So it's time for us to talk? I'm sorry.

31 CHAIRWOMAN THAXTON: Yes, sir.

32 MR. MCELROY: We're a simple mom-and-pop
33 store, started off as a coffee shop. Just
34 bookstore. Evolved to carry wine and beer. And
35 then, you know, we started having, like, live events
36 like jazz and stuff like that.

37 CHAIRWOMAN THAXTON: Sir, excuse me. I
38 apologize. Could you give us your name, please.

39 MR. MCELROY: My name is S.T. McElroy II.
40 This is my wife April McElroy.

41 CHAIRWOMAN THAXTON: Thank you. You can
42 continue. Thank you very much.

43 MR. MCELROY: We saw that Portsmouth was
44 lacking. We own a home in old Churchland, and we
45 just thought Portsmouth was lacking for something
46 where grown people can actually go in and enjoy
47 themselves. So we've had church groups, karaoke
48 groups before we got notice we couldn't have

1 karaoke. We've actually had the Parole Board, State
2 Parole Board, come through and answer questions for
3 loved ones for people locked up 15, 20 years,
4 haven't been able to get their questions answered.
5 The place was packed. But they were able to get
6 their questions answered. So we do, like, a lot of
7 outreach, chess tournaments, stuff like that.

8 If you haven't been to The Book Club, feel
9 free to come by and check it out. Everybody that
10 comes gets a sense of unity and peace when they walk
11 in the building. That's what we were going for when
12 with developed the building. I don't know if you've
13 seen pictures inside. It's a laid-back environment
14 for anybody to come in and relax.

15 The application we put in was for us to
16 actually be able to have -- we were instructed we
17 couldn't have karaoke. It was against the rules.
18 So we shut that down. And we were told we couldn't
19 have line dancing classes either. So we said okay.
20 We submitted the application to be able to get the
21 live music permit. That covers the deejay for
22 karaoke. That covers the line dancing. We had the
23 stereo hooked up. Not a deejay, but she kind of ran
24 the music for the line dancing to stop and start and
25 teach people different steps. Its nothing
boisterous or anything like that. Anybody can come.
It's just a great time. People come -- when we were
having karaoke, people come in and say, I'm bringing
my mom next week. It's that type of crowd. It's
just a really good vibe, really nice vibe. That's
what we want to keep doing.

I've reached out to the civic league and
asked them. We didn't get a response from the
email. We showed up to one meeting, but they didn't
have us on the agenda.

Our representative is Michael Massey. He
had an emergency in Baltimore. Normally I wouldn't
be doing all this talking I imagine.

We want to bring something different to
Portsmouth. If nobody on the commission has been in
The Book Club to see what's going on, it's kind of
hard to describe. It's a hodgepodge of a lot of
different things. We definitely have books on the
shelves for everyone to read. We're looking to
start a book club. We have the chess going on in
there. We have a grand piano on the stage for
people to use. We have open mics and all that
stuff. We want it to be like a community meeting
place. That's it.

1 CHAIRWOMAN THAXTON: Thank you, sir.
2 applicant? Commissioners, any questions for the

3 Commissioner Jiggetts.

4 COMMISSIONER JIGGETTS: Thank you. What
5 comes to mind is, according to the requirement of
6 the Use Permit, if it was approved, you would need
7 to have soundproofing on the front and the back of
8 the facility. Are you aware of that, soundproofing?

9 MR. MCELROY: No. We weren't aware of
10 that. We were made aware we had to rebuild the
11 stage for fireproofing. We did that. But as far as
12 soundproofing, we weren't made aware of that, no.

13 COMMISSIONER JIGGETTS: Okay. If the
14 Planning Commission approves it, you would need
15 soundproofing on the front entrance as well as the
16 exit rear. But personally I would hope that you all
17 would be willing to soundproof the entire inside of
18 the facility because I think if it's soundproof,
19 obviously it's not required for it to be the entire
20 circumference. But I believe if the entire building
21 inside were soundproof, that would go a long ways to
22 alleviating some of the concerns about if there's
23 any noise that would be going on or entertainment or
24 music going on inside. So I'm glad I mentioned
25 that, the requirement.

And correct me if I'm wrong, Planning.
Someone from Planning, would you come forward,
please. I want to get clarification on it.

MS. CHOP: I believe you're referring to
the use specific standards for the use requirement,
which require any housing shall include soundproof
entryway and exit doors. And the proposed
conditions were as well as the staff report were
sent to the applicant prior to this meeting.

COMMISSIONER JIGGETTS: Okay. Thank you.
Obviously a lot of information. But the reason I
bring it up is because I would think that if the Use
Permit is approved for the entertainment, that you
would personally be willing to hopefully soundproof
the entire inside.

MR. MCELROY: I spoke to one neighbor in
particular right next door to us. If your back is
to the building, to the right is an antique store.
We had a running commentary back and forth about any
sound or anything. Any event we're, having let me
know. I'm easy. Just let me know what's going on.
He had mentioned it to us, and we turned it down and
everything like that. But in our conversations, I

1 also spoke to him and said, according to our
2 contract, we're supposed to buy this building this
3 year. Work ran into all kinds of stuff, COVID.
4 Finally opened 2021.

5 We're new to this. I've never owned a
6 bar. She's never owned a bar. She wanted to bring
7 the books and the coffee. Unfortunately, the wine
8 had to be included to carry some of the costs. We
9 brought that in. Did tastings. Everything was
10 classy. Everything we're doing is classy. It's
11 just that the steps that -- I don't know.

12 It's frustrating because we're
13 self-funding this. It's not like we're getting
14 money from an outside source. We're self-funding
15 this. Every time it seems like we get some stuff
16 going forward, it gets shut down. Then we see,
17 like, a lot of the big box stores and stuff like
18 that just -- I know they have a team. I know they
19 have a legal team behind them. I know they're
20 reading all this paperwork and going over it. And
21 they can send people after that.

22 But it's just us working in the building,
23 us doing everything. I built the building with my
24 hands. I have over \$100,000 invested in the
25 building. And the karaoke is -- we actually sold
the house I was telling you about -- dream house,
five bedrooms, over in old Churchland -- to get this
building opened. Invested all the equity into this
building. All right? So us being limited on the
amount of stuff we can do, it's hurtful. It's just
like saying your dream just evaporated in front of
your eyes.

17 We want to follow all the rules and
18 standards. I had a running commentary with the
19 next-door neighbor. I don't know if he called or
20 who called. All of a sudden we got the notice
21 saying we had to shut it down as far as karaoke.
22 That was one of our best nights. So we're just --
23 we'll do whatever we need to do to facilitate this
24 next step. I don't know where the money is going to
25 come from, but we're going to try to get it. But
like I said, everything else that was required, the
fireproofing on the stage, I mean, we're just trying
to bring life to downtown. That's it. Bring
something different to downtown. It's not anything
crazy or intrusive. It's something that really
fits. It's something that's necessary. You know?
That's what everybody says. I don't know if we got
letters in here from the public. But that's what

1 everyone is saying about The Book Club. I don't
2 have no reason to come up and tell you mistruth.
3 Has anybody in here been to The Book Club?
4 Did you enjoy yourself? She said she took her mom
5 for Mother's Day. I don't want anybody to think
6 it's anything other than that.

7 CHAIRWOMAN THAXTON: Thank you.
8 Commissioner Jiggetts.

9 COMMISSIONER JIGGETTS: Just let me say
10 one more thing, sir.

11 MR. MCELROY: Yes.

12 COMMISSIONER JIGGETTS: Because I can't
13 speak for everyone. But what I will say is the
14 requirement of the soundproofing on the front and
15 the back, if it were approved, that would be
16 required.

17 I'm saying that correctly?

18 I would just say to you, in my opinion, if
19 you were able to get the approval at this level,
20 because you still have to go before City Council,
21 this isn't legally required. But to me steps that
22 can insulate noise or absorb noise in an
23 entertainment district is always a good thing. So
24 just based on my perspective, the total
25 soundproofing. But that's not a legal requirement.
Just the front and the back inside. But I would
just say --

MR. MCELROY: I'm sorry, Ms. Commissioner.
I have called several companies about soundproofing,
and I talked to the neighbor and told him upon the
purchase of the building I would look at totally
soundproofing the building. I don't want to
inconvenience anybody. We're there to add to, not
take away. That's it.

COMMISSIONER JIGGETTS: Thank you for
those comments. Thank you.

CHAIRWOMAN THAXTON: Thank you,
Commissioner Jiggetts.

Commissioner Hinds.

COMMISSIONER HINDS: Thank you, Mr. and
Ms. McElroy. First, thank you for being here, one.
It's not easy to stand in front of any commission or
any council or any of those things kind of being by
yourself as you just mentioned. I thank you for
that.

Before I continue with my comments, I made
some comments earlier during the staff report that
you were squirming to answer. If I can take a
backseat to listen to understand before I talk

1 again, I would like to hear your response to what I
said earlier.

2 MR. MCELROY: You were speaking about you
3 said that we've been having activities for the past
4 two years. We haven't been open two years yet.
5 October will be two years.

6 You also spoke to the paper on the window.
7 Any private event that -- because we also rent the
8 building out to people for birthdays and stuff like
9 that. So to me putting the blinds down for a
10 private event, wedding, anything like that wouldn't
11 be any different than closing the drapes and stuff
12 like that. Like I said, we're self-built. So we
13 had the packing paper like you would do if you were
14 doing construction. We had that on the windows
15 several times for private events. Other than that,
16 the windows as you see are what they normally look
17 like. The curtains and the sheer coverings. I did
18 just order some blackout blinds actually to further
19 that if somebody had a private event they can pull
20 down the blinds. Other than that, that was it.

21 I think we caught the tail end because we
22 were supposed to be there at 1:30. I was, like, did
23 they start early? I didn't understand how
24 everything works. That's why I was putting my hand
25 up.

26 COMMISSIONER HINDS: I believe somebody
27 shouldn't bring in sort of things to you if you
28 wanted the opportunity to speak. I wanted to give
29 you that opportunity. Thank you for that.

30 So the events that I did list that you
31 have were featured prominently on social media.

32 Before I jump to that, let me give my
33 moment of thanks because I know there are a handful
34 of civic engagement events also posted on Facebook,
35 and thank you for the outreach you've had about
36 restoration of rights. I've seen those. I wanted
37 to give you a moment of shout out. It's not
38 necessary I don't believe in your mission. I
39 believe in asking these questions and making sure we
40 have clarity and understanding going forward.

41 On the events February 11, October 29th,
42 October 22nd, karaoke each Thursday, and July 9,
43 2022, these were all events that took outside of an
44 email, which you had sent to Planning and Zoning, to
45 say that you no longer required this Use Permit
because you were going to stay with the original
intent. At what point was the decision made where
you said, You know something, no, I really want to

1 do these activities? Was there any sort of holdup
2 in terms of processing on the City end or anything
3 of that nature? I need to kind of understand intent
4 here I think to maybe understand where you guys are
5 on this.

6 MR. MCELROY: So, yes, sir, we weren't
7 trying to step on anybody's toes. In 2020, I think
8 everybody in this room realizes that everything just
9 shut down, right? So different parts that we were
10 trying to get, different inspections, just trying to
11 get a piece of paper through Zoning, all that stuff
12 was at a standstill. If you submitted anything, it
13 was two weeks later before you heard back. You had
14 to constantly send stuff in through emails. I work
15 full time. So we're pushing all this stuff through.
16 I'm calling just to check up. Babe, did you talk to
17 this person? Yeah, I talked to this person. They
18 said next week they'll be able to get it to the next
19 desk. In the process of all that, some of the
20 paperwork got mixed up. We got zoned as a banquet
21 hall instead of what we were supposed to be
22 considered as -- she can speak to more of this than
23 I can. We were supposed to be zoned like a cafe,
24 but we got considered as a banquet hall. I don't
25 know if you see that in this paperwork. Chasing
after that issue, that caused a bunch of issues down
the road. They said, You're a banquet hall. You
can't do this. We had to back-paddle.

15 Speaking about what you were talking
16 about. It was definitely an issue with the
17 paperwork. I can't point out everybody that we
18 dealt with along the way. She knows all the names
19 and stuff like that. Even when it came to our ABC
20 license, we had to go back, pay some more money
21 because of the way we got listed as far as the type
22 of business we had. So some was on us, new people
23 not knowing. She just had the dream. I came in and
24 built it out. New people just starting some stuff
25 out.

21 Also not knowing how to mitigate the
22 different hurdles and issues that you run into with
23 the City. I had no way of knowing that it was going
24 to be this expensive. I'm thinking when they say a
25 business fails most of the time in its first five
years, it has to do with lack of drive, lack of
push, lack of determination to get this business
seen by people. I didn't know that it's a bunch of
stuff that you got to get past with the City to be
able to function as a business. I didn't know.

1 So as we learned, we moved. We changed,
2 and we just made the decisions that we needed to
3 make to go ahead and keep moving forward. That was
4 it. So nothing was done in any type of ill will or
5 anything like that. We weren't trying to hide
6 anything as far as events. You all saw flyers -- we
7 didn't know. So you all saw flyers. It's on the
8 board downtown right across from here. It's still
9 on the board.

10 But we're not having events. We stopped
11 when we got the letter saying you can't have the
12 events. We stopped. We spoke with Michael Massey
13 and started working towards getting everything
14 together for here. We want to be on the up-and-up
15 on everything we do. We're not trying to run some
16 kind of speakeasy or something like that.

17 Like I said, if you can give us some
18 direction, and if you can give us more insight and
19 leeway, we promise The Book Club will be something
20 you guys look at like our baby, we helped birth
21 this. We want to be here for a long time.

22 COMMISSIONER HINDS: Madam Chair, may I
23 ask a follow-up?

24 CHAIRWOMAN THAXTON: Sure.

25 COMMISSIONER HINDS: You spoke of a more
recent letter. Planning staff, do you have anything
other -- said you were recently notified again.

 MR. MCELROY: It was, like, three -- was
it three months ago that we had to stop the karaoke?
It was three months ago.

 COMMISSIONER HINDS: You received some
sort of notification from the City saying you had to
cease?

 MR. MCELROY: Yes.

 COMMISSIONER HINDS: I'm trying to follow
along with you. I would like to try to get to a
"yes" here. I've got some challenges here because
I'm a big structure and order person. I am that
guy. Please forgive me if I sound like I'm
questioning over. There was also a notice to comply
sent March 10th detailing out. And on March 19th,
it was sent by April McElroy saying you wanted to
keep your existing conditions and nothing changes.
Okay? But then we've had all the other instances
that have happened since then. I'm trying to
understand, Hey, this is how I fix it. But I don't
really want to fix it because I'm happy with my wine
bar and whatever the case may be. Then there's a
whole string of events we talked about, and now

1 there's notification in March. I guess I need kind
2 of an understanding where the motivation took place
3 from that wasn't there in March 2021, that's now
4 there in March 2023.

5 MR. MCELROY: 2021?

6 COMMISSIONER HINDS: I got a copy of the
7 email. That's the reason I'm referring --

8 MR. MCELROY: I don't know of an email in
9 2021. But I will tell you we were putting out a lot
10 of fires in 2021. Can I come --

11 COMMISSIONER HINDS: Can you approach?

12 CHAIRWOMAN THAXTON: Yes.

13 COMMISSIONER HINDS: Here's what we're
14 saying. This email here...

15 I want to make sure you're seeing what
16 we're seeing here because I believe in transparency.

17 MR. MCELROY: So looking at this email
18 right here, it's saying that we couldn't even apply
19 for an entertainment permit at that moment due to
20 the possible changes and regulations being made.

21 Okay. So if I'm remembering right, the
22 City clearances state you can't open establishment
23 with entertainment within 250 feet of a church.
24 That's what it was. So I took my ruler -- and I
25 don't know if you got the extreme side of the
building, but it's like one more window to the right
of that picture. So that's the outside edge of the
building. It's a big stone church on the corner of
Washington and High Street. I walked my roller tape
out there and rolled all the way down to the steps
of the church, and it measured 247 feet. 247 feet
from the outer wall of the building.

COMMISSIONER HINDS: Madam Chair, may I
ask staff a question as a follow-up on that?

CHAIRWOMAN THAXTON: Sure, Commissioner
Hinds.

COMMISSIONER HINDS: Ms. Adumuah and
staff, A, does such a condition exist? And, B, does
such a Use Permit, if this was brought to the
staff's attention, would that have not come to the
Planning Commission at that time for some sort of
variance or something of that nature?

MS. CHOP: The applicant is correct, that
at that point, the 40.1 zoning ordinance did contain
a number of distance separators. And one of them
was that an entertainment establishment could not be
located within -- I believe he's correct --
250 feet. So if they had applied at that point, it
wouldn't have been able to go forward because it

1 wouldn't comply with the zoning ordinance. So I'm
2 assuming that the Planning staff notified the
3 applicant that they should wait until the new
4 ordinance was adopted, which in the new ordinance,
5 which is our current ordinance, those distance
6 separators were removed. At that point, they would
7 then be able to apply and be in compliance with the
8 standards for an entertainment establishment.

9 COMMISSIONER HINDS: So another follow-up
10 I guess then would be, is that the ordinances that
11 were passed in that package of ordinances of
12 thousands that we just went through? Or is that a
13 previous pack of ordinances that were approved in
14 2021 or 2022?

15 MS. CHOP: This was in 2020 and 2021. The
16 Planning staff did almost, like, a complete rewrite
17 of the zoning ordinance. And that was passed I
18 believe in December of 2020 and then was effective
19 in February of 2021. So this was the previous set
20 of code amendments that was adopted in 2020.

21 COMMISSIONER HINDS: So when he was
22 opening his business in October of 2020, that would
23 have been the rule. However, on March 10th when he
24 was notified of a notice to comply, then that would
25 have been an actual new rule that would have changed
that distance zoning; am I understanding that
correctly?

MS. CHOP: I want to verify when the
emails were sent. Can I see that?

Am I a year off, Jeff? Okay.

I'm not sure, because I believe that the
new ordinance would have been in effect in March
of 2021. So unless they were misinformed, they
should have been able to apply for the entertainment
establishment at that point. Which they may have
been misinformed. I'm not sure.

MS. ADUMUAH: Can we check that? Let's
check that.

COMMISSIONER HINDS: I would like for us
to think about a couple of things.

And this is to the applicant. Yeah,
there's letters that came in not in support of your
application today. It doesn't seem like there's
people that feel you have been a great neighbor.
And I think that there could be opportunity for this
to happen, but I think there needs to be some work
and repair that needs to take place with your
neighbors before it can, quite frankly. Me, as a
resident speaking right now, not as a commissioner,

1 I think that there could be some conditions that
2 maybe you can offer that might be able to make it
3 more palatable for the neighborhood. For example,
4 cutoff time of noises, things of that nature.
5 Because not two blocks off of your place are
6 people's residences. I wouldn't want two blocks off
7 of my residence to have 2:00 in the morning music
8 playing at loud decibels with no sound kind of
9 thing. So I know that those types of conditions do
10 exist. I don't know if it's your environment or
11 whatnot, but I think that might be something maybe
12 you could work with your community as well. But I
13 think we probably should have that answered before
14 this commission weighs in, quite frankly, as to what
15 was said or informed of this applicant in order to
16 be impartial and fair to that. So --

17 MR. MCELROY: Can I --

18 COMMISSIONER HINDS: By all means. But
19 I'm going to probably make a different motion. But
20 by all means.

21 MR. MCELROY: So I happen to see some of
22 my neighbors behind me, the business neighbors.

23 But our events shut down -- like the
24 karaoke shuts down at 12 midnight. So it doesn't go
25 past that. At 12 midnight it shuts down. It starts
at 8:30. So it's 3-1/2 hours of karaoke. That
being said, directly before karaoke was the line
dancing. So people would come in before, but that
music was nowhere near what karaoke was. It was a
small speaker and people doing steps.

So I guess I have a misunderstanding about
the business district of Olde Towne. So I hear
during City Council meetings and stuff like that
people talk all the time and say, We want business
in downtown. We want business in downtown. And you
have people that live in downtown. You have people
that live in Ghent and Waterside right above those
different establishments that's down there. Those
people want to be able to walk up -- because me and
her talked about buying a place downtown. It's for
the convenience of being able to walk up to a bar
and get something to drink, go out with your family
and get something to eat. Close to parks and dog
walks and stuff like that. But being around the
hubbub so you can move around. You're close.

So I don't understand why somebody would
live downtown if they don't want the downtown
environment. People that don't want the downtown
environment move to the outskirts of Portsmouth,

1 areas like that. Downtown is always going to
change. It's always going to change.

2 The building that -- you guys might know
3 where we're located if I say Skipjack's. Everybody
remembers Skipjack's. That was Skipjack's.
4 Skipjack's moved out of town. That building was
empty. We're doing something that brings people
5 from Elizabeth City, all parts of Carolina. Had
people come from New York for different events. All
6 of our events aren't like that. It's Mother's Day
events, Father's Day events, father-daughter dances,
necessary stuff.

7 So I know we got a few more hurdles. I
don't want to go into a whole spiel. But it's
8 definitely an addition to Portsmouth. It's not
taking away at all.

9 CHAIRWOMAN THAXTON: Mr. Hinds, are you
finished?

10 COMMISSIONER HINDS: I'm going to be done
for now. I imagine there's people here who might
11 want to speak. It's our duty to listen to them as
well. Thank you.

12 CHAIRWOMAN THAXTON: Thank you.
Commissioner Curry.

13 COMMISSIONER CURRY: Good day, Mr. and
Ms. McElroy. I am first upset with you both because
14 I had no idea this place even exists. I was able to
go on your social media and look at some of the
15 social events. People we've elected in office
frequently visit your place. I see you sell food.
16 Am I correct?

17 MR. MCELROY: Paninis. We have a panini
grill in the building, yes, sir.

18 COMMISSIONER CURRY: Good food.

MR. MCELROY: Yes.

19 COMMISSIONER CURRY: Okay. With the chess
tournament you guys do, is that for the community or
to attract the youth or --

20 MR. MCELROY: Anybody that wants to be
involved. Absolutely.

21 COMMISSIONER CURRY: Okay. Two more
questions and I'm done. Is there an age requirement
22 for some of the events that you have?

23 MR. MCELROY: The chess tournaments, no,
there aren't. The karaoke you have to be 21 and up
because alcohol is in the building, and we don't
24 want kids near that.

25 COMMISSIONER CURRY: And my last question.
Has the police ever been called for unruly behavior

1 at your establishment?

2 MR. MCELROY: I called the police myself
3 one time. There was people outside the building.
4 Actually, I called the police twice. One time
5 because I found a pocketbook by my dumpster in the
6 back. They never showed up. It had some needles in
7 it, an ID, and a credit card. I didn't know if
8 somebody had got robbed, whatever the case may be.
9 I didn't want anybody to come in contact with the
10 needles, so I called the police. Two days later, I
11 ended up going back there and throwing that
12 pocketbook in the trash. The other time, people
13 were arguing on the sidewalk in front of the
14 establishment, and I called the police. At that
15 time, we were still working on the building, and I
16 had to tell them we're not even open for business.
17 So I said, Can you please get them out of here? I
18 don't know what they got going on. That was it.

19 COMMISSIONER CURRY: Thank you.

20 CHAIRWOMAN THAXTON: Thank you.

21 Commissioners, any additional questions
22 for the applicant?

23 Okay. Thank you, sir. Thank you, ma'am.

24 MS. JACKSON: Ladies and gentlemen, this
25 is a public hearing for Item UP-23-09. I do have
one registered speaker. You may come forward, and
you have up to five minutes to speak. Janine
Dimellow.

MS. DIMELLOW: Good afternoon. My name is
Janine Dimellow. I own a condo at 630 High Street.
I'm here representing our condo association, of
which there are three residents in our building and
a little business downstairs of our building.

We, unfortunately, were not on the list of
notified buildings for some reason. I know that's
required of adjacent properties. But maybe perhaps
because we're to the second left of the applicants'
building, I know some of the folks across the street
and whatnot were invited to share their information.
But whether it's an oversight or whether it's a
numbers game on which properties get notified, I'm
here to speak for our building.

I agree. I think that if the description
that was given of the property and the applicants'
intended use was what we were discussing today, I
probably wouldn't be here. So let me just first off
start off by saying I was probably one of your first
patrons when the business came into play. I thought
it was lovely. I actually met April briefly. She

1 may not remember. And I had a cup of coffee. I
2 thought, This is awesome. This is going to be
3 great. We need this.

4 Unfortunately, it's morphed into perhaps
5 something that wasn't the initial use. Whether that
6 was intended or not intended, I can't speak to that.
7 I'm leaning towards the fact that perhaps, after all
8 this time, the growing pains should be over, and
9 both the applicant and the community kind of have a
10 sense of what has happened in the establishment and
11 what is happening moving forward.

12 And I think Mr. Hinds touched on a couple
13 of the things. I wanted to make a couple of just
14 broad points, and they speak to sort of what's been
15 said already. But let me add a few things.

16 The original intent in the four corners of
17 their application -- and I did go ahead and pull
18 that up because I didn't want to speak out of
19 turn -- was specifically for the use they described
20 as a bookstore, public events, some like the
21 Mother's Day events, and things like that.
22 Unfortunately, when I first started speaking, like I
23 said, it's morphed into other things entirely.

24 The question isn't necessarily the use or
25 the sound issue. I think those can be cured of
course. Unfortunately, initially in the build, a
lot of the soundproofing material from the ceiling
was all removed, whether it was for aesthetics or
the kind of vibe they wanted to have in the
building. And I understand that that probably did
deteriorate some of the noise-canceling
opportunities that were there. That was just one
thing.

I know that the building in between us --
because, like I said, we're here, and there's
Anderson-Wright and the applicant. We've had issues
with sound, and we're quite a bit a ways from them.
I know the applicant probably tries to vet as much
as they can of the patrons. But after a certain
time you can't. I've seen tickets being sold on
social media. You're purchasing tickets on
Eventbrite and things of that nature. You can't vet
those people. They're coming from other places.
They are coming from out of town. They have nowhere
to stay. Where do they go at midnight? We also
share a parking lot with these folks. So behind us
is us coming in from work or play or guests to our
properties, things of that nature. I know we have
some elderly residents in the building next to us,

1 and they have an issue. It's not lit. It's not
2 secure. There are no security cameras. They're
3 having events. I get that. But the events are
4 going well into the night. So there's no additional
5 security. It's not well lit. That's become an
6 issue. Again, this is the morphing process. So my
7 question is, are those things going to be remedied
8 in the conditions that they're being asked to meet?

9 The idea of entertainment establishment,
10 there's a lot of description and a lot of definition
11 when you look in both the City Guidelines and the
12 proposed conditions that the applicants are being
13 asked to meet. I'm not sure why an ABC liquor
14 license is trying to be obtained before they've met
15 the criterior for a liquor license. My
16 understanding is you have to have a kitchen and
17 serve hot food. I don't think those criteria have
18 been met.

19 The advertising I have an issue with.
20 It's all over social media, most events. There's
21 some great events. Don't get me wrong. Like I
22 said, I've attended some of them as well. But when
23 I'm looking here, even as early as today three hours
24 ago, there's a spirit and cocktail tasting event
25 happening. I was not under the impression they had
the ability to serve alcohol there. That concerns
me because it's ongoing. Again, these are things I
was told are not going to be happening, but yet
they're happening more than they were initially.

CHAIRWOMAN THAXTON: Ms. Dimellow, if you
could wrap it up, please.

MS. DIMELLOW: Sure. Anyway, I have
access to all that information if you folks would
like. But when I'm seeing things, like I said,
being posted three hours ago, you know, #fullbar,
#cocktails, I didn't think we were going in that
direction. I thought we were kind of pulling back.
So we appreciate any help you can give us, and I'm
here to answer questions.

CHAIRWOMAN THAXTON: Thank you,
Ms. Dimellow.

Commissioner Curry, did you have
questions?

COMMISSIONER CURRY: I wanted to look over
the noise ordinances. I found it on the website.
That's what I wanted to verify.

CHAIRWOMAN THAXTON: Thank you.

Commissioners, are there any additional
questions?

1 Commissioner Hinds.
2 COMMISSIONER HINDS: Yes. Thank you.
3 So you have to have this permitting for
4 there to be an ABC license permitted, correct? Or
5 is that incorrect? A member of staff can
6 probably --
7 MS. ADUMUAH: You need an ABC license to
8 sell the alcohol. Then they submit the application
9 to the City, and the City looks at it to see if
10 they're okay. Then there's --
11 CHAIRWOMAN THAXTON: Can you turn your
12 microphone on, please.
13 MS. ADUMUAH: Yes. I apologize. You need
14 the ABC license to sell the alcohol. The ABC
15 corporation alerts us. We look at the location, the
16 zoning. And then if everything's okay, then we in
17 turn route it to various departments to make sure of
18 their input as well and that there's no problem. At
19 that point, we say it's okay. If they submitted an
20 application to ABC for the current use of bookstore
21 and all that, we would haven't had -- restaurant.
22 The ABC determines how one prepares and serves food.
23 I have gone to places where they've had little carts
24 outside that sold food or a small area inside where
25 they sold quick food. They make a determination
whether you need a full kitchen or just a small area
to prepare food. That's on them.
COMMISSIONER HINDS: In the packet it does
mention that the zoning office objected to the ABC
license. Is that still our stance at this point?
MS. ADUMUAH: Yes.
COMMISSIONER HINDS: Yet there's been
alcoholic beverages served? Can I ask the applicant
that question? Is that in balance?
CHAIRWOMAN THAXTON: Yes.
If you'll come up here, sir.
MR. MCELROY: Yes. We have a full-bar ABC
license. We have the capacity to be able to make
food in the building. I we make food every day.
We're responsible for maintaining a certain amount
of food sales to cover our liquor sales.
Part of the shutdown is why we started
going after the liquor, to increase sales, because
we weren't making any money from karaoke anymore.
Probably would have never had liquor if we didn't
get shut down from karaoke. I didn't desire liquor.
I just wanted wine and beer. But because, like I
said, we didn't have karaoke, we needed something to
offset the lack of funds coming in. So we got

1 approved our ABC license. We have a full bar.
2 To talk about the parking situation, our
3 patrons park on the street in the front. For the
4 events, they park on the street in the front. I
5 think they're talking and getting us confused with
6 another event space three doors down. I am -- and I
7 do have security. My patrons asked me about
8 security. I'm coming out of pocket paying for
9 security, standing by the front door during karaoke
10 all night long. They don't pat our patrons down,
11 but they do wand them. Me personally, when I go to
12 a place and somebody wants to pat me down, I turn
13 and walk away because you don't see it at all the
14 establishments. Right? But to make sure that our
15 patrons are safe, I have that there. I had that
16 there before we had to shut down karaoke. So I
17 think they got me confused with some other events
18 going on down the street because I don't allow
19 anybody to park in the back. There's public parking
20 behind the building, but it's off of the building.
21 It's like an elevated place and like a recessed wall
22 or retainer wall. So people can park along that
23 because that's where the pharmacy people park along
24 that way. On Sundays, all the church people park
25 back there. But as far as my patrons, they don't
park behind the building. They all park on High
Street for karaoke and on the side road there on
Washington like everybody else. But as far as
around others, no, I'm a Pitbull about that. And
anybody that comes in my establishment will tell
you, like, Where did you park? Why are you knocking
on the back door? No. Pull back around front.

COMMISSIONER JIGGETTS: I have my light on
to speak.

CHAIRWOMAN THAXTON: Commissioner
Jiggetts, he's still speaking.

COMMISSIONER HINDS: You can no more
control who parks in a public space than anybody
else. I can't hold you to that standard.
Thank you for allowing me to finish that
comment.

CHAIRWOMAN THAXTON: Thank you.
Commissioner Jiggetts.

COMMISSIONER JIGGETTS: Again, my
apologies to Commissioner Hinds. I thought you were
finished.

I want to make the comment, I'm glad to
hear you have your ABC license. Many people may not
be aware, when you have your ABC license, that is

1 actually what we call an asset on your financial
2 balance sheet, that ABC license. And I wanted to
3 make mention of that because that is not an easy
4 feat to accomplish. There are a lot of steps you
5 have to go through. And on your business financial
6 statement, you can actually list your ABC license as
7 an asset because it is an asset. That's the comment
8 I wanted to make. Thank you.

9 CHAIRWOMAN THAXTON: Thank you.
10 Commissioner Curry, did you have a
11 question?

12 COMMISSIONER CURRY: No.
13 CHAIRWOMAN THAXTON: Thank you.
14 Commissioners, any additional questions?
15 Thank you, Mr. McElroy.

16 MS. JACKSON: Ladies and gentlemen, this
17 is a public hearing on Item UP-23-09. If there's
18 anyone here who did not get an opportunity to
19 register and would like to address this application,
20 you may come forward, state your name and your
21 address for the record, and you will have up to five
22 minutes to speak.

23 MS. CAPLAN: Good afternoon. My name is
24 Elaine Caplan. I live at 623 Queen Street. I've
25 lived in Olde Towne, Portsmouth, for 22 years. I
had a business on High Street called Ma Maison,
which actually is in the building at 630 High
Street.

Okay. So this is what I'd like to say.
My husband and I have lived in Portsmouth as I said
for 22 years. We owned a big house on Court Street.
We owned the building 630 High Street, the whole
building. We started from scratch.

This has been an unbelievably terrible
time. My husband and I got attacked. The kid that
attacked us kicked my husband to the ground, left,
right, and center, and praise God he didn't have a
gun or a knife. The place that he's talking
about -- I'm not mixing his place up with the place
that was raided, and they found 15 guns and fentanyl
and everything like that. That's literally behind
where we live. Where he has is here. That noise
from his bar, or whatever you want to call it, we
could hear it in our home. We're not next door.
Anderson-Wright is next door. Bill from
Anderson-Wright had to move out of his apartment
because he couldn't sleep because of the noise and
the vibration from the music.

Also, they had their windows covered, yes,

1 with paper because they were selling marijuana. And
2 the police raided them. So don't let -- don't think
3 that this is some sort of "hello, mommy-daddy"
4 thing. This is not. They had what I call a heavy
5 standing outside in a black suit. And I don't know
6 even if he had a gun or not. But I can tell you it
7 was scary.

8 We want Portsmouth -- we want High Street
9 to flourish. We have a business here for 20 years.
10 I'm an interior designer. And we still own a
11 building here, which we live on the top floor of it.
12 I'm a very big fan of Portsmouth. But I'm not a fan
13 of this kind of thing.

14 Children -- they don't let children in
15 there with liquor? They let children in there with
16 marijuana.

17 The police chief himself has come forward
18 and said he does not want these people to have an
19 alcohol and entertainment license. He had said he
20 does not want it, because he knows when he raided
21 that place what was going on inside it.

22 And, I'm sorry, I have to speak the truth,
23 and I have to speak it plain. Because if you give
24 these people a license, that's it. They'll be able
25 to do exactly what they want. And nobody will be
able to do one thing about it.

When my husband got kicked and knocked
down, there was nobody that came to our help. I
just screamed and screamed and screamed, and the guy
ran off. This is serious. These are not games
we're playing. We live here. We love this place.
We wouldn't still be here if we didn't. This world
is just not safe, and we don't want this lovely
place called Olde Towne, this High Street, to be any
more destroyed. Because I can tell you the smell of
marijuana on the street is unreal. And I would like
you all to look in the mirror and look into your
hearts and say, Would you like this if your parents
lived there, if your children lived there?

I've got 18 signatures that I went round
all the houses, and they're somewhere here because
Bill from Anderson-Wright brought them here
yesterday. 18 residents said, We don't want this.
That's not a misunderstanding with your neighbors.
This is a serious problem.

Anyway, my time's up. But thank you very
much for letting me speak. I greatly appreciate it.
Thank you.

CHAIRWOMAN THAXTON: Thank you.

1 Commissioner Barnes.
2 COMMISSIONER BARNES: Is there any way we
3 can get, like, records of the police chief saying
4 anything or a police report that was shown?
5 CHAIRWOMAN THAXTON: If you all will in
6 the audience hang on one second, please.
7 Ms. Adumuah.
8 MS. ADUMUAH: We do have a police report
9 attached to the staff report. He did not mention
10 raiding the site. He did mention activities, the
11 website, advertisement. But he did not say that he
12 had raided the site and found drugs or anything like
13 that.
14 CHAIRWOMAN THAXTON: It's my
15 understanding, if I recall the package correctly, it
16 was just a letter from Chief Jenkins.
17 MS. ADUMUAH: Yes. He also attached
18 pictures too.
19 CHAIRWOMAN THAXTON: But there was no
20 police report in our package.
21 MS. ADUMUAH: Just the memo. That's it.
22 CHAIRWOMAN THAXTON: Thank you.
23 Commissioner Barnes? Okay.
24 Ma'am, we have to go in order. Hang on,
25 okay? Thank you so much.
Commissioner Curry.
COMMISSIONER CURRY: You said the letter
is from the chief of police?
CHAIRWOMAN THAXTON: There is a letter in
our package that we received from staff from Chief
Jenkins. If I remember correctly, it just basically
summarized his feelings on the establishment. And
he also provided pictures, which were pictures of
advertisings that appeared online. Unless
Ms. Adumuah can tell me I overlooked something, I
think that was all that was in the package.
MS. ADUMUAH: The summation.
COMMISSIONER CURRY: So there was no
raiding for this establishment?
MS. ADUMUAH: Not in the memo.
COMMISSIONER CURRY: And no saying
marijuana came from the establishment whatsoever?
MS. ADUMUAH: Not noted in the memo.
COMMISSIONER CURRY: And the attack?
MS. ADUMUAH: Not noted in the memo.
COMMISSIONER CURRY: Thank you so much.
CHAIRWOMAN THAXTON: Commissioner Hinds.
COMMISSIONER HINDS: I believe
Commissioner Jiggetts' light lit before mine. I

1 defer to her. Thank you.

2 CHAIRWOMAN THAXTON: Commissioner
Jiggetts, my apologies.

3 COMMISSIONER JIGGETTS: To Ms. Caplan,
4 certainly so sorry that you and your husband had to
5 go through the attack. But we just have to be
6 objective. That attack did not take place at the
7 applicants' venue. So we have to maintain
objectivity hopefully. And certainly my heart goes
out to you because no one wants that to happen in
terms of being susceptible or experiencing an
attack. And so I just wanted to say that to you on
that note.

8 But in terms of the activities going on at
9 the applicants' place of establishment, there were
no reportable incidents having to do with assault.
That's my understanding. Not at the applicants'
establishment.

10 CHAIRWOMAN THAXTON: Can I interrupt you
all? I apologize.

11 If you want to respond, would you please
come back up here. Thank you so much.

12 COMMISSIONER JIGGETTS: So I just want to
13 say I am sincerely apologetic that you had to go
through what you and your husband went through.
14 However, we have to be fair and objective to
everyone. And in terms of the applicant and in
15 terms of what has been verified from the Planning
director, interim director, the chief of police --
16 and when I read the package, I didn't see anything
from the chief of police that alluded to assaults in
17 the establishment or marijuana smoking. So I
just -- I want to give my apologizes to you.

18 But I also want to -- and I'm sure you
understand. We've got to try to maintain
19 objectivity as we approach this application. But
thank you so much.

20 MS. CAPLAN: Well, I totally understand
that. I mean, I've been here, you know, had my own
21 business here for many, many years. I understand
that. What concerns me is how things so quickly get
22 out of control because people are too loose. And
what concerns me is, if they get this license, it's
like that's it. So maybe if there's some
23 constraints, maybe if there's some promises, maybe
if they can do what is right, we can all feel safe.
24 I mean, we're talking about safety here. You know,
I mean, at the back of their establishment is a
25 parking lot. But the fact is that people, when they

1 leave somewhere at twelve, one, two in the morning,
2 and they get into their cars and turn on their
3 radios really loud, we live there. This is
4 residential.

5 Yes, High Street is business. I
6 understand. I had my own business there for all
7 those years. I totally understand that. But when
8 you're not reasonable about the noise factor, it's
9 not -- we're not an island. We don't live on an
10 island. We live with other people. We work and
11 live with other people. Just be mindful of others.
12 Be caring about others. That's all we're really
13 asking for. And so far we have not -- you know,
14 18 people are not going to sign a letter for
15 nothing. That's 18 residents.

16 Anyway, thank you. Thank you very much
17 for listening to me.

18 CHAIRWOMAN THAXTON: Thank you,
19 Ms. Caplan.

20 Commissioner Hinds.

21 COMMISSIONER HINDS: Thank you, Madam
22 Chair.

23 I'm still I guess a little lost here
24 because I believe in things following a normal
25 flowchart of activities and that one thing has to
26 happen before the next thing can happen, before the
27 next thing can happen. But I've heard staff say
28 that they basically have to bless the ABC license.

29 Again, am I hearing that correctly?
30 Before the ABC board would go forward? Am I hearing
31 that correctly? That's going to be my next
32 question. But thank you.

33 I did look up. I wasn't texting by the
34 way. I'm listening to you guys. I don't have
35 Internet on this device, but I do on my phone.

36 They do have a full license. I guess I'm
37 lost in how the process that should go from point A
38 to point B to point C to point D somehow went from
39 point B to point D or E here. So can maybe somebody
40 fill in the blank here for me?

41 MS. ADUMUAH: At some point, the applicant
42 met the requirements of the zoning administrator.
43 And I don't know what date it was or what the use
44 was. But at that point when the ABC organization
45 spoke with him or sent him the email about it, he
46 must have looked at the current use, and it was
47 permitted; and as a result, he would have signed off
48 based on that.

49 COMMISSIONER HINDS: Okay. So I guess the

1 next question is -- or comment -- so we've got a
2 number of concerns here. We may have a zoning
3 administrator that told this person that they
4 couldn't apply because they were inside the
5 250 feet. We've got an ABC license that somehow has
6 mysteriously made it through from point A to point
7 D. In the middle, I have 18 residents -- and I
8 received the letters. Thank you. Nine times out of
9 ten, I'm siding 100 percent with residents here. I
10 will tell you, at the beginning of this, I had it in
11 my head that I was not going to support this. I
12 still may not. But I would like for us to consider
13 30 days worth of deferral for some of these
14 questions to be answered because I think there are
15 some things that we need to have some answers to.

16 Secondly, I would like for the applicant
17 to try to maybe reach out to the Olde Towne Business
18 Association and his neighbors and see if there are
19 potentially some conditions that can make their
20 neighbors potentially happier. I think that can be
21 beneficial to this process. I'm just one
22 commissioner speaking here.

23 And then also, last but not least, the
24 chief of police has spoken on this matter detailing
25 out events that happened in 2021. If this is the
condition that's being relayed to us by our
residents, maybe the situation has gotten worse, and
maybe we need an update from the chief of police on
his status here. But he's only talking about the
ABC license. Well, that's been since remedied.
This is dated May 30th. And he's had his license
since then. So I find it hard to put a whole bunch
of stock in this on that note.

I would like to make a motion that we
defer to have staff address and research all matters
of this and to bring it back at our next scheduled
meeting.

CHAIRWOMAN THAXTON: Thank you,
Commissioner Hinds.

Madam Secretary.

MS. JACKSON: We're still at the point
where if there's anyone else here who did not get an
opportunity to register and would like to speak, you
can come forward now and state your name and
address, and you five minutes.

MS. GREGORY: Good afternoon. My name is
Stacy Gregory. I live at 630 High Street, two doors
down.

I've spoken with the two of you on several

1 occasions and been in your establishment. And the
2 people that worked with you have worked with me, the
company I'm currently with.

3 I am not against them having a business.
4 I am not against them being able to do events or
anything like that. What I'm against is making sure
5 that I'm safe, my neighbors are safe, my daughter
and her friends are safe, and we're not listening to
6 music until 2 a.m. Okay? Yes, I am one of the ones
that have called the police for noise after
midnight, things like that. So, yes, I am one of
those.

7 I've never had an issue. They have not
8 been raided. You're 100 percent correct. There's
been no raid on their establishment. That was
Special Occasions. We've had issues with them.
9 Haven't seen anything happen since then.

10 I'm sorry. I'm nervous.
I just want to know that we can work and
11 live together. I am happy and open to having
meetings with you guys once a month, something like
12 that, so we can all be on the same page and be able
to do it together.

13 You're right. This is your dream. I want
to support it. I want to bring Portsmouth back.
14 I'm one of those people. I'm happy to participate
in that. But I need to know we can all live
cohesively.

15 There is one condition. Do you guys have
surveillance? Okay. Not outside, but inside. I
16 believe that's in here that it's required outside as
well. That would help me with peace of mind.

17 And the soundproofing that you brought up,
I'm on the third floor, and it comes right in.

18 CHAIRWOMAN THAXTON: Ma'am, if I may. I'm
sorry for interrupting you. If you could try to
19 avoid conversations out there.

20 MS. GREGORY: I'm so sorry.

CHAIRWOMAN THAXTON: That's okay. We need
to hear you up here.

21 MS. GREGORY: Not a problem. But like I
said, I think you were talking about the
22 soundproofing. I think that's a big issue. I want
them to be able to do what they can be can do to be
23 successful in what they want to do in Portsmouth.
Just being respectful of the neighbors and the
24 community I think is important, and the late hours.
And, of course, the people that come out of the
25 establishment, make them disperse. Use your

1 security. I can't tell you how many times I've had
2 to open my window and say, Go home, it's 1:00 in the
3 morning. I'm not saying it's coming from them. I
4 don't know. I want to be able to live and work
5 together and do things right. I'm a process person
6 too. I want things done right. I want to support
7 them as long as we do it correctly.

8 CHAIRWOMAN THAXTON: Thank you so much.
9 We're going to take a five-minute break
10 and come back at 2:55. Thank you.

11 (Break)

12 CHAIRWOMAN THAXTON: Good afternoon,
13 everyone. Welcome back to the Tuesday, June 6,
14 2023, Planning Commission meeting.

15 Madam Secretary.

16 MS. JACKSON: Thank you, Madam Chairman.
17 Ladies and gentlemen, this is a public
18 hearing. If there's anyone else here who did not
19 get an opportunity to register and would like to
20 address UP-23-09, you may come forward, state your
21 name and address for the record, and you will be
22 given up to five minutes to speak.

23 MS. SCHUHR: Good afternoon, everybody.
24 My name is Katherine Schuhr. I'm at 325 Court
25 Street.

Before I -- this is maybe a two- or
three-part comment period. I'm just curious if the
commission members have read all the letters and
information sent to you on this project. It didn't
seem like -- I kept waiting for someone to say --
well, especially to say to the applicant -- say, Are
you aware of all the people that are against this
establishment? Nobody said anything about any of
that.

CHAIRWOMAN THAXTON: I believe that there
was.

MS. SCHUHR: It wasn't like there was some
question about whether people had read Chief
Jenkins' -- or even knew it was in the packet. I've
not gone through the whole packet. I have my
letter, because I wrote a letter, that I want to
make sure that everyone knows, because people in the
audience didn't take the time to read the whole
packet. Maybe they didn't necessarily know there's
a lot of people who don't want this to happen.

I'm a 40-year resident. I have been here
probably longer than some of you, since you were

1 children, maybe you've been alive. I've always been
2 a big proponent of the Olde Towne business district
3 as well as the Olde Towne community because, one,
4 they work in sync. One helps the other and the
5 other helps the other. Because since we're so close
6 and we patronize businesses in the Olde Towne area,
7 we want to be good neighbors; and, likewise, we want
8 the businesses to be good neighbors. And everything
9 that I'm hearing, they are not good neighbors.
10 They're not what they are proposing that they are.

11 I'm good friends with Bill Schlaht, who is
12 the proprietor of Anderson-Wright. I happened to be
13 in the shop buying some things for our yard, and he
14 asked me, Are you aware of The Book Club? I said,
15 Just what I'm hearing on the street. It doesn't
16 sound like it's going to be a good business for our
17 community. He said, No, it's absolutely not. I
18 think he said he has called the police before
19 because of the noise level.

20 So I started asking around, and sure
21 enough it wasn't what we thought it was. And I
22 looked at social media sites, and I guess from my
23 history in living in this area, several of us in the
24 community have had to shut down two of these
25 establishments in the past, Mansion on High
Street -- no. David's was first. Took us a while
because it was the same thing. They said they were
going to have polka and bridge and weddings, baby
showers. That's not what happened. It turned into
an event club that was open until at least two in
the morning, sometimes beyond. They had security in
the front and were frisking for guns and such kinds
of weapons. Eventually we went to the ABC board and
shut them down because they were in violation of the
what ABC license said. I was asking one of the
planners here which has priority, ABC or Zoning. I
think it's the ABC board. And it's my understanding
that, in order to have a liquor license, they have
to be able to serve hot food. Have to have a
kitchen. This place does not have a kitchen. I'm
familiar with it. It used to be an antique shop
before Skipjacks. No, it doesn't have a kitchen.
That's how we shut down David's and Mansion, through
the ABC board. We would like to not have to go that
route.

26 We would like the Planning Commission --
27 if they can't even follow the guidelines, and
28 they've been told what the guidelines are, and
29 they're not even open as an establishment for

1 entertainment, and they're already being in
2 violation, how on earth could we grant them a
3 license to go ahead and do that.

4 So on that note -- I only have a minute
5 left -- I want to read you what I wrote here just in
6 case you missed it: As a 40-year resident of Olde
7 Towne Portsmouth's historic district, I'm an active
8 proponent of our Portsmouth downtown area. Over the
9 years, I've dined at a variety of restaurants that
10 populate High Street and have supported many of the
11 retail businesses in the past as well as the
12 present. I realize how important a diverse downtown
13 is and how it impacts the Olde Towne neighborhood,
14 which helps support those proprietors. We all
15 flourish when we are good neighbors. Unfortunately,
16 according to residents and business owners in close
17 proximity to The Book Club, this establishment is
18 not a good neighbor. They have repeatedly violated
19 the guidelines under their current use permit by
20 hosting pop-up events that sell illegal substances
21 as well as frequently, frequently playing loud
22 amplified music. This business is creating a
23 negative environment and is a detriment to that
24 block of High Street, a block which used to have art
25 shops as well as vibrant antique shops. And then I
went on to urge you to vote "no" on this.

14 I don't see a reason to postpone it. But
15 if you do, I will come back the next time. But I
16 certainly think you should vote "no." And they
17 probably shouldn't even have a liquor license
18 because they don't even have a kitchen in there.

Any questions?

17 CHAIRWOMAN THAXTON: Nope. Thank you very
18 much.

Commissioners, any questions?

Madam Secretary.

19 MS. JACKSON: Thank you, Madam Chairman.

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

22 MS. KEMPPAINEN: My name is Crystal
23 Kemppainen. I'm at 607 High Street, across the
24 street. I want to see businesses flourish on High
25 Street. I was glad to see somebody went in there
and did a nice job renovating the place. But
there's been a lot of things that isn't what they
said they were going to do at the beginning.

1 I live above my building as well. I've
2 changed out the windows. Everything is insulated.
3 I barely hear a fire truck until it's right on me.
4 But I can hear that music vibrating in my house.
5 I'm across the street.

6 The parking is a big deal. They can't
7 control where people park. But with all the pop-ups
8 and things, parking in the bus lanes, parking
9 everywhere. They don't have any power or control of
10 that. It's just everywhere. So as long as
11 everything's going along as it's supposed to and
12 they're meeting the guidelines.

13 I don't understand how anybody got an ABC
14 license without a kitchen. That's the law. That's
15 why you can have a brewery and have a food truck out
16 front. But they're getting away with it.
17 Restaurants don't even like that. But to get a
18 full-blown alcohol license without a kitchen is
19 beyond me, unless they've changed the guidelines,
20 because I've had to get one before.

21 So I want the business to flourish. I'm
22 not here to say shut them down. We have to have
23 guidelines and things we watch because it does
24 affect all the other businesses around. When people
25 feel safe walking down the street -- this, that, and
the other. I'm trying to get the City to light it
up more down there and make sure the light bulbs are
brighter.

I'm from Portsmouth originally. Had a
business since 2010. And I've been in business for
25 years. So you have to be courteous of your
neighbors. You do have to think about what's going
on around you. It's not just about what we're doing
and how it affects them. I understand financial
things of trying to get more business in there. But
you just can't come up with things you aren't
approved for and don't have a license for, and
nobody really realizes it's going on.

The Book Club is beautiful. They've done
a great renovation. People have actually been in
there for certain things in the beginning. It was
gorgeous. I haven't had the opportunity to go in
there. But it started just becoming more like a
club. And it was consistent. Every Tuesday night a
pop-up. Every Thursday night was karaoke. All
these things. But that's not what they were
approved for initially.

I would like everybody to take that into
consideration. If that can all be fixed, then it's

1 not a problem. Like I said, I don't want an empty
2 hole there. They've done a beautiful job. But the
3 noise and insulation have to be addressed. A lot of
4 businesses down here, we need more people checking
5 up on the guidelines for everyone, you know, the
6 business licenses and all those things. For those
7 of us doing exactly what we're supposed to, and you
8 see everybody else getting away with things they're
9 not supposed to be doing, and nobody's doing
10 anything about it, it's a problem.

11 CHAIRWOMAN THAXTON: Ma'am, if you could
12 finish up.

13 MS. KEMPPAINEN: If they open a full-blown
14 entertainment establishment, they're going to be in
15 there until two in the morning. There's no way
16 around that. Thank you.

17 CHAIRWOMAN THAXTON: Thank you very much.
18 Commissioners, any questions?
19 Madam Secretary.

20 MS. JACKSON: Thank you, Madam Chairman.
21 Ladies and gentlemen, if there's anyone
22 else here who did not get an opportunity to register
23 and would like to address this application, you may
24 come forward and state your name and address, and
25 you will be given up to five minutes to speak.

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

CHAIRWOMAN THAXTON: Thank you, Madam
Secretary.

Commissioners, is there any more
discussion?

COMMISSIONER HINDS: Madam Chairman, thank
you for acknowledging me there. Our applicant has
raised his hand as if he needs to add some clarity.
Can we hear from him, please?

CHAIRWOMAN THAXTON: Sure.

Hold on. If you could refrain from
speaking up from the audience, I would greatly
appreciate it.

If the applicant would like to come back
up here, he's certainly more than welcome to do so.

MR. MCELROY: Again, I just wanted to
say -- and thank you, ma'am. I just want to say
legally right now we could be open every night until
2:00 in the morning. Every night. With the wine
and beer, we could be open every night until 2:00 in
the morning. All right? We've never had an event
until one. Twelve midnight is when that Thursday

1 shut down. Twelve midnight. We're being
considerate.

2 And then again, like, we're in front of
3 commissioners right now. Right? And we got 20-year
4 residents, 40-year residents. We've been there
5 almost two years now as far as operating. Almost
6 two years. I would have liked to have seen the
7 neighbors -- because I don't know what doors to
8 knock on. But we're open. We have hours. I would
9 like to see the neighbors come in, talk to us, let
10 us know what you're thinking. Not here at the City.
11 Just, I mean, we're not mean. We're not
12 misunderstanding people. We're not crazy people or
13 anything like that. Just come in and talk to us.

14 We've been to the civic league meeting.
15 They're not at the civic league meeting. They have
16 a different league. I don't know what it is. It's
17 the condo league or something over there. But we've
18 been to the civic league meeting. We've been to the
19 business committee meeting for the City. I just
20 didn't see any of them at these meetings. So they
21 have a condo association meeting. I don't live in
22 that condo. So I didn't know they had a meeting.

23 Like I said, we have no problem sitting
24 down. It's a coffee shop. You can add some kahlua
25 to your coffee. We can sit down and actually talk
with no issues and hash this out.

But the question of the ABC license, which
is valid, all this stuff like that I think it's
uncalled for. We definitely can sit down as
neighbors and talk it out. We definitely can. Me
and my wife don't have any issues with that. If
it's loud music past 12, we can definitely talk
about it. I'm approachable. I'm outside all the
time sweeping off the front sidewalk, picking up
cigarette butts, bottles, stuff that doesn't have to
do with us.

I guarantee we add to the community.
We're not taking away. I just wanted to finish with
that. That's it.

21 CHAIRWOMAN THAXTON: Thank you, sir.
22 Madam Secretary, you closed the public
hearing.

Commissioner Jiggetts.

23 COMMISSIONER JIGGETTS: Yes. I wanted to
24 be clear on one thing. If you could would come back
25 to the podium. There's a comment about your not
having a kitchen. But you do serve food. How do
you serve the food?

1 MR. MCELROY: According to ABC, you have
2 to have facilities for handwashing, dishwashing.
3 You have to have adequate refrigeration and freezer
4 storage. Be able to store so much food on site and
5 prepare hot meals. On the front of the building,
6 you see that we just put the blue -- I don't know if
7 you can go back to the previous photo. Those
8 sandwiches are hot. Those are all grilled panini
9 sandwiches. ABC knows this. We submitted a menu to
10 them. So that being said, food is being prepared.
11 We get all of our cold cuts and stuff from Wegmans.
12 We're trying to bring something that people don't
13 normally see. That's the hot food we're serving.

COMMISSIONER JIGGETTS: Thank you so much.

8 CHAIRWOMAN THAXTON: Thank you.
9 Commissioners, any additional comments?
10 Thank you.

11 Madam Secretary, I believe that you closed
12 the public hearing; is that correct?

MS. JACKSON: That's correct.

11 CHAIRWOMAN THAXTON: Commissioners, if
12 there are no more additional questions, then we are
13 in need of a motion.

13 COMMISSIONER HINDS: Madam Chair, I made a
14 motion earlier before the public hearing was closed,
15 and I was out of order for that. I do apologize.
16 But I will make a similar motion in this regard,
17 that I believe there may be potential common ground
18 between community and business owner. And in the
19 interest of that, I would like for us to defer this
20 for 30 days to potentially allow for that. But, B,
21 to also answer a handful of the questions presented
22 to staff in a staff report for us to take up at our
23 next regularly scheduled meeting.

18 CHAIRWOMAN THAXTON: Thank you,
19 Commissioner Hinds.

19 Would anybody like to make a second?

20 Thank you, commissioners. The motion has
21 failed.

Madam Secretary.

21 MS. JACKSON: Somebody can make another
22 motion.

22 CHAIRWOMAN THAXTON: Commissioners, I need
23 someone else to make another motion. That motion
24 has failed.

24 COMMISSIONER JIGGETTS: I make a motion
25 that the Planning Commission vote to issue the Use
26 Permit.

25 CHAIRWOMAN THAXTON: Commissioner

1 Jiggetts, we need for you to make the motion to
approve or deny.

2 COMMISSIONER JIGGETTS: I make the motion
to approve the applicant for the Use Permit. I just
3 need a second.

4 CHAIRWOMAN THAXTON: That's UP-23-09.

COMMISSIONER JIGGETTS: UP-23-09.

CHAIRWOMAN THAXTON: Yes, ma'am.

5 MS. JACKSON: Just so I'm clear, the
motion is to approve UP-23-09, and we need a second.

6 COMMISSIONER CURRY: Second.

MS. JACKSON: Is that with conditions?

7 COMMISSIONER JIGGETTS: With conditions.

COMMISSIONER CURRY: With conditions.

8 MS. JACKSON: We have a motion and second
to approve with conditions. And you will be voting
9 electronically.

COMMISSIONER HINDS: Madam Chair, I thank
10 everybody for the healthy dialogue, and I wanted to
give the rationale to this gentleman who has
11 answered every question I've thrown at him. I
support your business. I hope it all turns out. I
12 will not be supporting this Use Permit. I was
hoping we, A, would have an opportunity for our
13 community and business to go forward and in a
positive manner. However, I'm also a big believer
14 in the ways and means of things that should happen.
There's definitely been a fall-down on behalf of the
15 applicant in accordance to zoning. Nothing
personal. I wanted to thank you for answering all
16 the questions, and I wish your business well.

17 CHAIRWOMAN THAXTON: Thank you,
Commissioner Hinds.

Commissioners, we have a first and second.
18 Madam Secretary.

19 MS. JACKSON: You will be voting
electronically.

(Electronic Vote)

20 MS. JACKSON: This item is approved by a
vote of four to two with conditions.

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1 UP-23-12, DOWNTOWN:

2 MS. JACKSON: Our next item is UP-23-12,
3 Downtown. Tawana Frater with Gentle Touch Learning
4 Center, LLC, requests a Use Permit to operate a
5 child daycare on the approximately 1.75 acres
6 located at 670 Lincoln Street in the Downtown
7 Special District, SD, zoning district. The Future
8 Land Use Map of the Build One Portsmouth
9 Comprehensive Plan designates this property for
10 mixed-use employment. The property is the owned by
11 the Runnymede Corporation and is further described
12 as Tax Map 33, Parcel 79. Staff coordinator is Amy
13 Mervine.

14 This application is going to be deferred
15 until your July 18th Planning Commission public
16 hearing. Because we have advertised this case, if
17 there is anyone here who would like to address this
18 application, you may come forward at this time,
19 state your name and address for the record, and you
20 have five minutes to speak.

21 Appearing to be none, we will not close
22 the public hearing, and we will have this case on
23 the July 18th public hearing for the PC.

24 CHAIRWOMAN THAXTON: Thank you, Madam
25 Secretary.

Commissioners, we are in need of a motion
and a second to defer.

COMMISSIONER HINDS: Madam Chair, I move
we defer UP-23-12 to our next scheduled meeting on
July 18th.

CHAIRWOMAN THAXTON: Thank you.

COMMISSIONER CURRY: Second.

CHAIRWOMAN THAXTON: Thank you,
Commissioner Curry.

Madam Secretary.

MS. JACKSON: Thank you. We have a motion
and a second to defer this until the July 18, 2023,
Planning Commission. And you will be voting
electronically.

(Electronic Vote)

MS. JACKSON: This item is deferred by a
vote of six to zero.

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1 Z-23-04, DOWNTOWN:

2 MS. JACKSON: Our next item is Z-23-04,
3 Downtown. Don Scott, Esquire, on behalf of SAFStor
4 Real Estate Company, LLC, requests to rezone
5 approximately 5.38 acres at 0 Effingham Street from
6 Downtown D1-T5 subdistrict to Conditional General
7 Mixed-Use, GMU-K, in order to develop a self-service
8 storage facility. The applicant is concurrently
9 requesting a Use Permit for the self-service storage
10 facility use, UP-23-11. The Future Land Use Map of
11 the Build One Portsmouth Comprehensive Plan
12 designates this property for mixed-use employment.
13 The property is the owned by the Portsmouth
14 Redevelopment and Housing Authority and is further
15 described as Tax Map 29, Parcel 9. The staff
16 coordinator is Julie Chop.

17 The representative applicant is at the
18 podium, and you have 10 minutes, sir.

19 MR. SCOTT: Hopefully, I won't need 10
20 minutes.

21 Good afternoon, commissioners, staff.
22 We've come to you before on this. It was approved
23 before by the Planning Commission unanimously. Much
24 has not changed. There are conditions that the
25 staff put on, landscaping, removing a fence, other
things we agreed to do.

As you know, this is the old Washington
Park site that was shut down. Public housing
project that was shut down in the '80s. So it's
been off the books for about 40 years in the city of
Portsmouth. Basically just been vacant, abandoned,
an eyesore for all intents and purposes on
Effingham.

We have the support of the civic league
there. We have met with them and presented to them
our plan. They supported it unanimously,
whole-heartedly. We have gone to our partners,
PRHA. Mr. Bland, the director, is here. They
support the project, number one, because we're
paying for it. So we're going to provide some much
needed revenue to the Housing Authority. And we're
also going to provide much needed job creation in
the city of Portsmouth, at least temporarily while
we build it.

This is going to be a
three-million-dollar- plus investment to put this
site up and get this thing done. As you all know,
it was a site that was an EPA-condemned site. It
was capped and has been capped since that time.

1 I think in your package there's a letter
2 from EPA stating what the permissible uses are. One
3 of the permissible uses is for something like this.
4 It has a very low impact with in and out ingress and
5 egress for folks to come in and take care of their
6 storage and leave.

7 So we're talking about a huge opportunity
8 for the City to take something that has been costing
9 the City money to now be something that is producing
10 revenue for the City while also maintaining the
11 reason it was capped in the first place. Continue
12 to be a safe product, safe environment for our
13 citizens.

14 With that, we're here to answer any
15 questions. If you do have any questions -- I went
16 to law school because I was told there would be no
17 math -- there's an engineer in the back, Mr. Burtt
18 with SAFStor, who can answer any technical
19 questions. And I yield the rest of my time.

20 CHAIRWOMAN THAXTON: Thank you, Mr. Scott.
21 Commissioner Jiggetts.

22 COMMISSIONER JIGGETTS: I have one
23 question. Will the front of the building where you
24 turn in, is that off of Effingham or off of another
25 location on sort of the back?

MR. SCOTT: Come on up. I just don't
recall.

MR. BURTT: Jim Burtt. The site plan was
up just a second ago, and I can explain. Okay.
Perfect. That is the essentially what we're going
to be putting in. The main entrance would be off of
Effingham. There is an ancillary entrance on the
rear of the property, mainly to be able to have fire
trucks go through. Otherwise, there would have to
be some sort of hammerhead or something like that, a
turnaround for a fire truck.

We're trying to disturb as little property
as we can. It is -- this piece of property has
multiple issues with it, one of which is the EPA
letter you have in front of you. Also has a high
water table. We're in a flood plain. We're having
to build it up seven feet in the air.

COMMISSIONER JIGGETTS: I hate to stop
you. I'm over here. Here I am right here. My
question is, is there going to be a main entrance
going into the site from Effingham Street?

MR. SCOTT: Yes, ma'am.

COMMISSIONER JIGGETTS: You would be able
to turn in to it from Effingham Street? Is that

1 going to be the main entrance?

MR. SCOTT: Yes, ma'am.

2 COMMISSIONER JIGGETTS: That would be the
main entrance. Okay. Thank you.

3 CHAIRWOMAN THAXTON: Commissioners, any
additional questions?

4 Commissioner Hinds.

5 COMMISSIONER HINDS: I do have a question.
You were going to cover it before Ms. Jiggetts --
about the flood plain. I think there was something
6 in the packet that said you had to go as high as
three. I heard another number come out as well.
7 Are you going all the way to seven? Is that the
plan?

8 MR. BURTT: Are you asking how high it has
to be?

9 COMMISSIONER HINDS: Yeah.

10 MR. BURTT: I believe the requirement is
you're supposed to be at least one to two feet
higher than base flood elevation for 100 year. And
11 seven foot is what gets us to that point. So we
have a lot of dirt coming in here.

12 COMMISSIONER HINDS: You're right about
the site having a lot of problems or challenges,
13 easements running basically through the property.
There's a number of things that you've had to design
14 around to make this a potential project I think. I
support it because, again, I don't think there's an
15 awful lot that can be done given the site challenges
that you're going to be having. Thank you.

16 CHAIRWOMAN THAXTON: Thank you.

17 Commissioners, any additional questions
for the applicant?

18 Thank you, Mr. Scott.

19 Thank you, Mr. Burtt.

20 Madam Secretary.

MS. JACKSON: Thank you, Madam Chairman.

CHAIRWOMAN THAXTON: I'm sorry.

Commissioner Jiggetts.

21 COMMISSIONER JIGGETTS: Just for full
disclosure. I did want to say I did serve on the
22 PRHA before I started my commission here on the
Planning Commission. And being a member of the PRHA
23 board, that was our property that was under
contract. So I just wanted to give full disclosure.
24 I was part of the commissioners who voted to sell
the property. And although I may not have to give
full disclosure, I think you all know me well enough
25 now to know I believe in full disclosure. Thank

1 you.

2 CHAIRWOMAN THAXTON: Thank you,
Commissioner Jiggetts.

3 Madam Secretary.

4 MS. JACKSON: Thank you, Madam Chairman.

5 Ladies and gentlemen, this is a public
6 hearing on Item Z-23-04. If there is someone here
7 who did not register and would like to address this
8 application, you may come forward, state your name
9 and address, and you will be given up to five
10 minutes to speak.

11 MR. GEDULDIG-YETROVSKY: Good afternoon,
12 Madam Chair, commissioners, and other neighbors.
13 I'm Mark Geduldig-Yetrovsky. You can reach me at PO
14 Box 50141, Portsmouth, 23703.

15 I am going to encourage you to do as your
16 predecessors have done and decide this correctly for
17 the third time. They didn't do it for the third
18 time, but maintaining that record I think stands you
19 in good stead. I wish that council had done it
20 right, if not on the first try, the second try. But
21 they're the ones who made it necessary for you all
22 to hear it once again.

23 As the attorney for the applicant stated,
24 the Environmental Protection Agency, which is
25 responsible for ensuring that what we do occurs in a
responsible way, has given its seal of approval to
this project. As Commissioner Hinds has said and
the applicant's attorney has said, this property has
a number of challenges that have kept it inert
essentially for four decades. And yet the City of
Portsmouth struggles because so much of our land is
not taxable. So this seems like a good solution to
a persistent problem. And I should say I thank the
applicant for persisting in the face of less than an
open-armed welcome to do this project.

19 I should add about myself that I have been
20 involved in a number of environmental causes for at
21 least three decades. And so I am particularly
22 sensitive to issues dealing with the wellbeing of
23 the environment and the people who inhabit it. And
24 I am satisfied in my heart that this is an
25 environmentally responsible approach to a problem
that is also a financial problem for the City of
Portsmouth.

24 So with that said, I encourage you to do
25 the right thing as I see it and vote as your
predecessors have to make this happen. Thank you
very much.

1 CHAIRWOMAN THAXTON: Thank you.
2 MS. JACKSON: Ladies and gentlemen, this
3 is a public hearing on Item Z-23-04. If there's
4 anyone else here who would like to address it, you
5 may come forward and state your name and address,
6 and you have up to five minutes to speak.
7 MR. BLAND: Good afternoon. Edward Bland.
8 I'm here to support the project. I think it would
9 be the best use for the city. It's been not used
10 really for almost 40 years you might say. This is
11 an opportunity to go ahead and get the best use for
12 it and also provide additional storage for the folks
13 who are transitioning in and out of Portsmouth. So
14 I'm here to support it on behalf of the PRHA. Thank
15 you.
16 CHAIRWOMAN THAXTON: Thank you.
17 MS. JACKSON: Is there anyone else here
18 who would like to address this application?
19 Appearing to be none, Madam Chairman,
20 members of the Planning Commission, this public
21 hearing is now closed.
22 CHAIRWOMAN THAXTON: Commissioners, we are
23 in need of a motion and a second.
24 COMMISSIONER CURRY: I make a move to
25 approve Z-23-04. Are there conditions with this
one?
CHAIRWOMAN THAXTON: No, not on this one.
COMMISSIONER CURRY: Motion to approve
Z-20-04.
COMMISSIONER HINDS: I'll second that.
CHAIRWOMAN THAXTON: Thank you.
MS. JACKSON: We have a motion and a
second to approve Z-23-04, and you will be voting
electronically.
(Electronic Vote)
MS. JACKSON: This item is approved six to
zero.

1 UP-23-11, DOWNTOWN:

2 MS. JACKSON: Our next item, UP-23-11,
3 Downtown. Don Scott, Esquire, on behalf of SAFStor
4 Real Estate Company, LLC, requests a Use Permit for
5 a three-story, 103,350-square-foot self-storage
6 facility with 793 units on the approximately
7 5.38-acre property at 0 Effingham Street. The
8 property is currently zoned Downtown, D1, in the T5
9 subdistrict. The applicant is concurrently
10 requesting a rezoning of the property to Conditional
11 General Mixed Use, GMU-K, zoning district Z-23-04.
12 The Future Land Use Map of the Build One Portsmouth
13 Comprehensive Plan designates this property for
14 mixed-use employment. The property is owned by the
15 Portsmouth Redevelopment and Housing Authority,
16 PRHA, and is further described as Tax Map 29, Parcel
17 9. The staff coordinator is Julie Chop.

18 The applicant is already at the podium to
19 present his case.

20 MR. SCOTT: Good to see you again, Madam
21 Chair, after so long a time, and commissioners.

22 There's no new information to present.
23 You kind of heard the full gist of this already.
24 Again, it's a three-story, 103,000-square-foot
25 storage facility, 793 units. Nothing's changed
except we just need you to approve this change so
that we can get this thing, start breaking ground,
and move it forward, bring it to City Council, and
hopefully have some success this time. Thank you.

CHAIRWOMAN THAXTON: Thank you.

MS. JACKSON: This is a public hearing for
Item UP-23-11. If there's anyone here who did not
get an opportunity register and would like to
address this application, you may come forward,
state your name and address for the record, and you
will be given up to five minutes to speak.

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

CHAIRWOMAN THAXTON: Thank you, Madam
Secretary.

Commissioners, are there any additional
questions? No?

We are in need of a motion and a second
with conditions.

COMMISSIONER CURRY: Madam Chair, I make a
motion to approve UP-23-11 with conditions.

COMMISSIONER HINDS: I'll second that.

CHAIRWOMAN THAXTON: Thank you.

1 MS. JACKSON: We have a motion and a
2 second to approve UP-23-11 with conditions. And you
will be voting electronically.

(Electronic Vote)

3 MS. JACKSON: This item is approved by a
4 vote of six to zero with conditions.

5 CHAIRWOMAN THAXTON: Thank you, Madam
6 Secretary. I believe that concludes our agenda for
today; is that correct?

MS. JACKSON: That is correct.

6 CHAIRWOMAN THAXTON: Commissioners, is
7 there any further business?

Ms. Adumuah, any further business?

8 MS. ADUMUAH: Thank you for your service.

9 CHAIRWOMAN THAXTON: Thank you. We
10 appreciate everything the staff does.

With that said, the hearing is adjourned.

11 (Meeting adjourned at 3:48 p.m.)

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1 COMMONWEALTH OF VIRGINIA AT LARGE, to-wit:

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3 I, Kimberly A. Watrous, Registered Professional
4 Reporter, a Notary Public for the Commonwealth of
5 Virginia at Large, of qualification in the Circuit
6 Court of the City of Norfolk, Virginia, do hereby
7 certify that this proceeding was recorded in
8 Stenotype by me and reduced to computer printout
9 under my direction; and that the foregoing
10 constitutes a true, accurate, and complete
11 transcript of such proceedings.

12 I further certify that I am not related to nor
13 otherwise associated with any counsel or party to
14 this proceeding nor otherwise interested in the
15 event thereof.

16 Given under my hand and notarial registration
17 number on June 22, 2023, at Norfolk, Virginia.

18

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21

Kimberly A. Watrous, RPR
Notary/eNotary Reg. No. 195088
My commission Expires 09-30-26

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