

**In The Matter Of:**  
*Portsmouth Planning Commission*  
*Transcript of Public Hearing*

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*May 3, 2016*

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**ZAHN**  
COURT REPORTING

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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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PLANNING COMMISSION  
TRANSCRIPT OF PUBLIC HEARING  
TUESDAY, MAY 3, 2016, 1:30 P.M.  
COUNCIL CHAMBERS, SIXTH FLOOR, CITY HALL

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COMMISSIONERS PRESENT:

- Davy Smith, III, Chairman
- Albert Williams, Vice-Chairman
- Amy Thompson
- Peter Youngblood
- Yolanda Thomas
- Preston Vaughan

COMMISSIONERS ABSENT:

- Occasio Gee

CITY STAFF PRESENT:

- Robert A. Baldwin, Planning Director
- Brian Swets, Planning Administrator
- Jonathan W. Hartley, Planning Administrator
- Regina O. Jackson, Administrative Coordinator
- Victoria Brown, Administrative Assistant
- Stacy Porter, Planning Manager
- Jeffrey S. Miller, Assistant City Attorney

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I N D E X

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1 (Meeting called to order at 1:33 p.m.)  
CHAIRMAN SMITH: Good afternoon, ladies  
2 and gentlemen. I would like to welcome you all to this  
very important meeting today, Tuesday, May 3rd, 2016,  
3 in the City of Portsmouth City Council Chambers.  
I would like to ask Commissioner Williams  
4 to please give invocations and lead us in the Pledge of  
Allegiance.  
5 Commissioner Williams.  
MR. WILLIAMS: Let us stand, please.  
6 (Invocations & Pledge of Allegiance.)  
CHAIRMAN SMITH: Thank you, Commissioner  
7 Williams.  
Madam Secretary.  
8 MS. JACKSON: Thank you, Mr. Chairman.  
We will now have roll call. Please  
9 indicate your presence electronically.  
(Roll call)  
10 Six members of the Planning Commission  
are present.  
11 CHAIRMAN SMITH: Commissioners, before  
you are the minutes of the April the 5th Public  
12 Hearing. If there aren't any changes, we're in need of  
a motion.  
13 Commissioner Williams.  
MR. WILLIAMS: Mr. Chairman, I move that  
14 the minutes of our last meeting be adopted.  
CHAIRMAN SMITH: The Chair has a received  
15 a motion. The Chair is in need of a second.  
Commissioner Thomas.  
16 MS. THOMAS: I second that motion.  
CHAIRMAN SMITH: Madam Secretary.  
17 MS. JACKSON: Thank you, Mr. Chairman.  
We have a motion and a second, and you  
18 will be voting electronically.  
(Vote)  
19 The minutes are approved to 6 to 0.  
Announcements of future meetings and  
20 conferences. Please note our next work session is  
Tuesday, June the 7th, 2016 at 12:30 p.m., 6th Floor  
21 Conference Room, followed by Public Hearing at  
1:30 p.m., City Council Chamber. Items reviewed today  
22 will be presented to City Council for action at their  
June the 14th or June the 28th, 2016 Public Hearing or  
23 as otherwise noted.  
Planning Commission rules limit a speaker  
24 up to five minutes to speak. We also ask everyone  
please silence your cellphones at this time, if you  
25 have not already done so.

1 Z-16-02 - UPTOWN

2 Our first Public Hearing item is Z-16-02,  
3 Uptown.

4 Ray Moore of Circle Contracting is  
5 requesting that the regulating plan for the D2-Form  
6 Based Code area be changed from General Urban Frontage  
7 to Workshop Frontage for the property located at 1320  
8 London Boulevard. The purpose of this request is to  
9 allow the existing light industrial activities at 1400  
10 London Boulevard to expand into the existing building  
11 and grounds at 1320 London Boulevard. The  
12 Comprehensive Plan's Generalized Future Land Use Map  
13 recommends light industrial development on the parcel.  
14 The parcel is approximately 1.13 acres, and is also  
15 identified as Tax Map 38, Parcel 700.

16 Staff coordinator: Brian Swets.

17 MR. SWETS: Thank you.

18 You can see here the location of the  
19 property off of London Boulevard. The picture on the  
20 slide shows the existent vacant building. The  
21 applicant is asking to expand his existing business  
22 into that building.

23 To the north of the property is the Oak  
24 Grove Cemetery. To the west is a self storage  
25 facility. To the south is a parking lot and a vacant  
automobile dealership and garage. And to the west is  
the existing Circle M Contracting building.

The site is part of the D2-Form Based  
Code area. The purpose of the Form Based Code is to  
try to create a neighborhood that has a cohesive look  
and character, and the way that it does that is by  
creating what are called frontages.

On the street -- on the slide on the map  
you will see each street has different colors. Those  
colors correspond to frontages. Those frontages  
determine what a building will look like, and then from  
there we look at what each building would be allowed to  
be used for. This is somewhat different than your  
traditional zoning, which focuses on each individual  
parcel having a specific zoning, which then allows a  
specific use.

In this case the applicant's current  
building and the site that they're looking to expand  
to, which is the subject of the application, has a  
frontage of general urban. This will allow for your  
typical mixed use type development. The change to the  
D2-Form Based Code for this area actually made the  
applicant's property a nonconforming use, as Zoning has  
determined that this use would qualify as a machine

1 shop, which would only be allowed in a workshop  
2 frontage.

3 You can see in the blue streets here that  
4 workshop frontage is located in the area, but it is not  
5 located here on the portion of Godwin Street that the  
6 applicant's existing building and where they would like  
7 to expand to have frontages. So, therefore, they're  
8 asking that the frontage along this portion of Godwin  
9 Street be changed from General Urban to Workshop here,  
10 which again would allow them to expand their business  
11 across Godwin Street into the existing vacant building.  
12 It would also make their current business conforming  
13 under our D2-Form Based Code zoning. This change would  
14 be consistent with the Comprehensive Plan's Future Land  
15 Use Map. It also meets the Comprehensive Plan's goal  
16 of increasing economic development in the City by  
17 allowing for an existing business to expand and  
18 succeed, to not have to look for a new site, which  
19 could potentially be in another city. So, therefore,  
20 the Planning Staff recommends approval of this  
21 application.

22 I would be happy to answer any questions,  
23 if there are any.

24 CHAIRMAN SMITH: Commissioners, are there  
25 any questions?

Commissioner Youngblood.

MR. YOUNGBLOOD: Thank you, sir.

Brian, my understanding is that this  
would not have any effect on any other properties on  
Godwin Street, because there are no other properties,  
correct?

MR. SWETS: Well, the other property on  
this section of Godwin Street would be the applicant's  
existing building. So this would bring them into  
compliance and make them no longer non-conforming with  
the Form Based Code area.

MR. YOUNGBLOOD: And I also understand  
that this will have no effect on the cemetery. In  
other words, it will not change the access on Godwin  
Street to the cemetery; is that correct?

MR. SWETS: It will not.

MR. YOUNGBLOOD: Okay. Thank you, sir.

MR. SWETS: You're welcome.

CHAIRMAN SMITH: Thank you, Commissioner  
Youngblood.

Any other questions for Mr. Swets?

There being none, thank you, sir.

Madam Secretary.

MS. JACKSON: Thank you, Mr. Chairman.

1 I have two registered speakers. As I  
2 call your name, would you please step forward and give  
3 your name and your address for the record.

4 Our first speaker is Raymond Moore.  
5 MR. MOORE: Good afternoon. My name is  
6 Raymond Moore. My address is 1400 London Boulevard in  
7 Portsmouth.

8 Thank you for hearing our case this  
9 afternoon. We've been in the 1400 London Boulevard  
10 site since 2002, and we've been, I think, good stewards  
11 of that property. We've made several pretty major  
12 improvements to the property. We've kept the site up,  
13 and the City has received quite a large sum, over  
14 \$4 million in tax revenues since we've been there.

15 We would like to expand into the adjacent  
16 property on the other side of Godwin, which has been  
17 vacant for almost four years. It needs quite a bit of  
18 help, and we're willing to do the maintenance of it to  
19 get it back up so that it's habitable for our business.  
20 We also plan to over some time occupy it with an  
21 additional 15 personnel, which we plan on hiring over  
22 the next two, possibly three years. But there is  
23 significant parking improvements for us.

24 We're growing and we have nowhere else to  
25 go. So we're forced to make a decision: Do we leave  
26 Portsmouth and go somewhere else in Portsmouth,  
27 Downtown to somewhere else in Portsmouth, or do we try  
28 to expand into this building which would be ideal for  
29 us? It's less turmoil for the business, disruption.  
30 We're known for being there for the last 15, almost  
31 15 years. We like where we are. It's very centrally  
32 located.

33 I would appreciate your consideration of  
34 our application. Thank you.

35 CHAIRMAN SMITH: Thank you, Mr. Moore. I  
36 appreciate it, just from the standpoint of a citizen,  
37 that you want to, you know, continue to stay here and  
38 grow your business, and I just say that personally. I  
39 appreciate that. I am pretty sure everybody in the  
40 audience does, too.

41 MR. MOORE: We appreciate your  
42 consideration. It's definitely been ideal for us. We  
43 came from Norfolk, and don't want to go back to  
44 Norfolk.

45 CHAIRMAN SMITH: Okay. All right. Yes,  
46 sir. Thank you so much.

47 Commissioners, any other comments or  
48 questions?

49 Thank you. Thank you, Mr. Moore.

1 Madam Secretary.  
2 MS. JACKSON: Thank you, Mr. Chairman.  
3 Our next speaker, Roland Carpenter.  
4 MR. CARPENTER: Good day, Commissioners.  
5 My name is Roland Carpenter, President  
6 and Chief Executive Officer of GI Industrial Marine.  
7 We, too, are located in Portsmouth, 2100 Columbia  
8 Street.  
9 I submitted an application to the  
10 Commission, Zoning on March 18th in the hopes of being  
11 here and a part of this hearing in a very similar  
12 situation for an unrelated building. Since we're not  
13 talking my case and my day today, I wanted to go on the  
14 record and let you know that we've grown 20 plus jobs  
15 in the last year alone in our business, and we're  
16 looking at what could be an \$80 million award  
17 approaching between now and the 4th of July.  
18 I spoke with the owner of this building,  
19 and now that I know what he does, we subcontracted some  
20 \$2.8 million to local businesses last year out of my  
21 business, and bought over \$800,000 of consumables, some  
22 of which he offers. So I look forward on meeting him  
23 on some of his growth and sharing our industry, and I  
24 do hopefully look forward to getting back before your  
25 commission in the month or months to come to talk about  
GI Industrial Marine's growth, and what we would mean  
to the Portsmouth region as well.  
Thank you.  
CHAIRMAN SMITH: All right. Thank you,  
sir.  
All right. Commissioners, any comments,  
questions?  
Madam Secretary.  
MS. JACKSON: Thank you, Mr. Chairman.  
I have no other registered speakers. If  
there is anyone here who did not get an opportunity to  
register, and would like to address Z-16-02, you may  
come forward at this time, state your name and your  
address for the record, and you will be given up to  
five minutes to speak.  
Appearing to be none, Mr. Chairman,  
members of the Planning Commission, this Public Hearing  
is now closed.  
CHAIRMAN SMITH: Commissioners, will  
there be any questions or any discussions? There being  
none, the Chair is in need of a motion.  
Commissioner Thomas.  
MS. THOMAS: Yes. I motion that we  
approve item Z-16-02.

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CHAIRMAN SMITH: Thank you, Commissioner Thomas.  
Commissioner Thompson.  
MS. THOMPSON: I'll second that motion.  
CHAIRMAN SMITH: Madam Secretary.  
MS. JACKSON: Thank you, Mr. Chairman.  
We have a motion and a second, and you will be voting electronically.  
(Vote)  
This item is approved 6 to 0.

1 UP-16-06 - DOWNTOWN

2 MS. JACKSON: Our next item, UP-16-06,  
3 Downtown.

4 Request of Dan Aston of the Whitmore  
5 Company for a Use Permit to renovate the commercial  
6 structure at 430 Crawford Street, formerly occupied by  
7 Wells Fargo Bank, for 46 multifamily apartment units.  
8 The property contains 0.711 acres, and the overall  
9 density proposed would be 65 apartment units per acre.

10 In addition, Mr. Aston is requesting a  
11 number of deviations from the development standards,  
12 including the 30-foot setback for parking, location of  
13 driveways, height of the first floor and other items  
14 related to the renovating of the existing structure.

15 The property is presently zoned Downtown,  
16 D1, in the T-6 sub-district and is located in the Mixed  
17 Use Downtown land use category on the Future Land Use  
18 Plan contained in the Comprehensive Plan. This  
19 property is also identified as Tax Map 6, Parcel 53.

20 Staff coordinator, Jonathan Hartley.

21 MR. HARTLEY: Mr. Chairman, members of  
22 the Planning Commission, again, my name is Jon Hartley,  
23 planning administrator with the City Planning  
24 Department.

25 Before you today is a request to convert  
what was the Wells Fargo Bank building on Crawford  
Street from an office building to 46 apartment units.  
As a part of that project they're proposing to, as the  
developer refers to it, re-skin the building from its  
current 1960s design to a design that generally is  
Georgian, per se, and it's in many of its design  
elements.

But there are a couple of things I would  
kind of like to go over with you before we get into the  
details of the project. First of all, there are really  
two parts to this request.

The first part is the request for the Use  
Permit, and the Use Permit is a requirement that was  
established by City Council back in December of last  
year. It was a citywide change. In essence any  
multifamily project in the City prior to that did not  
always require a Use Permit, and they changed the  
ordinances to require all such projects to obtain a Use  
Permit. So if you go to your Staff Report, there is an  
assessment of the Use Permit criteria in relationship  
to this project.

The second part is there are some design  
standards that the applicant is requesting a deviation  
from. If you recall, we had in the ordinance when it

1 was adopted what was called the Type II process, and  
2 essentially that was a process where an applicant could  
3 request deviations from the requirements by bringing  
4 their proposals to you as the Planning Commission to  
5 obtain approval of those deviations.

6 In the last I'll say year, year  
7 and-a-half, it's come to our attention that there is a  
8 State Supreme Court decision that was adopted in 2004,  
9 I believe, where that authority to the Planning  
10 Commission is inconsistent with the Code of Virginia,  
11 and therefore not something that the Planning  
12 Commission can act on. We have since amended the  
13 Zoning regulations to allow a Use Permit process to  
14 essentially provide that same form of relief,  
15 particularly in the D1 Downtown District.

16 And so there are a number of deviations  
17 that are requested as a part of this project. Most of  
18 those are directly related to the fact that the  
19 building is going to be renovated and re-skinned, in  
20 contrast to say new construction, which is what we've  
21 seen in other situations.

22 I would like to -- so there are kind of  
23 two parts to your consideration. If you notice in the  
24 Staff Report, we've essentially bundled those into one  
25 section, so that you can act on the Use Permit which  
would then include the proposed deviations. So it only  
requires one action of the Planning Commission.

Here we go. On the screen is a rendering  
of the building that is proposed. On the left and on  
the right is the current zoning map, and I need to  
explain a little bit more the history of this area of  
the City and some of the background that has led to  
this kind of zoning scheme that exists. Back in 2008  
the City had a Downtown Master Plan and Waterfront  
Strategy Plan prepared for the City. And essentially  
the zoning scheme for the Downtown area followed pretty  
much verbatim, if not totally verbatim, the scheme that  
was proposed at that time. Essentially it broke the  
Downtown area into two areas, the Uptown area, which we  
refer to as D2, and the Downtown area, which we  
generally refer to as the D1, and then that D1 area was  
broken down into a number of subdistricts.

There are three districts in particular  
that I just want to highlight a little bit. The High  
Street corridor essentially was designated as T5, which  
is a district that allows quite a mix of uses. And the  
T5 area, and I don't know if I can get this dot to  
work, but this is the High Street corridor. And this  
T5 area as well as the T4 area just south of it is an

1 area in the plan that established or continued the use  
2 of the Downtown Design Committee as a design review  
3 public body that meets and regularly reviews what  
4 people are proposing to do.

5 Just north of that there is an area that  
6 is not colored, and that is the Olde Towne Historic  
7 District, which was not a part of this plan. That too  
8 has a Historic Preservation Commission that reviews any  
9 modifications that are made to structures or any new  
10 construction that occurs in that district.

11 Within the Downtown Master Plan and  
12 Waterfront Strategy as well, it established what is  
13 designated as the T6 district, which in fact is the  
14 waterfront area of the City, and it established that  
15 district as the most intensive zoning district in the  
16 City.

17 The minimum building height, just as an  
18 example, is four stories. The minimum density for a  
19 residential development is 60 units to the acre and  
20 goes up to 90 units to the acre.

21 It was also clear within that master plan  
22 that there be no design review requirements, so there  
23 is no body that reviews the designs of any specific  
24 project or proposal. The intent behind that was to  
25 reduce the uncertainty that developers may face in  
trying to build in this Downtown area. It is the  
waterfront area. It is the most valuable real estate  
area in the City overall. And it's the intent from  
this master plan, and in turn the decisions of the  
Planning Commission and City Council, that the policy  
documents that go with and guide development in that T6  
area are of a high density and are not scrutinized from  
a design standpoint as much as a density and intensity  
of development.

18 If you take a closer look at this site,  
19 really you have the intersection of three different  
20 areas within the City. You have the Olde Towne  
21 Historic District, which in this slide is represented  
22 by the purple, and has a design review function by the  
23 Historic Preservation Commission. You have the  
24 Downtown or T5 district, which is reviewed by the  
25 Downtown Design Committee. And then you have the T6  
area, which is where this site is located, indicated by  
the red star, where there is no design review function.

There are, however, a few design  
standards in terms of the location or administration of  
windows, the fact that there are offsets in the  
building to kind of break up plain facades and those  
kinds of things, some of which are being -- there is a

1 request by the developer to deviate from those  
2 standards. The rationale for those requests is that it  
3 is an existing building. It's got an existing  
4 structural design. And from what the developer has  
5 said, there are very few options in putting a new skin  
6 on the building and complying with the specific  
7 requirements of the ordinance.

8 What is proposed is 46 units. This is  
9 the existing structure. The developer is proposing to  
10 take the ground, what is now the ground floor, and  
11 convert it into two stories to make it a five-story  
12 building, remove the skin and replace that, that outer  
13 skin with a new skin.

14 These are renderings of the proposed  
15 building, which give you an idea and an indication of  
16 the materials that are proposed, and that first -- this  
17 would be the view from Crawford Street. And this  
18 second rendering is the elevation that would face  
19 London Street.

20 This is a conceptual plan of the  
21 property. It's under an acre. The building is  
22 indicated in yellow. What is proposed is to remove the  
23 drive-through windows and one-story addition on the  
24 back of the building, and to reconstruct that area into  
25 a parking lot that will accommodate 46 vehicles.

Keep in mind that within the Downtown  
District, essentially from I'll say Effingham to the  
river the City has no parking requirements for any new  
construction or any renovations; the idea being that  
the City has public parking facilities in those areas  
to accommodate the parking demand. Nonetheless, the  
applicant is going to provide 46 parking spaces, which  
equates to one space per unit.

Also on this slide you'll notice that the  
Middle Street parking garage is immediately behind this  
building or to the west of this building. My  
understanding is there are approximately 460 parking  
spaces in that, in the Middle Street parking garage,  
and currently the use of that facility is way under its  
capacity pretty much on a regular basis. Special  
events, when Janet Jackson comes to town, it fills up  
every parking garage Downtown. So there are times when  
there is a major crowd Downtown for specific events,  
but on a day-to-day basis there is more than adequate  
capacity in that Middle Street parking garage to  
accommodate any additional parking demand.

There are a number of conditions that are  
proposed by staff with this application. First off,  
we've included both the concept plan that we just

1 talked about. I'll get back to that. This concept  
2 plan as well as these elevations are conditions of --  
3 staff has recommended these be conditions of the Use  
4 Permit.

5 There are also conditions related to the  
6 landscaping of the site. There are opportunities for  
7 landscaping. Until we get into the details with the  
8 developer in terms of a site plan, some of those are  
9 things that we would like to see, things that we think  
10 should be addressed in the design, and so the condition  
11 is written in such a way that there are certain  
12 elements that would be evaluated and ultimately  
13 approved by the Planning Director from a landscaping  
14 standpoint.

15 In addition, there are those deviations,  
16 and let me just kind of run through the list of  
17 deviations that are requested. There is a requirement  
18 that at least 30 percent of the building facade  
19 basically be windows. The developer at this point  
20 can't commit to meeting that standard, and has asked  
21 that that standard be deviated, a deviation from that  
22 standard. Again, the renderings kind of replace what  
23 that requirement is.

24 There is a requirement that the building  
25 cover at least 75 percent of the length of each  
frontage. This building comes pretty close, but,  
again, until we get to the site plan stage those kinds  
of calculations are difficult to make, so there is a  
request for a deviation from that.

He's requesting that -- there is a  
requirement that parking be set back 30 feet from the  
public right-of-way, and that's something we have  
deviated from in the past; for example, the Harbor  
Vista building across the street from City Hall.

There is also a requirement in the  
ordinance that there be a street wall, anywhere between  
5 and 12 feet wherever there is not a building on the  
frontage. He's requesting a deviation from that. And,  
again, with Harbor Vista that was -- with new  
construction that was a deviation that was approved.

There are specific requirements and  
standards for street trees. Once again, we're dealing  
with an existing building. We've incorporated street  
trees as a requirement under the landscaping section,  
but that will give us, the staff and the developer,  
flexibility to employ things that will work.

There is a height requirement for the  
first floor with a residential structure as what's  
proposed. That's a very difficult item for the

1 developer to meet, again, given the fact that the  
2 building is there and he's renovating it.

3 And then there is articulation, which  
4 essentially is the offsets that you see in many  
5 buildings, and that's to create a vertical separation  
6 between sections of a building. Again, we're dealing  
7 with the renovation of an existing structure.  
8 Particularly on Crawford Street, that structure is  
9 pretty much right on the property line. So it  
10 essentially would require encroaching in a public  
11 right-of-way, not something that's feasible.

12 With that I'll try to answer any  
13 questions. I've gone through it fairly quickly.  
14 Again, the conditions are in your Staff Report as well  
15 as a listing of the deviations that are being  
16 requested.

17 I should add a couple of things. One is  
18 there were a number of items that the applicant  
19 requested that after evaluation by staff we determined  
20 that they were not necessary to consider, because the  
21 staff's interpretation was that what's proposed met the  
22 criteria of the ordinance. So you'll see some items in  
23 the applicant's request that in the opinion of staff  
24 doesn't really apply and doesn't require a formal  
25 waiver.

26 Look at my list here. Another thing that  
27 I just wanted to mention was this -- this is kind of a  
28 unique project compared to everything else that we've  
29 had in the Downtown District. We've had at least three  
30 buildings proposed and now under construction in the  
31 downtown area. Those three were all new construction.  
32 This is the first project we've had proposing  
33 renovation of an existing building. And if you look at  
34 the criteria in the Zoning Ordinance, it really doesn't  
35 do a good job in accommodating renovations as opposed  
36 to new construction; something that we hope to be able  
37 to focus on in the future and do a better job within  
38 the ordinance.

39 And I guess the final comment I would  
40 make is there are a number of letters and comments that  
41 you've received that are in the back of the packet, and  
42 you may hear from some of those people also today. But  
43 I just want to make sure that the record shows that  
44 you've received a number of letters and did receive  
45 them in the formal packet.

46 With that I'll try to answer any  
47 questions that you may have.

48 CHAIRMAN SMITH: Commissioner Youngblood.  
49 MR. YOUNGBLOOD: Thank you, Mr. Chairman.

1 Mr. Hartley, there are some metered  
2 parking places in front of the Wells Fargo building at  
3 present. Since this would not be a commercial property  
4 anymore, has there been any talk about taking those  
5 meters away? I just can't see why we would need them.

6 MR. HARTLEY: At this point I can't say  
7 that there has been any talk. This project really at  
8 this point is in its conceptual stages. Without the  
9 Use Permit that's been applied for, it can't happen.  
10 So as with most projects, developers pursue the  
11 necessary approvals first, and then we'll roll up our  
12 sleeves and bang out the details.

13 Just as kind of a side bar to that, the  
14 on street parking is managed, I'll say, by our city  
15 engineers, the Engineering Department and the City  
16 Engineer. I believe if there is no longer a need to  
17 have metered parking there, then it would be removed.

18 MR. YOUNGBLOOD: Well, I ask because I  
19 notice in all of the letters that we've received that  
20 parking is a consideration that's brought up time and  
21 again, and I understand that. Heck, I live in Olde  
22 Towne, so I feel the pain, and anything we can do to  
23 grant a little bit more public parking down there would  
24 make sense. So I hope that staff will support that if  
25 it comes up.

MR. HARTLEY: Just in terms of your  
comment, keep in mind that while the staff has proposed  
conditions, there is no reason why the Planning  
Commission can't add a condition or suggestion for  
consideration by City Council when they consider this  
item.

CHAIRMAN SMITH: Thank you, Commissioner  
Youngblood.

Commissioners, any other questions for  
Mr. Hartley?

Thank you, Mr. Hartley.

MR. HARTLEY: Thank you.

CHAIRMAN SMITH: Madam Secretary.

MS. JACKSON: Thank you, Mr. Chairman.

I do have several speakers. As I call  
your name, would you come forward, state your name and  
your address for the record.

Our first speaker is Maureen Boshier.

MS. BOSHIER: Good afternoon,

Commissioners.

CHAIRMAN SMITH: Good afternoon.

MS. BOSHIER: Mr. Chairman, officers of  
the Commission, members of the audience, all of you,  
thank you for the opportunity to come and speak to you.

1 I don't have any slides. I'm just speaking to you from  
the expertise as a resident of the area.

2 CHAIRMAN SMITH: Gotcha.

3 MS. BOSHIER: And I appreciate the  
4 opportunity to do so, because I think -- I work in  
healthcare, and we speak in statistics all of the time,  
5 but when you start putting a real life against a  
6 statistic, it gives you a different view, a different  
area to consider as you make a decision that's going to  
affect the livelihood and quality of living in a  
neighborhood. So that's what I'm here to speak to you  
about today.

7 Like you, I'm a devoted fan of  
8 Portsmouth, and a great supporter of progress and  
developments and especially of planning, because I  
9 think that's the only way we can do the best for people  
who live here and for the future people who will live  
here, not just ourselves.

10 So I would like to say that the project  
at 430 Crawford is welcome in the sense that it  
11 proposes a use for a building that's been in our  
community for a long time. It may not be the right use  
12 for that building, and that's where the concern is  
being generated.

13 You have in your packet about 11 letters  
from residents who have expressed what they think about  
14 the project and what they're worried about, and so as  
you make your deliberations, I would ask that those  
15 people be heard, that you read the letters and think  
about what they're trying to say to you. I'll  
16 summarize the issues in those, because I know you're  
busy people and you may not have time, but I do ask  
17 that you read them yourselves.

18 First, of course, is the traffic. That's  
a very busy corner always, almost all of the time.  
19 Coming and goings because the post office is there,  
because there is a military installation there, because  
20 there are other businesses, and there used to be a bank  
there. So one of the things to be thinking about is  
21 whether or not you have sufficient traffic information  
to be certain that the egress, the entrance, and the  
22 exit from that property are properly mapped for you,  
and you can tell that that busy corner will be properly  
organized and the flow will be good.

23 I myself have served on decision making  
bodies, and I know that decisions have to rest on the  
24 information that you have. So it's important that you  
have reliable information and accurate and detailed  
25 information about the traffic on that corner and how

1 people can come and go.

2 The second thing is the parking. I've  
3 heard that it's not required for us to consider that,  
4 but it would be like telling anybody that's developing  
5 a property or a project that they don't have to think  
6 about the impact of the project. And as Commissioner  
7 Youngblood pointed out, parking in Olde Towne has  
8 always been an issue. It will always be an issue. We  
9 don't have very many parking places on the street, and  
10 in this area there are no parking places on the street.  
11 The parking that's available in the area is at  
12 capacity, the people who live there, the military who  
13 come and go everyday, visitors to the museums. It's a  
14 very busy weekend when we have flea markets and the  
15 farmer's market and other events, which are increasing  
16 in number and are quite wonderful in Downtown  
17 Portsmouth. It really puts a strain on a neighborhood.

18 So even though it's not required that you  
19 think of it, this is a planning discussion. So, of  
20 course, I know you will be thinking of it, and you will  
21 be asking yourself questions about whether or not you  
22 have enough information to be sure that the quality of  
23 the neighborhood, the life of the residents will not be  
24 affected by the fact that this is a high density  
25 apartment building, and that really doesn't have any  
parking connected with it or very minimal parking.  
There are at least three other new apartment buildings  
going up for occupancy right now further down on  
London, the one by the traffic center, and the one on  
Court.

So my question is: Has there been an  
occupancy study done to see where we are, and are we at  
capacity yet? There are a number of examples in other  
communities of facilities that have been overbuilt and  
are left empty. That is not an economic boom for any  
city. So I urge you to be thinking about whether or  
not you have enough information about how many  
apartments do we need? How many do we have? How many  
more should we be trying to develop? Reasonable  
development that improves the City --

CHAIRMAN SMITH: Ms. Boshier, you have  
60 seconds.

MS. BOSHIER: I'm sorry. Are we done?

CHAIRMAN SMITH: You have 56 seconds.

MS. BOSHIER: Okay. Reasonable  
development is a plus for all of us. So I ask as you  
purposefully consider this that you also look at these  
issues, the traffic and the parking and the high  
density occupancy of this City.

1 Thank you for your service. Thank you  
2 for your commitment. I know it takes time and effort  
3 to do this in a good thoughtful way, and I appreciate  
4 having the opportunity to speak to you.  
5 Did I make it?  
6 CHAIRMAN SMITH: Thank you. You made it.  
7 Thank you, Ms. Boshier.  
8 Commissioners, any questions or comments?  
9 Commissioner Thomas.  
10 MS. THOMAS: Hi. How are you doing?  
11 MS. BOSHIER: Hello.  
12 MS. THOMAS: Thank you for your comments.  
13 Quick question: You mentioned at the beginning that  
14 some of the residents in that area did not think that  
15 an apartment building, I guess, was the best use of  
16 that space. What were -- have you guys thought about  
17 what you would like there? Like, I am just curious.  
18 MS. BOSHIER: You know, we haven't had  
19 that conversation, or at least I haven't had that  
20 conversation. But there are plenty of folks in the  
21 area that would love to have that conversation, and  
22 would be happy to do that with you at any time.  
23 MS. THOMAS: I was just curious. Okay.  
24 Thank you.  
25 CHAIRMAN SMITH: Thank you, Commissioner  
Thomas.  
Madam Secretary.  
MS. JACKSON: Thank you, Mr. Chairman.  
Our next speaker, Cathy Revell.  
MS. REVELL: Hello. My name is Cathy  
Revell, and I reside at 422 Crawford Street, directly  
across London from this proposed property.  
Thank you for this opportunity to speak.  
I first became aware of this project back in March when  
Mr. Aston told me about it at a function we both  
attended. And he later showed up unannounced at my  
house to bring me the plans for this proposed project.  
My first reaction, after studying it, was that this  
project would permanently alter an exquisite example of  
mid-century architecture; to build a cookie cutter  
pedestrian looking building that lacks the quality and  
the integrity of the Olde Towne district, but there are  
other concerns as well, the first being the integrity  
of the Olde Towne district.  
While I understand that this property  
does not actually lie in the boundaries of Olde Towne,  
for all intents and purposes it is in Olde Towne. Any  
car that turns onto London Street from Crawford heading  
west is greeted with the sign "Welcome to the Olde

1 Towne Historic District." It has been said that this  
2 building is consistent with the architecture in Olde  
3 Towne or that it is compatible, but the design of the  
4 building and the materials being used do not support  
5 that assertion.

6 This project is also being -- I'm sorry  
7 -- this property is also being currently marketed as  
8 being in the Olde Towne District in Harvey Lindsey's  
9 ad. It says that it's located in Historic Olde Towne.  
10 Surely the marketing of this new project will be  
11 marketed as being in Olde Towne, and for all intents  
12 and purposes it is. Therefore, I respectfully request  
13 that prior to approval of the design and materials used  
14 in this project and the current design standards be  
15 maintained to reflect the integrity of the Olde Towne  
16 neighborhood.

17 The second concern is parking, which has  
18 been an ongoing issue, as others have stated. It  
19 affects residents, businesses, Coast Guard personnel,  
20 post office customers, tourists, festival, art show,  
21 and concert goers. This project is likely to  
22 exacerbate this already difficult situation.

23 The plan provides one space per unit, but  
24 this is not realistic. What about residents with more  
25 than one vehicle? What about visitors? What about the  
26 economic impact of taking parking spaces out of the  
27 parking garage or even out of the Olde Towne  
28 neighborhood parking for residents and giving them to  
29 these residents, taking them away from Coast Guard  
30 personnel, residents, restaurant goers, businesses,  
31 visitors, et cetera. It's not fair to continue to  
32 expect the Downtown businesses and the residents of  
33 Olde Towne to absorb the ever increasing demand for  
34 adequate parking here in our neighborhood. There are  
35 many times when residents and businesses are unable to  
36 access their own properties because of this parking  
37 issue, and this is only expected to get worse if these  
38 issues are not properly addressed. I respectfully  
39 request that this project be deferred until a parking  
40 study can be completed to address these issues.

41 Another concern is traffic safety. The  
42 corner is very busy. Pedestrian use by Coast Guard  
43 personnel, business customers and employees as well as  
44 post office customers is constant. During festivals,  
45 art shows, and events pedestrian traffic is even  
46 heavier, and traffic on this corner is also heavy for  
47 the same reason. This is also a truck route for trucks  
48 going down London, because they're trying to avoid the  
49 High Street corridor. This makes it even more

1 dangerous. Where is the traffic study that indicates  
2 that this will be safe? I respectfully request that  
3 prior to approval of the project a traffic study be  
4 completed to assure the safety of this new traffic use.

5 Finally, there is a concern about  
6 property values. As a residential property owner  
7 closest to this property, this is a huge concern for  
8 me. Where is the data that supports the assertion that  
9 property values will not be --

10 CHAIRMAN SMITH: You have 60 seconds,  
11 okay.

12 MS. BOSHIER: -- will not be negatively  
13 impacted by increased traffic, more difficult access to  
14 parking, and less than top quality design and materials  
15 in the building itself? The impact of this project on  
16 the value of adjacent properties has not been truly  
17 investigated, and this alone gives one pause.

18 Growth and transition in any city is  
19 inevitable, but there is much concern about this  
20 property. We do not have enough information to make --  
21 this information to make this decision soundly. The  
22 residents of Olde Towne ask that we get that  
23 information, that it's more important to get this right  
24 than it is to get it fast.

25 Thank you so very much.

CHAIRMAN SMITH: Thank you, Ms. Revell.  
Commissioners, any comments?

There being none, thank you, ma'am.

MS. JACKSON: Our next speaker is  
Ms. Jeanne Larcombe.

MS. LARCOMBE: Good afternoon,  
Commissioners. Thank you very much for your time.

My name is Jeanne Larcombe, and I live at  
410 Crawford Street. I've been living in Downtown Olde  
Towne for 20 years, and I love it, and I hope to be  
able to stay here.

I have several concerns that I want to  
bring to your attention, some of which you've already  
heard, some of which you'll probably hear again, but I  
have some that are important to me at any rate.

To me calling this conversion the  
Crawford House seems a slap in the face to the  
residents of Olde Towne who constantly try to preserve  
our historic buildings. The proposed conversion bears  
no resemblance whatsoever to the original Crawford  
House. It only resembles some architect's quick drawn  
plug and play design. Even though this building is not  
in Olde Towne Historic District or the High Street  
corridor, it still contributes to and enhances the Olde

1 Towne area as the building is today.

2 If the developer feels that the design is  
3 consistent with and comparable with the Olde Towne  
4 district, I would like him to provide photos and  
5 evidence of new construction that would include vinyl  
6 windows, fake wood, coined corners, and Juliette  
7 balconies. The proposed design is disrespectful and in  
8 no way honors Olde Towne. To me, and I am not an  
9 architect, this is just the way the building hits me,  
10 trying to squeeze 46 residential units into that one  
11 little building seems absolutely ludicrous, as there  
12 are five large apartment building complexes currently  
13 under construction Downtown and another large complex  
14 on London Boulevard now partially occupied. Have any  
15 studies been completed recently on this area citing the  
16 need for yet another multifamily apartment building?  
17 We ask respectfully the Commission to consider the fact  
18 that Oxford Place Apartments is only a block away, and  
19 yet it still has problems staying filled.

20 The developer is providing only one  
21 parking space per resident. What if they have two  
22 vehicles? Then what? This project will eliminate any  
23 possible parking for the vendors who use some of the  
24 old Wells Fargo parking space for the monthly flea  
25 market to load and unload their wares. Is there any  
proposal to preserve this activity?

1 I am dismayed at the very least that the  
2 developer plans a dog park where the last little bit of  
3 green grass is on this property. Two of the first  
4 floor apartments appear to exit directly onto this  
5 park. I don't think that's a good idea. Portsmouth is  
6 the only city in the Hampton Roads area that does not  
7 have a dog park. The residents of Olde Towne have  
8 spent many hours planning how to construct and fully  
9 fund a dog park in two separate locations. The  
10 proposed dog park on this site is nowhere near the  
11 size, quality, and feasibility of what we proposed and  
12 were denied by the City. We had even planned to fence  
13 in, at our expense, a public park. The fence would  
14 ensure the safety of our small children who do run into  
15 the street. Now you can be standing right next to that  
16 child, and next thing you know he or she has taken off  
17 across the street, and that's a heavy intersection, and  
18 we try to be very careful.

19 CHAIRMAN SMITH: Ms. Larcombe, you have  
20 60 seconds.

21 MS. LARCOMBE: Thank you very much.

22 We have tried to, as I said, fence in an  
23 area. The park would remain public, not technically a

1 dog park, just dog friendly. Our new City Manager  
2 denied our request. If this developer is allowed to  
3 have a dog park, it certainly is an insult to residents  
4 of Olde Towne.

5 Even as we come before you this afternoon  
6 to plead our case, it is with a great amount of dread  
7 and trepidation knowing that the staff of the Planning  
8 Department has already approved this project. If the  
9 Planning Commission has approved this proposal, must  
10 the Commission follow suit? We ardently and  
11 respectfully request and hope that you will thoroughly  
12 study this proposal, its repercussions on the area, and  
13 our thoughtfully prepared submittals.

14 CHAIRMAN SMITH: Ms. Larcombe, your time  
15 is up.

16 MS. LARCOMBE: All right. Thank you very  
17 much.

18 CHAIRMAN SMITH: Commissioners, any  
19 questions or comments?

20 Thank you so much, ma'am.

21 Madam Secretary.

22 MS. JACKSON: Thank you, Mr. Chairman.

23 Our next speaker, Frances Olsen.

24 MS. OLSEN: Good afternoon. My name is  
25 Frances Olsen. I live at 421 Crawford Street, kind of  
kiddy corner from the proposed building.

You've already received a letter from me,  
which I hope you've had time to read. I haven't  
changed my views, even though Mr. Aston called me with  
an attempt to persuade, educate, and even bully my  
opinion.

Although the Wells Fargo building is not  
in Olde Towne Historic District, it is in the original  
Olde Towne plat. It is still a well designed mid 20th  
century modern building that has integrity and  
originality.

The Planning Staff has recommended  
approval based on presentation of only the builder's  
plans. I would ask that you recommend -- ask you to  
recommend denial of that change until conditions set  
forth today are met. We who are speaking today will  
give you the residents' reasons why.

In Mr. Aston's phone call, he said that  
the apartment he was planning was modeled after the Red  
Lion Inn on London Street with brick on the first floor  
and clapboard above. I asked him if he would accept  
recommendations of an Olde Towne resident on changes to  
the architecture of the building he was planning.  
Generally dodging giving me an answer, he finally

1 responded that he had architects who had designed the  
2 building plan for 430 Crawford, implying that a  
3 resident would lack the qualifications to make any  
4 recommendations. He has put a nod to the overwhelming  
5 predominance of porticos and porches that exist in all  
6 of the houses in Olde Towne, but they appear clumsy,  
7 and the entrance portico needs more design help as do  
8 some other architecture features that others will  
9 address.

10           Regarding my concerns about parking,  
11 Mr. Aston firmly said several times that he has no  
12 obligation to provide parking. He does show 46 spaces  
13 in the lot owned by Wells Fargo building, and the rest  
14 will have to park in the Middle Street garage. He  
15 insisted that Harbor Tower Apartments has no parking,  
16 and that residents have to pay to park in the city  
17 garage. Fortunately, I'm a volunteer caregiver to a  
18 resident at Harbor Tower, and I could assure him that  
19 parking was included in the rent.

20           Mr. Aston was also perplexed why the  
21 citizens living in Olde Towne were so concerned about  
22 his building that wasn't even in the historic district.  
23 Maybe we're channeling Mrs. Emily Spong, her resistance  
24 to tearing down the original hotel. Perhaps he's never  
25 dealt with such an old community where houses have been  
owned by families for over 200 years, and even if the  
families don't reside there now, they actually pay  
caregivers to live in and take care of those houses,  
residents -- and maybe residents who love their city  
have more invested in it than owners who don't live  
there.

          This is a very special city. I come from  
Minnesota, 50 years ago. Uncle Sam brought me here,  
left me off. I have lived happily in Portsmouth for  
50 years. When I win in lottery, which is never, I'm  
not leaving Portsmouth. There are people here. There  
is architecture here. There is history here that is  
like no other part of this country. The oldest  
surviving house in Minnesota was built in 1850. Now in  
Portsmouth that's a new house.

          If you do proceed to give approval --  
and, Mr. Smith, I am watching the clock, so you don't  
have to tell me.

23           CHAIRMAN SMITH: That's all right. I'm  
just doing my job.

24           MS. OLSEN: If you do proceed to give  
25 approval to an irrevocable zoning change allowing  
multifamily housing, I would ask that you recommend  
with the following condition: That an Olde Towne

1 resident, chosen by the Olde Towne Civic League, be  
2 appointed to serve as an advisor to the architects, and  
3 that the developer demonstrate that he has a guarantee  
4 from the Portsmouth Parking Authority for the use of  
5 the Middle Street parking garage as overflow parking by  
6 the residents or their guests 24/7.

7 One last word. Good design, even if  
8 anachronistic, is better than a poor imitation.

9 Thank you for listening. Thank you for  
10 your time.

11 CHAIRMAN SMITH: Thank you, Ms. Olsen.  
12 Commissioners, any questions or comments  
13 for Ms. Olsen?

14 Thank you so much, ma'am.

15 Madam Secretary.

16 MS. JACKSON: Thank you, Mr. Chairman.

17 Our next speaker, Barbara Vincent.

18 MS. VINCENT: I am going to roll right to  
19 the end, so if you say 60 seconds, you're going to miss  
20 some of my words.

21 Good afternoon, Planning Commissioners  
22 and Planning Department members. My name is Barbara  
23 Vincent. I'm a former 30-year resident of the Olde  
24 Towne area and a current resident of 1715 Bradford  
25 Terrace in the West Park View area. I am the secretary  
and project manager for the non-profit group Support  
Portsmouth Public Art, and I know significant art and  
architecture when I see it.

I am here today to present information  
that I hope you will understand what a significant  
building 430 Crawford really is, just as it is, and to  
help you make the best recommendation for the City of  
Portsmouth on its use.

Our own Zoning Ordinance states that the  
Downtown Districts are created for the purpose of  
promotion and for preservation, and includes the City's  
only significant tourist access to the many historic  
structures. The building at 430 is a significant and  
contributing structure. This may be additional  
information for you to consider, but as you're reaching  
a decision, I believe you will see why this is far too  
important to dismiss. I hope to impress upon you the  
importance of appreciating, not necessarily liking  
modern architecture, but appreciating its contribution  
to our Downtown District. Even though some do not like  
Victorian architecture, the finest examples of it can  
be found in our own historic districts, because careful  
consideration was given to them, and they were not  
destroyed.

1           It's enormously important for our local  
2 communities to identify and evaluate their mid-century  
3 resources. Our 430 Crawford Street building in its  
4 present form is well within the 50-year plus or minus  
5 threshold to be considered a historic resource. As a  
6 matter of fact, I have an issue of The Alliance, a  
7 national preservation magazine dedicated completely to  
8 mid-century modern, and the book published by the  
9 Virginia Department of Historic Resources that help  
10 cities like ours understand the historic importance of  
11 our mid-century buildings. It is complete with  
12 photographs. The publication lists the defining  
13 characteristics of these buildings, among them allowing  
14 proper setbacks and a front facade consisting of a  
15 primary pedestrian friendly entrance. They have  
16 interesting lines, and they use durable building  
17 materials. The study carefully points out the  
18 importance of energy and monumentality of the style of  
19 this building. Our own building is a true and honest  
20 example of the Neopaladian mid-century design, and it  
21 should be preserved as such.

22           Once again our own Zoning Ordinance says  
23 "Opportunities for unique architecture and signature  
24 buildings exist at intersections." The building on  
25 this highly visible corner intersection was well  
planned to integrate into the land on which it was  
placed, and its use fits well with the other  
mid-century neighbors. It is exactly this thoughtful  
placement, scale, and design that relates to the  
neighboring buildings. In addition, this building  
represents a pivotal moment in the history of  
Portsmouth built environment. Its design is an  
interesting stark contrast to the community's  
distinctness. It too is a landmark. It actually  
enhances the community. It is a landmark even though  
it's a recent landmark. It took a very bold decision  
to build this building.

          We would like to suggest the City commit  
to readapting this building in its present form. We  
should take inspiration from other cities such as  
Winchester, Suffolk, and Durham that have taken  
advantage of their existing mid-century resources and  
recognized their potential.

          I looked at the clock and lost my place.  
How good it would be for Portsmouth for  
us to be able to say we took advantage of our  
mid-century buildings rather than sentence them to  
another quick remodel and a short term gain.  
Additionally, reusing the existing building in its --

1 CHAIRMAN SMITH: 60 seconds.

2 MS. VINCENT: Thank you -- historic form  
3 is the very best use of incorporating green technique  
4 as it conserves the materials and the energy that went  
5 into its original construction.

6 As you make this decision, please use  
7 thoughtful consideration in recognizing the potential  
8 of this prominent and historically important building  
9 and its use as opposed to short term gains. We implore  
10 you that if you do choose to approve this to City  
11 Council, any proposal you may have, to add the  
12 condition that the existing building be retained in its  
13 current architectural form. Please make the bold  
14 decision as did our predecessors. It's the City of  
15 Portsmouth that will benefit the most from your  
16 courageous recommendations.

17 Thank you for your time and your  
18 consideration, and I'm going to pass out my handout  
19 materials.

20 CHAIRMAN SMITH: Thank you very much,  
21 Ms. Vincent.

22 Commissioners, any questions or comments  
23 for Ms. Vincent?

24 There being none, thank you, ma'am.

25 MS. VINCENT: Thank you.

CHAIRMAN SMITH: Madam secretary.

MS. JACKSON: Thank you, Mr. Chairman.

Our next speaker, Rebecca Larys.

MS. LARYS: Thanks for hanging in there  
with us. I know I'm last. Hopefully I'm not the  
least. My name is Rebecca Larys. I live at 421 Middle  
Street. I'm half a block down from the proposed  
development.

Good afternoon, Mr. Chairman, members of  
the Commission, Planning Department, and members of the  
audience. I am here to present information for your  
consideration that I hope will help you make the best  
recommendation for the City of Portsmouth on the site  
at 430 Crawford Street. Residents have identified  
specific problems associated with the use of the  
proposed project and its negative impact on Olde Towne  
and the historic district. You've just heard how  
taking away a prime example of mid-century architecture  
and replacing it with a mediocre building is never a  
good idea and sets a bad precedence. I'll focus my  
objections on the proposal's specific inappropriate use  
of the site.

As a design professional myself, I  
considered addressing the questionably designed

1 architecture of the proposal. Instead I'll just  
2 mention it.

3 Although the developer highly regards his  
4 own design, you've heard the comments from others in  
5 the community, and I really hope that you've read the  
6 letter addressed to you by the Architect David Lemon.  
7 He speaks with years of experience about each design  
8 element and hits the nail on the head with the  
9 comments. One in particular I'll mention, "This  
10 exterior facade as proposed lacks refinement and  
11 friendship of its near neighbors, and the whole  
12 proposal needs rethinking, refinement, and  
13 resubmission." And he's absolutely right.

14 Honestly, we have no idea what the code  
15 complaint guardrail will look like sitting on top of a  
16 valued engineered entablature. And perhaps you feel  
17 strongly enough to consider these issues as a condition  
18 to approval, and to defer the proposal recommendation  
19 until really enough information is presented to make a  
20 proper evaluation. Proposal of the use of this  
21 existing building with any remodeling -- and it is  
22 technically a remodeling, not a renovation -- will be  
23 challenging in offering a successful configuration for  
24 a multifamily dwelling at this site. The best and well  
25 planned multifamily buildings break up the facade of  
large buildings, and they fit the proper scale of the  
site, the land, and the surrounding buildings. This  
proposal with the massive square chunk of a building on  
this land is similar to trying to fit the wrong foot  
into the glass slipper. It simply will never fit.

16 And even yet, I'll offer another  
17 compelling reason that I hope you will consider.  
18 Looking at the proposal application and the number of  
19 zoning requests for deviations needed to even try to  
20 force this building to adapt to multifamily housing  
21 makes it abundantly clear that the building is not  
22 suitable for this proposal. Over 13 zoning  
23 requirements are not met, and the reason given by the  
24 developer is because it's been predetermined by the  
25 existing building. 13 requirements not met, and the  
developer asks you to recommend this to Council. Even  
in the Staff Report there are still numerous  
deviations, and maybe a number of deviations can be  
afforded by the City to tailor the standards to a  
specific project, but does the Commission really want  
to suggest to Council that they deviate the very life  
out of this building and its site?

16 I suggest the building itself is clearly  
17 trying to tell us something, and what we're saying and

1 hope you'll see is that the building like it is meets  
2 the zoning requirements for its use already, and its  
3 site was never planned for this proposed kind of use.  
4 It's honestly very difficult for the average citizen  
5 that comes before you to understand all of the nuances  
6 associated with land use. However, we do understand  
7 this; that once this Use Permit is given, it remains  
8 with the land. That means that if this proposal is  
9 permitted now, and a building is remodeled --

CHAIRMAN SMITH: 60 seconds.

6 MS. LARYS: -- with whatever design is  
7 approved, when the building is sold to a new owner,  
8 they too could operate multifamily housing with perhaps  
9 an even more inappropriate design, and once again the  
10 residents would have to deal with all of the  
11 repercussions that they put forth today. I  
12 respectfully offer that this fact alone puts up a red  
13 flag in recommending this project go forth.

10 We ask you make your decision to look  
11 boldly at the proposed project and have a sense of the  
12 big picture. For any or perhaps all of the reasons  
13 we've offered to you today, we ask you not to recommend  
14 to Council that this site be approved for the proposed  
15 remodel and its use. After all, we and our needs are  
16 part of the City of Portsmouth, too, and we hope you'll  
17 include us in your decision.

14 The Chair of the Urban Land Institute  
15 once said "Growth is inevitable and desirable, but the  
16 structure of community character is not. The question  
17 is not whether your part of the world will change, but  
18 how."

17 CHAIRMAN SMITH: Time is up, Ms. Larys.

18 MS. LARYS: And I thank you for the  
19 opportunity to speak with you.

18 CHAIRMAN SMITH: Commissioners, any  
19 comments or questions?

19 Commissioner Youngblood.

20 MR. YOUNGBLOOD: Thank you, Mr. Chairman.

20 Ms. Larys, you understand that this  
21 commission is dealing with land use.

21 MS. LARYS: That's exactly what I've  
22 pointed out, yes.

22 MR. YOUNGBLOOD: Right. And not  
23 architectural details.

23 MS. LARYS: That's right.

24 MR. YOUNGBLOOD: That's beyond our scope.

24 MS. LARYS: That's right.

25 MR. YOUNGBLOOD: That sort of stuff will  
26 have to be handled when this matter comes before the

1 City Council. We really are not the body to talk about  
the windows.

2 MS. LARYS: That's right, and that's why  
I --

3 MR. YOUNGBLOOD: Right. I just want to  
4 make sure I'm addressing this to you, but I really want  
to address it to the greater audience so they'll  
5 understand, because you know there is more than just  
the two of us here, and I think everybody feels very  
6 strongly about this, but I want to them to understand  
that the Planning Commission talks about or really only  
7 addresses the use of the land, not the appearance of  
the building and its historical significance or the  
8 materials being used. That's going to come up when we  
make our recommendation to City Council. Then if you  
9 think that this building is inappropriate, that it  
should be a different design or something like that,  
10 then you need to bring that up to City Council, because  
they have the authority to make that change. We do  
not.

11 MS. LARYS: And that's why I specifically  
discussed the land use and --

12 MR. YOUNGBLOOD: Right.

13 MS. LARYS: -- and it's perpetual, and it  
stays with that, and once that decision is made then  
that happens over and over again.

14 MR. YOUNGBLOOD: Thank you.

15 CHAIRMAN SMITH: Also, just to piggy back  
off of what Commissioner Youngblood said, we're just a  
recommending body to Council.

16 MS. LARYS: That's right.

17 CHAIRMAN SMITH: That's all we are.

18 MS. LARYS: That's right. And that's why  
we're asking you not to recommend that.

19 CHAIRMAN SMITH: And we understand that.  
You have every right to do that as a citizen.

20 MS. LARYS: We do. And you have every  
right to do that as a commission.

21 CHAIRMAN SMITH: Thank you so much.  
Madam Secretary.

22 MS. JACKSON: Thank you, Mr. Chairman.  
Our next speaker is Herb Bondurant.

23 MR. BONDURANT: My name is Herb  
Bondurant. I'm the owner of the office building just  
24 to the south of this project, as shown in that block in  
the lower right-hand corner. I bought this building,  
the existing building, in the early '90s, transferred  
our architectural and structural engineering practice  
25 here, have been here -- this is our 24th year. Tight

1 property. We have three stories. We average anywhere  
2 from about 16 to 25 employees at any one time. We have  
3 five parking spaces on our site. The rest of them we  
4 get from the parking garage. Parking is a real issue  
5 to us. Most of our work is along from Pennsylvania to  
6 Florida. A lot of our projects require coordination,  
7 meetings, et cetera, where we're bringing into town for  
8 housing, for lunches, et cetera, about twice a month a  
9 good, good group of people.

10 I'm not here to talk about the  
11 architecture of the building. I'm here to talk about  
12 the land use. I can't imagine having a building next  
13 door with 46 apartment units next to me with a pool and  
14 a dog track all in one conjoined piece of property. It  
15 just doesn't make sense to me.

16 From a reality, I first heard of this  
17 project on the 28th, I was out of town, 28th of April a  
18 letter, one-page letter arrived at our office and I was  
19 telephoned, got my people to see what it was all about.  
20 The documents we've received have essentially no  
21 dimensions. No way I see to do the front of this  
22 building out on Crawford Street without just ruining  
23 that corner.

24 I don't know what my options are, but  
25 this certainly is not going to be there. I've turned  
26 down tenants in my building that had to deal with the  
27 public and bring children in, that I wouldn't accept  
28 from a safety standpoint.

29 This is Downtown Portsmouth. We've  
30 enjoyed the bank being here. The bank buildings that  
31 we have -- I think Dominion was there when we first  
32 came. It's probably been a half a dozen since then.  
33 We've been good neighbors with the banks. Why that  
34 building can't be developed as an office building for  
35 Portsmouth, which to me would give Portsmouth a real  
36 solid, strong piece of advertisement for what you're  
37 after.

38 I won't comment how I feel about this  
39 building there, but I do -- I am concerned with the  
40 safety that I would have. I park on the rear of our  
41 property, and there is a landscape there about eight  
42 feet to their parking lot. But I can't imagine that  
43 children will not be walking around that area, and I am  
44 extremely concerned.

45 CHAIRMAN SMITH: You have 15 seconds,  
46 Mr. Bondurant.

47 MR. BONDURANT: Okay. I hope you're  
48 getting I think it's the wrong use. I wish I was  
49 younger. I would like to develop that building and

1 redo it. I want to thank you very much, and I hope I  
2 can find some support.

2 Thank you.

3 CHAIRMAN SMITH: Thank you, sir.

3 Commissioners, any questions or comments  
4 for Mr. Bondurant?

4 Thank you, sir.

5 Madam Secretary.

5 MS. JACKSON: Thank you, Mr. Chairman.

6 Our next speaker, Dan Aston.

6 MR. ASTON: Good afternoon. My name is

7 Daniel Aston. I reside -- my offices are at 3526  
7 George Washington Memorial Highway, Yorktown, Virginia.

8 I am the developer of the building at 430  
8 Crawford Street. You've heard all of the objections, I  
9 think, and I read and heard in the letters. I tried to  
9 reach out to all of the folks I could get phone numbers  
10 on. Some of those people referenced those  
10 conversations.

11 When we first saw this building, we saw  
11 an empty building. One of the owners is here today.  
12 You know, it's lost all of the tenants. It's hard to  
12 attract office space, and do an economic plan, and to  
13 restore office space in Portsmouth. You're not seeing  
13 new office buildings being built in Portsmouth. You're  
14 seeing apartments, because it's the only thing that  
14 works, and that's how you rebuild cities is with people  
15 and not with empty office buildings.

15 So we saw an opportunity. We saw an  
16 opportunity to take an empty building that was sitting  
16 there, all five floors -- there is one tenant left, I  
17 think, on a month-to-month lease. The bank moved out  
17 -- and to turn it into something that we thought would  
18 be vital, something that would create tax base,  
18 something that would bring people to our city.

19 We tried to honor the look of Olde Towne.  
19 The architect that designed this, which everybody seems  
20 to find so offensive, is the architect that's done the  
20 Myrtles, Sterling King, the Quarters, the King Street  
21 Apartments. He's designed over 200,000 apartments.  
21 So, you know, some architect from Olde Towne wrote a  
22 letter. I tried to call him several times, and can't  
22 get in touch with him.

23 So we felt like, you know, when you do  
23 urban design and you do urban development, adjacency is  
24 a big issue. I acknowledge that. But this building is  
24 not in the Olde Towne Historic District, and this  
25 building has the right by Zoning to have apartments  
25 here. It has the right by Zoning not to have an

1 architectural review.

2 Now why did we decide to take the facade  
3 off? You know, I'm ambivalent as to the look of the  
4 building, all right. I like traditional. Most people  
5 like traditional in their housing stock, and they like  
6 it as is evidenced in Olde Towne, because that's the  
7 major look across our nation of the way residential  
8 looks, not modern buildings, you know. You think of  
9 your house, and I guarantee you 99 percent of the  
10 people here live in a traditional style house. So we  
11 thought traditional architecture was appropriate. And  
12 we also found out something about the building that was  
13 compelling. This building, when you take the skin off,  
14 it's going to look like a steel box. There are all of  
15 these vertical members, and that's what sets where we  
16 can put new windows. But the existing building is a  
17 closed system. It doesn't have any area air in it.  
18 It's all mechanically pumped in. So, once again,  
19 everybody in this room probably lives in a house, I do,  
20 that has a screen door. It has a window you can open  
21 to get, you know, the right fresh air in. There is no  
22 way that these -- these windows are encased in  
23 concrete. So they're solid, and we didn't think that  
24 was the right look or the feel for a residential  
25 building. So that's why we went down this path we went  
down.

14 I've heard about parking. There is no  
15 parking code Downtown, no parking requirement. We  
16 wouldn't build a building with no parking. This is not  
17 New York City, we recognize that. So we're meeting it  
18 one to one. And I've heard all of these comments about  
19 this parking garage, and it's like it doesn't exist.  
20 Everybody says there is no parking. It's terrible.  
21 The gentleman here that has the office building,  
22 parking is terrible.

19 I went to the Engineering Department.  
20 There is 474 parking spaces in that garage. And I can  
21 bring you aerials over the last ten years probably, and  
22 you'll never see a car parked on the top deck, never.  
23 All right. So that parking garage, I looked at it as a  
24 great plus. Here is an opportunity in our city to  
25 bring people into Downtown. Incubate people for our  
city so they want to live in Downtown. They have a  
parking garage there. They should be safe. It gives  
them overflow parking. That's what the parking garage  
was built for. It wasn't built for flea markets. And  
the people that own this building didn't build it so  
that, you know, vendors could park on their lot on  
Saturday. This is private property.

1 CHAIRMAN SMITH: 60 seconds, Mr. Aston.

2 MR. ASTON: This is private property  
3 that's zoned correctly for the use. The architectural  
4 controls do not apply to it, and I think -- and we're  
5 prepared to invest almost \$7 million on a building  
6 that's empty today. So our commitment is to the City  
7 of Portsmouth, and we strongly believe this is the way  
8 you bring back people to our city that gives them an  
9 option that doesn't require that they buy. They can  
10 come. They can rent. And we can incubate them, and  
11 then we can get them to serve on our boards. We can  
12 get them to buy our houses and move here permanently.  
13 That's why we took this position, and we believe in it  
14 passionately.

15 CHAIRMAN SMITH: Thank you, Mr. Aston.  
16 Commissioners, any questions or comments  
17 for Ms. Aston?

18 Commissioner Thomas.

19 MS. THOMAS: Hi. A few questions that I  
20 have written down that I thought about during the other  
21 citizens that spoke, but I wanted to ask you. In the  
22 package that you sent, I did not see -- what do you  
23 plan to rent these units for? You have a breakdown of  
24 one-bedroom and two-bedrooms.

25 MR. ASTON: I think there is 37  
one-bedrooms and 9 two-bedrooms. And I will tell you  
that our rents will be similar to what we proposed  
throughout the City. So one-bedrooms are going to be  
somewhere a low of 900, maybe up to 1,200, and the  
two-bedrooms will be 16- 1,700.

MS. THOMAS: Okay.

MR. ASTON: But it's a year and-a-half  
out, if we started work tomorrow.

MS. THOMAS: So these apartments are not  
for families, per se? You're just renting them --

MR. ASTON: They're one and two-bedrooms.  
I mean, we'll allow -- we have a standard that we allow  
X amount of people per bedroom. So however they  
configure themselves would be --

MS. THOMAS: Is there a reason that you  
didn't market for families?

MR. ASTON: We haven't marketed it at  
all, you know. We just wanted two bedrooms with a  
common unit of apartment complexes. When you look  
around, you look around Portsmouth, you look around all  
of Hampton Roads, it's typically urban design or  
smaller units, and they're one and two-bedrooms.

MS. THOMAS: Does the demographic for  
Portsmouth fit that though? I'm being a citizen.

1 MR. ASTON: It does. If you go to the  
2 City website, they'll tell you that there is 25,000  
3 jobs within two miles of Downtown, which is basically  
4 the shipyards and the Naval Hospital, and obviously the  
5 Downtown jobs is the Coast Guard. And they'll tell  
6 you, I think it's like two percent of those people stay  
7 in our city, all right, and those are people that, you  
8 know, the people that you appeal to when you build  
9 apartments. Urban apartments are what they call renter  
10 by choice, which means they probably have the ability  
11 to go buy a house, but they don't, because they're  
going to be here for a year or two. You know, maybe  
they don't want to buy a house, or maybe they want to  
shut the door and go to Florida in the winter. But  
they're called renter by choice, and that's what you're  
appealing to. Because you want to make the housing  
decision a decision of convenience. So in other words,  
you know, you're not going out and buying a house, and  
maybe you can't sell it. So we would rather have them  
live here for two or three years than not live here at  
all.

12 MS. THOMAS: Was there a reason that --  
13 that brought up my next question. Was there a reason  
14 that you did not -- that the decision was made not to  
do condominiums instead of apartments?

15 MR. ASTON: Absolutely. We're not in the  
16 condominium business.

17 MS. THOMAS: And then my last question  
18 is: With the facade on the building on the outside,  
19 why isn't the brick used all the way throughout? I  
20 mean, I know it might be a design thing. You have  
brick veneer on the bottom and then siding at the top.

21 MR. ASTON: Yeah. So we took our  
22 architectural genesis, I guess, or catalyst from the  
23 building that's the closest to us. It's called the Red  
Lion Building, which has red brick at the bottom, and  
then it has lapboard at the top. And we thought, okay,  
let's honor the adjacency of what's there, and so we're  
actually using a very high quality brick. It's  
Georgian brick. It's a full clay brick. It's a wood  
mold brick, which, you know, conveys that old world  
feel. It's got the broken corners, and it's not a  
tumble brick. It's actually a wood mold brick, and so  
that's what we're doing. We thought that would honor  
the look of what's across the street.

24 MS. THOMAS: All right. Thank you.

25 CHAIRMAN SMITH: Any other questions,  
Commissioners?

Commissioner Thompson.

1 MS. THOMPSON: I heard a lot of comments  
2 about how this was quickly thought out and somewhat  
3 less than kind of shoddy construction, and I just  
4 wanted to say there is nothing cheap or easy about what  
5 they're proposing to do here. This is going to be a  
6 very complicated renovation project, and it hasn't been  
7 ill thought out, obviously, or this man wouldn't be  
8 standing here proposing to do that. I've been in some  
9 of their units, and they're very high quality. So I  
10 just wanted to make that comment.

11 CHAIRMAN SMITH: Thank you, Commissioner  
12 Thompson.

13 Commissioners, any other questions or  
14 comments?

15 There being none, thank you, Mr. Aston.

16 MR. ASTON: Thank you, Mr. Chairman.

17 CHAIRMAN SMITH: Madam Secretary.

18 MS. JACKSON: Thank you, Mr. Chairman.

19 Our next speaker is Phil Ferguson.

20 MR. FERGUSON: Mr. Chairman and members  
21 of the Planning Commission, my name is Phil Ferguson.

22 I'm here to represent Mimi, Inc., which  
23 is the owner of this building. We're a very small  
24 family corporation. The corporation consists of --  
25 well, I have one brother and two sisters and myself, so  
it's a very small family operation.

We bought this building about 15 years ago, and at the time we bought it, it was fully leased. It had -- it was a fully leased building, and suffice it to say we felt it was an appropriate investment to make. We did. We put our own money in this building. We've been working with and doing everything humanly possible on this building. We've worked with the tenants. We've done everything we can do as a family. The reality is all of us -- none of us are getting any younger. The reality is that today, unfortunately, the Commonwealth Attorney's Office, who was in there initially, the City of Portsmouth moved them out to the new courts building. That took 40 percent of the space. Subsequent to that, within the last year, Wells Fargo Bank left. That was another 45 to 50 percent of the space that was in the building when they left.

The reality is you can't replace a bank where the bank was, because banks today want things that are different from the way that building was designed. They don't want two-story buildings as that was and in that open space. That's why Wells Fargo moved down the street into more of a box type situation, and that's what you're going to see more and

1 more for banks.

2 So as a direct result, Mr. Aston is  
3 correct when he in effect says that what you're going  
4 to end up with, unless we go with what Mr. Aston is  
5 doing, is an empty building that's serving no purpose  
6 economically or otherwise for the City of Portsmouth.  
7 In addition to that, we, as a very small family  
8 corporation, have no intentions of putting millions of  
9 dollars, which would be required to be put into that  
10 building, especially when we're all in our 60s, going  
11 on 70s, and we do not want to see this go on to the  
12 next generation, because our children are far too  
13 spread out in a practical sense.

14 When Mr. Aston -- we put this building up  
15 for sale, and when we did it, Mr. Aston came and told  
16 us what he wanted to do. We spent a lot of hours with  
17 Mr. Aston wanting to know what exactly it is he was  
18 going to do. And we looked, and one thing I found out  
19 about Mr. Aston, when he tells you what he's going to  
20 do, he does it. And the bottom line is the quality of  
21 the stuff that he's developing and has developed is a  
22 hundred percent top notch. This was not coming in to  
23 be some relatively inexpensive type operation. I  
24 assure you that when he finishes he will probably have  
25 7- or \$8 million in this building. That building today  
isn't worth a fifth to a sixth of that particular  
value.

So to the people of the City of  
Portsmouth, you have an opportunity to take a building  
that has been a very good building, but it has served  
its purpose. And the reality is Mr. Aston is coming in  
with creativity and innovation, and bringing that to  
the City of Portsmouth so that we can move forward into  
the next century or the next millennium, wherever we're  
going. And everything he has done and everything he  
has proposed is totally top notch in my judgment. And  
one thing I learned a long time ago, beauty is in the  
eye of the beholder. In my judgment, if you compare  
the current looks of that building with what he is  
proposing, to me it is like night and day, and by that  
what I mean is his proposal is a far, far improvement  
to what we have today --

22 CHAIRMAN SMITH: 60 seconds,  
23 Mr. Ferguson.

24 MR. FERGUSON: -- to what we have on that  
25 building today. And I'm appreciative of the residents  
of Olde Towne that appreciate the architectural style  
of that building, but that style is simply not  
appropriate in today's world. And aside from not being

1 appropriate, the economic ends of trying to operate it  
2 heating and cooling wise is just completely not in  
3 reality to what we deal with today from a heating and  
4 cooling standpoint. That building was great 15, 20,  
5 25 years ago. It is not today. Today what Mr. Aston  
6 is proposing is a great opportunity for the City of  
7 Portsmouth. It is a part of the rebirth of the  
8 Downtown of the City of Portsmouth, and it would be my  
9 sincere hope that you would approve this Use Permit and  
10 allow him to develop it, because if you do, it will be  
11 another feather in Portsmouth's cap, and it will really  
12 be another step towards doing things the right way.

13 Thank you very much.

14 CHAIRMAN SMITH: Thank you, Mr. Ferguson.  
15 Any questions or comments for  
16 Mr. Ferguson?

17 There being none, Madam Secretary.

18 MS. JACKSON: Thank you, Mr. Chairman.  
19 Ladies and gentlemen, this is a public  
20 hearing on item UP-16-06. If there is anyone here who  
21 did not get an opportunity to register and would like  
22 to address this application, you may come forward,  
23 state your name, and you will be given up to five  
24 minutes to speak.

25 MS. DANNIHER: Good afternoon. I am  
Terry Danniher. I live at 413 Dinwiddie Street in  
Portsmouth, and I had no intention of speaking, but  
it's so exciting today, and I just had to come up.

First of all, I would like to say that I  
think Dan Aston has done some really good stuff here,  
and I really appreciate that. But my concern now is as  
a former member of the EDA. When I heard that we have  
a great lack of really good office space here -- and I  
have not been in the building in question except on the  
first floor for years. So I have no idea of what shape  
it's in or how realistic it is to keep the building in  
its current condition, but I would ask that you  
consider talking to the Economic Development Department  
and find out a little bit more about the balance  
between residents and needed office space, because it's  
one thing to bring in a lot more residents, and I think  
we're talking about somewhere in the neighborhood  
currently of about 800 new residential units, many of  
them from Mr. Aston, thank you, but we depend quite a  
bit on the shipyard and the hospital, and there is an  
awful lot of talk now about our overreliance on  
military installations, and that we need to look  
elsewhere. So we need to look at maybe some of those  
residents coming in to work in a place that is a really

1 nice office, and so we have some balance there between  
2 what is residential and what is business. And this  
3 right now is, as I understand it, a business use. So  
4 is one of the elements that you're dealing with; is  
5 that not the case? Am I wrong? Land use. So I would  
6 really like to see some consultation between the  
7 planning people and the economic development people, if  
8 that has not yet taken place, because I think that's  
9 really important here.

Thank you very much.

6 CHAIRMAN SMITH: Thank you, Ms. Danniher.  
Commissioners, any questions or comments?  
7 There being none, Madam Secretary.

8 MS. JACKSON: Thank you, Mr. Chairman.  
Is there anyone else who would like to  
address? You may come forward, sir.

9 MR. SHERRILL: Good afternoon. My name  
is Calvin Sherrill. I'm a resident of Norfolk, but I'm  
10 one of the members of Bondurant Associates that  
operates in the building at 444 Crawford Street just  
11 south of the proposed project.

12 One thing that I have been conscious of  
in listening to all of the comments today is what I  
13 interpret as concerned with maybe the timing of the  
action on the application. And I think it's inevitable  
14 that there will be some change that takes place on this  
property. Mr. Aston has presented a residential use.  
15 The building has traditionally been a business use.  
But I think there has been a lack of background on  
16 exploring what is the best use for this project.

17 As Herb Bondurant mentioned a bit ago,  
there are no dimensions in the site plan. And I think  
18 if you go back and look at some of the pictures of the  
existing building and were to draw a line straight down  
19 to the ground, you would find that there is very  
limited space between that new line and the adjacent  
20 sidewalk areas, and in turn the street and parking.  
And the proposed design from a practical standpoint may  
not function very well as the pictures indicate at this  
point.

21 So I also noted that the -- Mr. Hardison  
-- I'm not sure if I got his name right, noted that the  
22 staff was recommending as a condition the facade and  
the site plan, they're yet to be defined. But what I  
23 would request or at least encourage the Commission to  
do is there doesn't seem -- while I'm sure the current  
24 owners are anxious to sell the project and for this to  
move forward from a business and a resident  
25 perspective, there doesn't seem to be a compelling

1 reason that the project would need to move forward  
2 immediately, and would encourage the Commission to  
3 delay action on the proposal to allow further study,  
4 further comment by the committee, and show that some of  
5 the other possible uses have been considered, that  
6 there has been more thought given to the site plan with  
7 the reality of the dimensions of the building and site  
8 as they currently exist.

9 Thank you.

10 CHAIRMAN SMITH: Thank you, sir.  
11 Commissioners, any questions or comments?  
12 Commissioner Thompson.

13 MS. THOMPSON: I certainly respect what  
14 you're talking about, the use of the building.  
15 However, it's not public land or it's not a public  
16 building, and we have a private developer that wants to  
17 invest 7- or \$8 million into the project, so it's kind  
18 of up to them to propose what the use of the building  
19 is.

20 CHAIRMAN SMITH: Thank you, Commissioner  
21 Thompson.  
22 Commissioner Thomas.

23 MS. THOMAS: Yeah. I just have a  
24 question, I guess maybe someone from the Planning  
25 Department can answer.

When I was looking at the package and  
looking at this apartment building, I don't have a  
problem with the apartment building, because I think  
what I remember hearing is that the overall general  
plans -- I've heard the use of we need to develop more  
office space. I think the plan of the City is to move  
office space away from the Downtown waterfront. But it  
would be helpful sometimes if we could have like a  
future plan from EDA or something of what they really  
are planning to do with that area to see if all of  
these apartment complexes can truly be supported, or is  
it in the general plan.

MR. BALDWIN: Let me answer your question  
this way. First of all, we work very closely with the  
Economic Development Authority. As the Planning  
Commission has been briefed, we currently have a firm,  
Hunden Strategic Partners, updating the City's analysis  
for Downtown. The one thing that Downtown has had is  
market analysis after market analysis after market  
analysis, and two things become clear out of that.

Number one, we are terribly short of  
necessary residential development Downtown. We have  
well over a hundred thousand square feet of vacant  
retail space Downtown primarily driven by the lack of

1 customers.

2 The office space market is right now in  
3 the region pretty much dead. If you go over and look  
4 at Norfolk, they're converting commercial building  
5 after commercial building. In fact, most of the  
6 successes they're pointing out for a lot of residential  
7 development is, in fact, converting office buildings  
8 that have been vacated. The office market is very  
9 weak. I think we're facing a situation where the land  
10 use world is really changing a lot from what  
11 historically we've looked at with a lot of offices  
12 Downtown. It's just not the way people work anymore.  
13 People are much more mobile. Big fixed office spaces  
14 aren't that much in demand. So we have very, very low  
15 demand. In fact, we have a very low demand for office.  
16 We have a very low demand for retail. HR EDC did an  
17 economic study, and within the region when you're  
18 trying to pull yourself out of recession, you know,  
19 it's usually a retail, residential pull out of  
20 recession of the economic sectors they look at. The  
21 bottom two in Hampton Roads are residential and retail.  
22 So, you know, we've got a real, real shortage.

23 And the market analyses that have been  
24 done, getting more updating, even during the recession,  
25 the last one, when these codes were put together, this  
code, in fact, these were built off of market analysis,  
and you'll see anywhere from -- recommendation of those  
things -- anywhere from 4,000 to 10,000 dwelling units  
for the Downtown area, 200 a year average. Of course,  
we've got quite a number under construction right now,  
but we had a number of years where we didn't have any.  
So right now if you were to look at what the market has  
been for Portsmouth, it's residential development.

26 I also point out to you, I think we  
27 provided copies on the Planning Department website, we  
28 had a demographic analysis done in 2014 done by Weldon  
29 Cooper taking a look the City's demographics, and it  
30 pointed out in terms of opportunities for development  
31 two sectors: Single young, basically the millennials,  
32 you'll hear people talk about pretty common for urban  
33 areas; also empty nesters who are looking to move away  
34 from their, you know, their homes and into a smaller, a  
35 smaller unit. So quite frankly, I mean, from a  
36 planning perspective, you know, the focus of the City  
37 has -- the Economic Development Department's focus is  
38 on residential development Downtown, trying to build  
39 more capacity Downtown, support more businesses  
40 Downtown by full-time residents.

41 And I'll also just mention on one of the

1 other topics, and this building is a prime example,  
2 we've lost quite a number of office users Downtown. As  
3 you can hear, they were public office space, not a lot  
4 of commercial users out there. We had city facilities,  
5 Behavioral Healthcare Services, Commonwealth's  
6 Attorney, the Court's building, a lot of our office  
7 users, in fact, have been government buildings. And  
8 City Council's direction has been to get out of those  
9 leases and not pay so much in lease space. So I think,  
10 in fact, you're seeing retraction from public use, not  
11 moving elsewhere, but a retraction of having leased  
12 office space. So just trying to answer your question  
13 there as far as that.

14 Again, as far as economic development,  
15 we're working very closely with that study we mentioned  
16 with Hunden Strategic Partners, they were in town a few  
17 weeks ago. They were doing walkthroughs and some  
18 stakeholders' interviews, and that's a joint project  
19 with Planning and Economic Development.

20 MS. THOMAS: Thank you. It did answer my  
21 question.

22 CHAIRMAN SMITH: Thank you, Commissioner  
23 Thomas.

24 Thank you, Bob.  
25 Commissioner Williams.

MR. WILLIAMS: Mr. Chairman, I'm inclined  
to agree with Ms. Thompson. This is private developer.  
And unless we're in a position to have somebody come in  
and rent office space, nobody is going to put office  
space in the building. It's just not viable right now.  
The economic studies that I have read do not suggest  
that office buildings are economically viable.

CHAIRMAN SMITH: Thank you, Commissioner  
Williams.

Madam Secretary.

MS. JACKSON: Thank you, Mr. Chairman.  
Is there anyone else who would like to  
address UP-16-06?

Appearing to be none, Mr. Chairman,  
members of the Planning Commission, this Public Hearing  
is now closed.

CHAIRMAN SMITH: Commissioners, will  
there be any questions, any discussions? There being  
none, the Chair is in need of a motion.

Commissioner Vaughan.

MR. VAUGHAN: I make a motion that we  
approve UP-16-06 with the deviations and conditions.

CHAIRMAN SMITH: Thank you, Commissioner  
Vaughan.

1                   The Chair has received a motion. The  
Chair is in need of a second.  
2                   Commissioner Williams.  
3                   MR. WILLIAMS: Mr. Chairman, I second  
that motion.  
4                   CHAIRMAN SMITH: Thank you.  
The Chair has received a second.  
5                   Madam Secretary.  
MS. JACKSON: Thank you, Mr. Chairman.  
6                   We have a motion and a second, and you  
will be voting electronically.  
7                   (Vote)  
This item is approved 6 to 0 with  
8                   deviations and conditions.  
CHAIRMAN SMITH: Madam Secretary, I  
9                   believe that concludes our agenda for the day; is that  
correct?  
10                  MS. JACKSON: That is correct.  
CHAIRMAN SMITH: Commissioners, will  
11                  there be any further business?  
There being none, Mr. Baldwin, is there  
12                  any further business, sir?  
MR. BALDWIN: Yes. I would just like to  
13                  make a couple of comments just really quick to the  
benefit of the Planning Commission as we move forward.  
14                  I want to make sure you're aware of -- a lot of  
questions were raised today -- I want to make sure  
15                  you're aware --  
CHAIRMAN SMITH: Hold on, Mr. Baldwin,  
16                  let them exit.  
MR. BALDWIN: Okay.  
17                  CHAIRMAN SMITH: Please proceed,  
Mr. Baldwin.  
18                  MR. BALDWIN: Thank you. We want to  
address a number issues. Number one, the parking, you  
19                  know, to make sure everyone is clear on that, the 2010  
the Zoning Ordinance was adopted as part of the City's  
20                  desire to attract development and to be more pedestrian  
oriented. The mandatory parking requirement Downtown  
21                  was eliminated.  
Chairman SMITH: That's right.  
22                  MR. BALDWIN: So people are raising  
questions about parking. It is not a Code requirement  
23                  that a developer of anything Downtown provide parking.  
So what we do find is residential developers in the  
24                  City, the Harbor Vista project across the street,  
projects that Whitmore is developing, this project,  
25                  they are providing parking because their customers,  
their tenants demand parking, and I believe a lot of

1 financial institutions are insisting on parking, but  
2 that is not a City Code requirement.

3 The City Engineering Department is  
4 monitoring the parking in the city parking garages.  
5 We've had a number of parking analyses done by  
6 Kimley-Horn. We do keep track of parking and parking  
7 demand, and at this point we haven't come across, at  
8 least Downtown, what we would call a major parking  
9 problem. I do recognize there are parking issues. I'm  
10 not trying to understate that, but that is something we  
11 do pay close attention to and we will monitor. But  
12 from this point, again, from the regulatory standpoint  
13 we do not have a parking requirement.

14 One last thing I want to mention. There  
15 was a statement made by the last speaker about that  
16 building be closed to the sidewalk. I think you're all  
17 aware that is, in fact, a Code requirement. So that is  
18 one of the things the Code has basically a zero setback  
19 requirement. So you will have buildings, and in fact  
20 almost every building Downtown, including the one being  
21 built, encroach over sidewalks with balconies or  
22 awnings or roof lines. That's all permitted by the  
23 Code as well. So the intent is to get the buildings  
24 closer to the sidewalk, not further back. I just want  
25 to make sure everybody understands that we don't  
discuss that that often. That's some of the nuances of  
the design requirements of the Zoning Code. So I  
wanted to mention that today, since those issues were  
raised.

CHAIRMAN SMITH: Thank you, Mr. Baldwin.  
It seems that there is not any further  
business. This meeting is now adjourned.  
(Meeting adjourned at 3:18 p.m.)

1 COMMONWEALTH OF VIRGINIA AT LARGE, to-wit:

2

3 I, Jill Hudnall Trail, a Notary Public for the  
4 Commonwealth of Virginia at Large, of qualification in  
5 the Circuit Court of the City of Norfolk, Virginia, and  
6 whose commission expires May 31, 2017, do hereby  
7 certify that this proceeding was recorded in Stenotype  
8 by me and reduced to computer printout under my  
9 direction; and that the foregoing constitutes a true,  
10 accurate, and complete transcript of such proceeding.

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

15 Given under my hand and notarial seal this 13th day  
16 of May, 2016, at Norfolk, Virginia.

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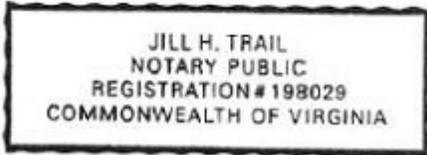
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JILL H. TRAIL  
NOTARY PUBLIC  
REGISTRATION # 198029  
COMMONWEALTH OF VIRGINIA

Jill Hudnall Trail, RPR  
Notary Registration No. 198029