

Planning Commission Agenda

February 14, 2018



VB City of
Virginia Beach

The Virginia Beach Planning Commission Public Hearing is carried LIVE on VBTv, which is available on Cox Cable Channel 48, Verizon Cable Channel 45 and on VBgov.com's Media Center webpage at <http://www.vbgov.com/media/pages/videos.aspx>. The meeting is recast on Cox Channel 48 and Verizon Channel 45 the following morning at 9 a.m. and on Cox Channel 47 and Verizon Cable Channel 47 at 7 p.m. on the two consecutive Fridays following the live meeting. The meeting will also be available on the Media Center webpage for two months beginning the Friday after the live hearing.

Planning Commission Hearing Procedures

The Virginia Beach Planning Commission Public Hearing is held at 12:00 Noon in the Council Chamber of the City Hall Building, Municipal Center. A staff briefing is held at 9:00 a.m. in the City Manager's Conference Room, City Hall Building.

Those members of the public interested in attending the 12:00 Noon Public Hearing should be advised that, for reasons the Planning Commission deems appropriate, certain items on the agenda may be heard out of order and that it should not be assumed that the order listed in this document will be exactly followed during the public hearing.

PLEASE TURN OFF YOUR CELL PHONE WHILE IN THIS CHAMBER.

PLANNING COMMISSION ACTION IS NOT A FINAL DETERMINATION REGARDING THE APPLICATION, BUT ONLY A RECOMMENDATION TO THE CITY COUNCIL OF THE VIEWPOINT OF THE PLANNING COMMISSION. FINAL DETERMINATION OF THE APPLICATION WILL BE MADE BY CITY COUNCIL AT A LATER DATE AFTER PUBLIC NOTICE IN THE VIRGINIAN PILOT/BEACON.

IF YOU ARE ATTENDING THE HEARING AND DESIRE TO SPEAK ON AN ITEM, FILL OUT A 'SPEAKER CARD' AT THE DESK OUTSIDE THE COUNCIL CHAMBER PRIOR TO THE MEETING.

THE FOLLOWING DESCRIBES THE ORDER OF BUSINESS FOR THE PUBLIC HEARING
(IF YOU DO NOT UNDERSTAND, ASK A STAFF MEMBER SITTING AT THE DESK AT THE FRONT OF THE CHAMBER OR THE STAFF MEMBER AT THE DESK OUTSIDE THE CHAMBER).

1. **WITHDRAWALS AND DEFERRALS:** The first order of business is the consideration of withdrawals or requests to defer an item. The Commission will ask those in attendance at the hearing if there are any requests to withdraw or defer an item that is on the agenda. PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.
 - a. An applicant may withdraw an application without the Commission's approval at any time prior to the commencement of the public hearing for that item. After the commencement of the hearing, however, the applicant must request that the Planning Commission allow the item to be withdrawn.
 - b. In the case of DEFERRALS, the Commission's policy is to defer the item indefinitely with the understanding that the item will be placed back on the Commission's agenda at the earliest possible date. Although the Commission allows an item to be deferred upon request of the applicant, the Commission will ask those in attendance if there are any objections to the request for deferral. If you wish to oppose a deferral request, let the Commission know when they ask if there is anyone in attendance who is opposed to the deferral. PLEASE confine your remarks to the deferral request and do not address the issues of the application – in other words, please let the Commission know why deferring the application is unacceptable rather than discussing what your specific issue is with the application.
2. **CONSENT AGENDA:** The second order of business is consideration of the "consent agenda." The consent agenda contains those items
 - a. that the Planning Commission believes are unopposed and
 - b. which have a favorable Staff recommendation.

- * Deferral
- ** Withdrawal

If an item is placed on the Consent Agenda, that item will be heard with other items on the agenda that appear to be unopposed and have a favorable staff recommendation. The Commission will vote on all of the items at one time. Once the Commission has approved the item as part of the Consent Agenda, it is deemed approved and will not be discussed any further. It is important, therefore, if you have an objection to an item being placed on the Consent Agenda to note your objection as the Commission goes through the items being considered for the Consent Agenda. Also note that some consent agenda items may be subject to certain conditions, as in those items that are Conditional Use Permits.

Process for the Consent Agenda:

- The Commission will announce the item number and item title being considered for inclusion on the Consent Agenda.
- The Commission will ask if there is anyone in the audience representing the item, and if so, ask them to go up to the podium and state their name for the record.
- If there are conditions attached to the approval of the item, the Commission will ask the representative of the item if they are aware of the conditions and if they agree to the conditions.
- The Commission will then ask if there is anyone in the audience in opposition to the item. If you are opposed to the item, stand or raise your hand to let the Commission know.
- If the item is opposed, it will be removed from the consent agenda and heard in its normal place on the agenda.
- After the Commission has gone through all of the items that it believes should be on the Consent Agenda, it will vote at one time for all of the items, announcing the number of each item being voted on. Pay attention to the list of items being voted on.

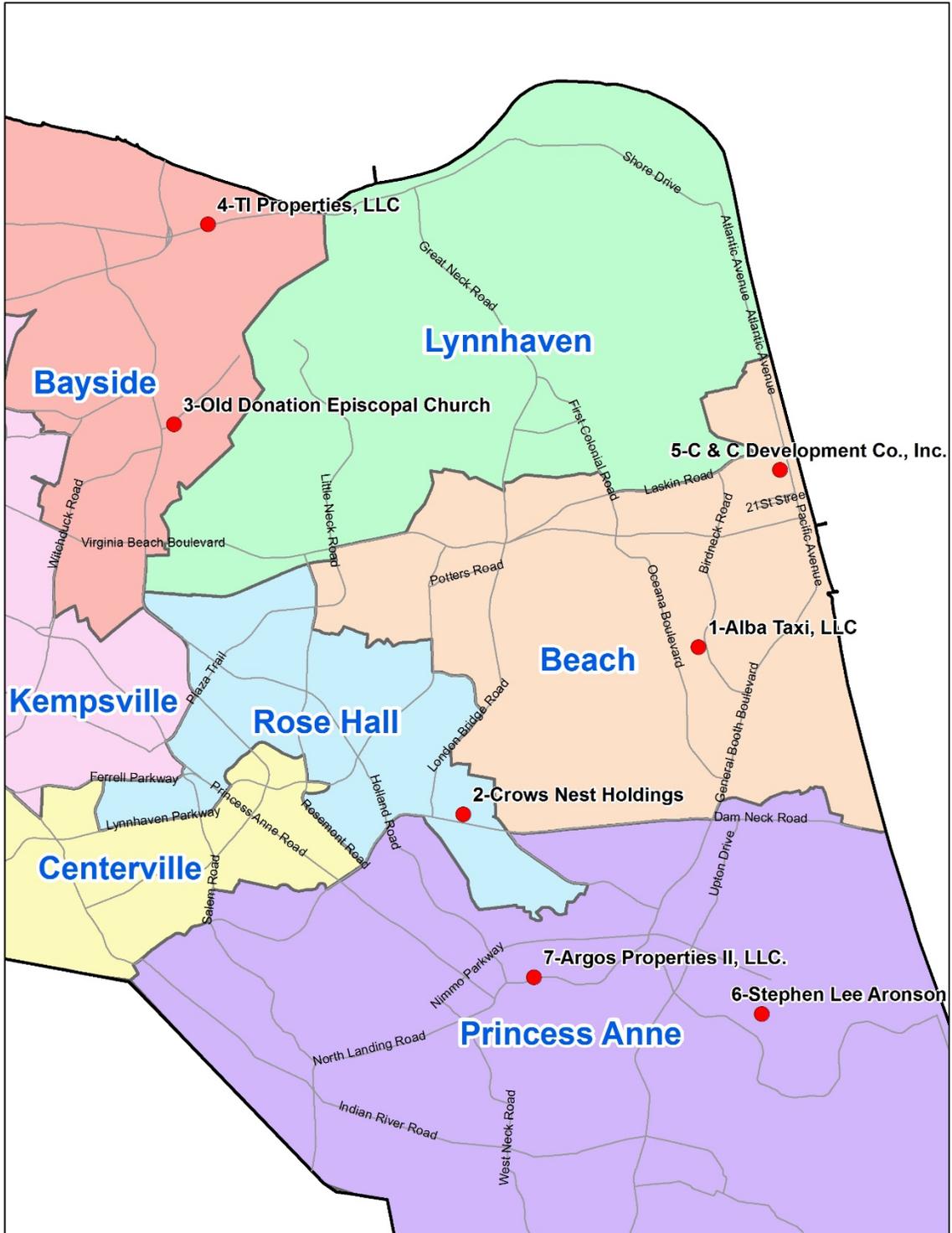
3. REGULAR AGENDA: The Commission will then proceed with the remaining items on the agenda, according to the following process:

- a. The applicant or applicant's representative will have 10 minutes to present its case.
- b. Next, those who wish to speak in support to the application will have 3 minutes to present their case.
- c. If there is a spokesperson for the opposition, he or she will have 10 minutes to present their case.
- d. All other speakers not represented by the spokesperson in opposition will have 3 minutes.
- e. The applicant or applicant's representative will then have 3 minutes for rebuttal of any comments from the opposition.
- f. There is then discussion among the Commission members. No further public comment will be heard at that point. The Commission may, however, allow additional comments from the opposition if a member of the Commission sponsors the opposition. Normally, you will be sponsored only if it appears that new information is available and the time will be limited to 3 minutes.
- g. The Commission does not allow slide or computer generated projections other than those prepared by the Planning Department Staff.
- h. The Commission asks that speakers not be repetitive or redundant in their comments. Do not repeat something that someone else has already stated. Petitions may be presented and are encouraged. If you are part of a group, the Commission requests, in the interest of time, that you use a spokesperson, and the spokesperson is encouraged to have his or her supporters stand to indicate their support.

The staff reviews of some or all of the items on this agenda suggest that certain conditions be attached to approval by City Council. However, it should not be assumed that those conditions constitute all the conditions that will ultimately be attached to the project. Staff agencies may impose further conditions and requirements during administration of applicable city ordinances

- * Deferral
- ** Withdrawal

FEBRUARY 14, 2018
 PLANNING COMMISSION AGENDA



* Deferral
 ** Withdrawal

**A.
COMMENTS BY DIRECTOR OF PLANNING AND CHAIR OF COMMISSION**

**B.
STAFF BRIEFINGS**

Open Space in the Apartment District – Stephen White, Planning Evaluation Coordinator
Short Term Rental Update – Kevin Kemp, Zoning Administrator

12:00 P.M. – PUBLIC HEARING

1. APPROVAL

(COUNCIL on March 20)

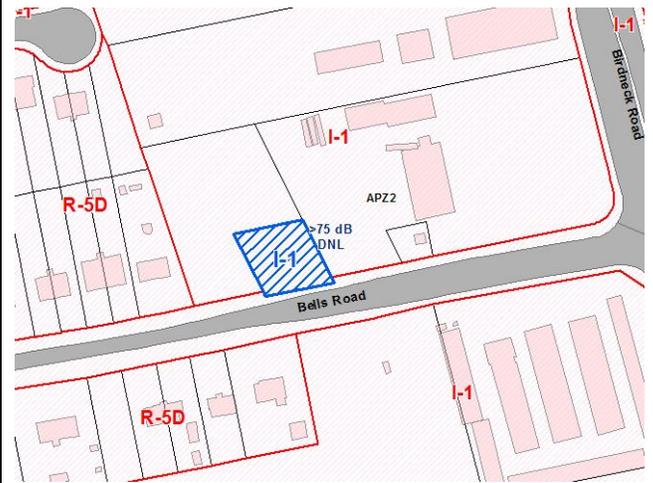
**Alba Taxi, LLC [Applicant]
Edward Selamaj & Besnik Selamaj [Owners]**

Conditional Use Permit (Automobile Repair
Garage & Bulk Storage Yard)

1208 Bells Road

(GPIN 2416471784)

COUNCIL DISTRICT – BEACH
Staff Planner – Robert Davis



2. APPROVAL

(COUNCIL on March 20)

**Crows Nest Holdings, LLC t/a Reaver Beach
Brewery [Applicant]
Thomas R. Boozel [Owner]**

Conditional Use Permit (Craft Brewery)

1501 & 1505 Taylor Farm Road, Suites 401, 402,
& 403

(GPIN 1495752791)

COUNCIL DISTRICT – ROSE HALL
Staff Planner – Stephen J. White



* Deferral
** Withdrawal

3. APPROVAL

(COUNCIL on March 20)

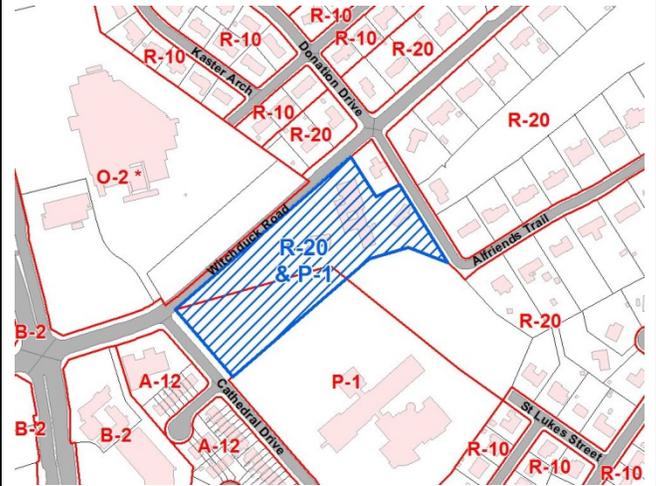
Old Donation Episcopal Church [Applicant & Owner]

Conditional Use Permit (Religious Use)

4449 N. Witchduck Road

(GPIN 1478634745)

COUNCIL DISTRICT – BAYSIDE
Staff Planner – Jonathan Sanders



4. APPROVAL

(COUNCIL on March 20)

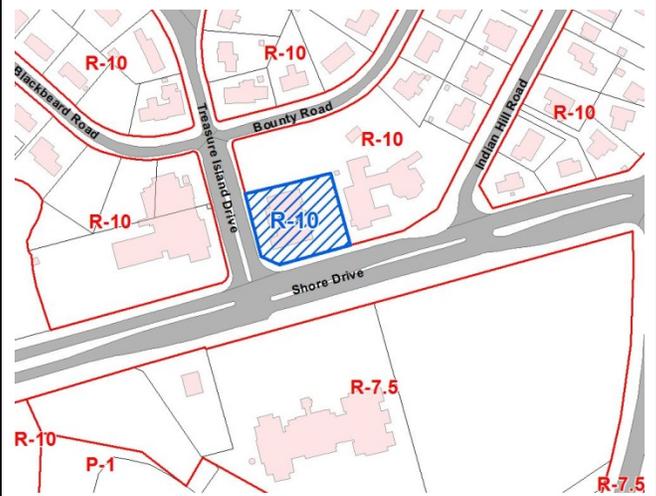
TI Properties, LLC [Applicant & Owner]

Subdivision Variance (Section 4.4 (c)(1) of the Subdivision Regulations)

2204 Treasure Island Drive

(GPIN 1479888194)

COUNCIL DISTRICT – BAYSIDE
Staff Planner – Jonathan Sanders



5. APPROVAL

(COUNCIL on March 20)

**C and C Development Co., Inc. [Applicant]
George & Joyce Cico [Owner]**

Subdivision Variance (Section 4.4 (c)(1) of the Subdivision Regulations)

2606 Arctic Avenue & 400 27th Street

(GPINs 2428000560, 2428000483)

COUNCIL DISTRICT – BEACH
Staff Planner – Jonathan Sanders



* Deferral
** Withdrawal

6. APPROVAL

(COUNCIL on March 20)

Stephen Lee Aronson [Applicant]
Stephen Lee & Marie E. Aronson [Owners]

Conditional Use Permit (Outdoor Recreation Facility (Batting Cage))

937 Baja Court

(GPIN 2414817317)

COUNCIL DISTRICT – PRINCESS ANNE
Staff Planner – Robert Davis



7. DENIAL

(COUNCIL on April 3)

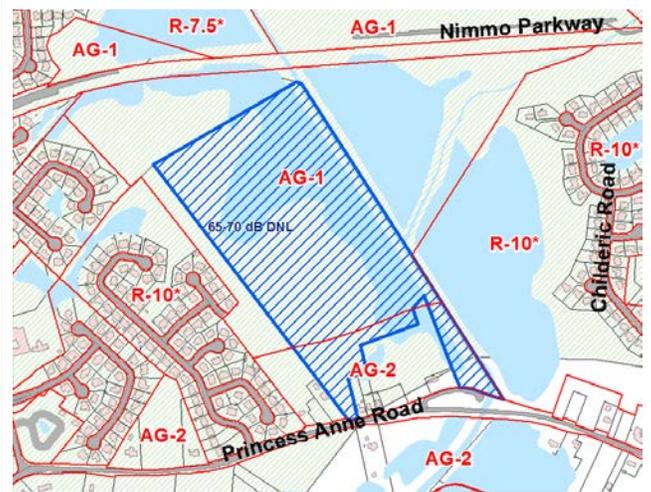
Argos Properties II, LLC [Applicant & Owner]

Conditional Change of Zoning (AG-1 & AG-2 Agriculture to P-1 Preservation & R-10 Residential)

North side of Princess Anne Road

(GPIN 2404245926)

COUNCIL DISTRICT – PRINCESS ANNE
Staff Planner – Carolyn A. K. Smith



PREVIOUSLY DEFERRED

D1. DENIAL (COUNCIL on March 20)

City of Virginia Beach – An Ordinance to Amend Sections 102, 111, 401, 501, 601, 901, 1110, 1125, 1521 and 2203 of the City Zoning Ordinance and Section 5.2 of the Oceanfront Resort District Form-Based Code and Add Sections 209.6 and 241.2 of the City Zoning Ordinance pertaining to Definition, Requirements and Use of Home Sharing and Short Term Rentals

D2. DENIAL (COUNCIL on March 20)

City of Virginia Beach – An Ordinance to Add Article 23, Consisting of Sections 2300 through 2303, (Short Term Rental Overlay District) to the City Zoning Ordinance Establishing Regulations and Requirements pertaining to Short Term Rentals

* Deferral
** Withdrawal

D3. DENIAL (COUNCIL on March 20)

City of Virginia Beach – An Ordinance to Amend the Official Zoning Map by the Designation and Incorporation of Property into Short Term Rental Overlay District

D4. DENIAL (COUNCIL on March 20)

City of Virginia Beach – An Ordinance to Amend Sections 111, 401, 501, 601, 901, 1110, 1125, 1521 and 2203 of the City Zoning Ordinance and Section 5.2 of the Oceanfront Resort District Form-Based Code and Add Sections 209.6 and 241.2 of the City Zoning Ordinance pertaining to Definition, Requirements and Use of Home Sharing and Short Term Rentals

D5. APPROVAL (COUNCIL on March 20)

City of Virginia Beach – An Ordinance to Amend Sections 111, 401, 501, 601, 901, 1110, 1125, 1521 and 2203 of the City Zoning Ordinance and Section 5.2 of the Oceanfront Resort District Form-Based Code and Add Section 209.6 of the City Zoning Ordinance pertaining to the Definition, Requirements and Use of Home Occupation-Short Term Rental

* Deferral
** Withdrawal