

Planning Commission Public Meeting Minutes December 8, 2021

David Weiner:

Welcome to the December 8, 2021, of the Planning Commission. My name is David Weiner. I act as the Chair. Before we get started, I've asked Mr. Coston to lead us in prayer and Mr. Horsley to lead us in the Pledge. Please rise.

John Coston:

Eternal God, our Father, we thank you for this day, God. We thank you for the many blessings that you have bestowed upon us. God, we even thank you for this rain, God, which we so badly need. Now, God, we ask that you use us today as your servants, that your people may be benefited, God, from the decisions made here today. God, we thank you for your love and your spirit of fellowship. We pray these blessings in your name. Amen.

Donald Horsley:

Please join me in the Pledge.

Donald Horsley:

I pledge allegiance to the flag of the United States of America. And to the Republic, for which it stands, one nation, under God, indivisible, with liberty and justice for all.

David Weiner:

Thank you. Next, I've been here for a while, and I've never had anybody introduce the members the way Mr. Redmond does. He does a great job at it.

Dave Redmond:

Is that a good thing?

David Weiner:

That's a good thing. That's a good thing. So we've asked Mr. Redmond to introduce the members.

Dave Redmond:

All right. Well thank you, Mr. Chairman. I'm going to start on that side of dias, with the lady wearing the mask over there, is Kay Wilson. She is a Deputy City Attorney. Part of her portfolio is the Planning and land use items, and so she's here with us every month and helps guide us. And does a fine job of that.

Dave Redmond:

Sitting next to her is Mr. John Coston. He is a retired fire captain, and he serves at large.

Dave Redmond:

Next to John is Robyn Klein. Robyn is a social worker. She represents the Centerville District, and she is a very important and valued member here.

Dave Redmond:

As well as Mr. George Alcaraz, who does all kinds of different things. George is a contractor. He's a business owner. He's an events promoter. He's a very creative fellow, obvious, and he represents the Beach District.

Dave Redmond:

Dee Oliver might be here a little bit later on. She had a prior engagement this morning. She's also a Swiss Army Knife, career-wise. She's in the funeral business. She's an author. She's a speaker. And unfortunately, this would be Dee's last meeting, I believe. So it's December. There are some members who are rotating off the committee here. And unfortunately, Dee is one of them. Because she, too, is not only a lovely lady, but very, very valued member here.

Dave Redmond:

Donald Horsley is a farmer. He serves at large. As you can tell by his tie, he is also a hokey, and he always rolls his eyes when I say he is typically one of the smartest guys in the room. But he is.

Dave Redmond:

David Weiner is our chairman. He is from the Kempsville District. It would be his last term, but by some shenanigans, he finagled an extension of one year. He has been our chairman for the last two years.

David Weiner:

One year.

Dave Redmond:

One year. Before that he was Vice Chairman. He's done a fine job of those things, too, and led us very well.

Dave Redmond:

Fortunately, though, his replacement is the fellow sitting to his left, who is Jack Wall. Jack is our current Vice Chairman. He represents the Rose Hall District, and he will be our chairman beginning in January of 2022, which we look forward to.

Dave Redmond:

I neglected a mention that George Alcaraz is going to be our Vice Chairman. So a very strong team leading the Commission into the new year.

Dave Redmond:

This gentleman to my right is Mike Inman. He serves at large. He is a real estate attorney, and a superb real estate attorney at that. He, too, is serving in his last meeting. And I almost want to cry about all that. I won't, I won't. I remember we went to an event an engineer had put on at one of these breweries in time, and I wasn't expecting to see anybody. I walked in, and there he was. I said, "Inman's here. All right." And so I hope we have some more of those things because I've enjoyed sitting next to you. And you, too, are one of the smartest guys in the room.

Dave Redmond:

I am not the smartest guy in the room. My name's Dave Redmond. I'm a commercial real estate broker. I represent the Bayside District.

Dave Redmond:

This is Whitney Graham. He represents the Lynnhaven District. He is a business owner and a real estate developer and a broker. Did I mention Lynnhaven District? Lynnhaven District.

Dave Redmond:

This gentleman at the far end is David Bradley. He is a retired Budget Director for the City of Virginia Beach. He lives in and represents the Princess Anne District.

Dave Redmond:

That guy in the man over there next to him is Bobby Tahan. He is the Planning Director. He has a number of very fine staff people, who Bobby is now going to introduce. Mr. Tahan.

Bobby Tahan:

Thank you, Mr. Redmond. Clerking today, we have Nicole Garrido and Pam Sandloop. As well, we have our Planning Administration staff that's here, Carolyn Smith, Hoa Dao, Marchelle Coleman, Michaela McKinney, and Elizabeth Nowak. Also with us, we have Antoinette Fowlkes, who's one of our development liaisons, Carrie Bookholt, our Development Services Center administrator, Brandon Hackney, one of our Planners in the Zoning division. And of course, we have Tori Rice with the City Attorney's office, who also gives us support as well.

Dave Redmond:

Thank you, Mr. Tahan. And thank you, Mr. Chairman.

David Weiner:

Thank you very much. Next we need, Madam Clerk, will you please explain the rules and go over what we need to do today?

Madam Clerk:

Thank you. Mr. Chair.

David Weiner:

She keeps us in line.

Madam Clerk:

The Virginia Beach Planning Commission takes pride in being fair and courteous to all parties in attendance. It is important that all involved understand how the Commission normally conducts its meetings. It is equally important that everyone treat each other, and the members of the Commission, with respect and civility. We request that if you have a cell phone to either silence it or turn it off. Following is an abbreviated explanation of the rules. The complete set of rules is located in the front of the Planning Commission agenda.

Madam Clerk:

The order of business for this public hearing, withdrawals and deferrals, the Chairman will ask if there are any requests to withdraw or defer an item on the agenda. Consideration of these requests will be made first. Consent agenda. The second order of business is consideration of the consent agenda, which are those items that the Planning Commission believe are unopposed, and which have favorable staff recommendation. Regular agenda. The Commission will then proceed with the remaining items on the agenda. When an agenda item has been called, we will recognize the applicant or their representative first. Following the applicant or their representative, registered speakers will be called next. Speakers in support or opposition of an agenda item will have three minutes to speak unless they are solely representing a large group, such as a civic league or homeowner's association, in which case they will have 10 minutes.

Madam Clerk:

Please note that the actions taken by the Commission today are in the form of a recommendation to the Virginia Beach City Council. The final decision to approve or disapprove an application will be made by the City Council. The Commission thanks you for your attendance. And we hope that your experience here today leaves you feeling that you have been heard and treated fairly. Thank you.

**Virginia Beach Planning Commission
December 8, 2021 Public Meeting**

**Motion to add Resolution to Schedule Monthly Meetings of the Planning Commission of
the City of Virginia Beach for January 2022 to December 2022 to the December 2021
Planning Commission Agenda**

APPROVED

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver	AYE			ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

**Virginia Beach Planning Commission
December 8, 2021 Public Meeting**

**Resolution to Schedule Monthly Meetings of the Planning Commission of the City of
Virginia Beach for January 2022 to December 2022**

APPROVED

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver	AYE			ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

**Virginia Beach Planning Commission
December 8, 2021 Public Meeting**

Motion to appoint Commissioner Jack Wall as Planning Commission Chairman and to appoint Commissioner George Alcaraz as Planning Commission Vice Chair of the Planning Commission, effective January 2022.

APPROVED

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver	AYE			ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

**Virginia Beach Planning Commission
December 8, 2021 Public Meeting
Agenda Items #1 & 2**

Virginia Beach Racquet Club North Associates, LP [Applicant & Property Owner]

Rezoning (R-20 Residential District to R-40 Residential District)
Subdivision Variance (Section 4.4(b) of the Subdivision Regulations)

1951 Thomas Bishop Lane

RECOMMENDED FOR APPROVAL – CONSENT

Jack Wall:

Okay. Thank you, Mr. Chairman. We have 26 items on the consent agenda today, on the regular consent agenda, including short term rentals. The first item is agenda items one and two. Virginia Beach Racquet Club North Associates, both applicant and property owner, for Rezoning from R20 to R40 and a Subdivision Variance at 1951 Thomas Bishop Lane in the Lynnhaven District. Is there a representative for this item.

Eddie Bourdon:

Thank you, Mr. Vice Chair, Mr. Chairman, members of the Commission. For the record, Eddie Bourdon, Virginia Beach Attorney representing the Racquet Club, Dr. Shifflett and his family, on these applications. Appreciate Marchelle's work on this application and being on the consent agenda. The two conditions recommended are acceptable.

Eddie Bourdon:

I did want to follow on some of Commissioner Wall's inquiries this morning in the informal. I apologize. I'll try to be brief. Thomas Bishop Lane, as it runs through this property, you can see that little dotted line that goes all the way up to the far end. That's a power easement that ran along the original Great Neck Road. Great Neck Road ran right through here, where Thomas Bishop Lane is now, way back in the day. I think it was actually, the new one, was dedicated, I believe, in the mid-60s. So the Shifflett's', knowing that they were going to move this bubble where the tennis courts are now, that was the indoor, over to a new one, about over 10 years ago, started planning for this property.

Eddie Bourdon:

Three lots were created on the Long Creek Canal with the Subdivision Variance and with Bay Board approval. And it was everybody's consensus at the time not to extend a road and put a cul-de-sac. Because it's more environmentally friendly to do some flag lots. Three flag lots were created. The first one has a house on it. The second one is shown there with the little box. The third one is where the box would've been. And then there was more land to the west and then all the way down. They planned on having five other lots that would've all been served by the same easement that already exists.

Eddie Bourdon:

Instead, we're just creating three. The third lot of the original three has been incorporated into the rest of the property. And that's that three plus acre piece that will remain as one piece. Two less slots than were originally anticipated. And the road note, there's no new improvements. What is there will continue to be the road under the existing easement that exists today. Sorry for the length, but I thought it would be helpful to everybody to understand.

Jack Wall:

Okay. Thank you.

Eddie Bourdon:

Thank you.

Jack Wall:

Yep. Is there any opposition for this item being placed on the consent agenda? Hearing none, the Planning Commission has asked Mr. Graham to read this into the record.

Whitney Graham:

Thank you, Mr. Wall. This application for Virginia Beach Racquet Club North Associates LP for the Rezoning of R20 Residential District to R40 Residential District, as well as a Subdivision Variance of the Subdivision Regulations. The property is located 1951 Thomas Bishop Lane. The subject lot is zoned R20 Residential and R40 Residential District and is currently developed with tennis courts and an asphalt parking lot, which has been owned by the Virginia Beach Racquet Club for decades.

Whitney Graham:

To remove the split zoning on the property, the applicant is requesting to rezone a portion of the property from R20 Residential District to R40 Residential District. This will create three lots, all of which are in excess of 40,000 square feet. The applicant has also received approval from the Chesapeake Bay Preservation Area Board to encroach into the RPA, and have limited impervious coverage of, approximately, a maximum of 30%. Staff, again, supports this project, and we recommend approval.

Jack Wall:

Is there any opposition for agenda items 18 through 27 being placed on the consent agenda? All right. Hearing none, Mr. Chairman I make a motion that we approve agenda items 1 and 2, 3, 4, 5, 7, 8, 9, 10, 11, 12 through 17, 18, and 19 through 27.

David Weiner:

All right. We have a motion for approval. Do we have a second?

Donald Horsley:

Second.

David Weiner:
A second.

David Weiner:
Okay. Now, disclosures. Yeah, I know. We're going there. We got the motion. We got the second. Now we have the disclosures. Okay, go. You start, Whitney.

Whitney Graham:
Thank you, Mr. Chairman. Pursuant to the Conflicts of Interest Act, Virginia Code Section 2.2-3115F, I have a letter on file to this as well. I make the following declarations, the following agenda items on today's agenda have some financing by Towne Bank, which I serve on one of the Boards at Towne Bank, but I don't make any decisions for loans or anything like that.

Whitney Graham:
So anyway, these are items one and two Virginia Beach Racquet Club North Associates LP, 1951 Thomas Bishop Lane, number 10, Jody Calcagno, 4752 Euclid Road, agenda items 12 through 17, 2508 Pacific Avenue LLC for 2510, 2514, 2518, 2522, 2526, 2530 Pacific Avenue, agenda item number 18, ORF Ventures LLC, 603 20th Street, agenda items 19 through 27 ORF Ventures LLC, 410 19th Street units 101, 102, 103, 201, 202. And this is at 412 19th Street units 101, 102, 201 and 202. Sorry about the length of that. Thank you.

David Weiner:
All right. Next, Mr. Redmond.

Dave Redmond:
Yeah, I'm not going to do any of that. I will say that I have a letter, myself, on file with the City Attorney's Office, which prevents me from voting on all the short-term rentals. I have a client in the travel industry, and I therefore do not vote on any of the individual short term rental applications, nor on any of the ordinances that govern short term rentals. So while I will be voting in favor of the consent agenda, I'm specifically abstaining from those items, which I have down as number 12 to 27 on short term rentals. Thank you, Kay. And thank you, Mr. Chairman.

David Weiner:
Mr. Inman.

Mike Inman:
Yes, I have to make a disclosure regarding items financing by Towne Bank. I serve on Advisory Board, as does Mr. Graham, that does not make any loan decisions, but disposing with regard to agenda items one and 2, 10, 18, and 19 through 27, without going into the same detail that Mr. Graham did. I believe I can participate in these decisions fairly and objectively, and I will participate in voting on those items.

Mike Inman:

Next, I'm making a disclosure with regard to item number three, Samet Properties. One of my partners represents the applicant Taylor Farms Land Company. And I'm not involved in that representation, nor do I represent the owner. And I have no financial interest on. Having made this disclosure, I believe I can participate in this vote objectively, fairly, and in the public interest.

Mike Inman:

Last but not least, with regard to item seven Hunt Club Condominium, I represent that applicant otherwise, not here today, obviously Mr. Bourdon did, and I will therefore abstain from item number seven.

David Weiner:

Okay. Mr. Graham, do you want to add something?

Whitney Graham:

Yes, sir, Mr. Chairman. I apologize. In my disclosure, I want to add that I do plan to participate in today's vote, and that I feel that I can do so fairly and objectively in the public's interest. Thank you.

David Weiner:

Anyone else? Okay. We have a motion for approval by Mr. Wall, a second by Mr. Horsley.

Madam Clerk:

Okay. Vote is open. By recorded vote of 10 in favor, zero against, agenda items one and 2, 3, 4, 5, 8, 9, 10, and 11 have been recommended for approval by consent. Agenda item number seven, by recorded vote of nine in favor, zero against with one abstention, has been recommended for approval by consent. And agenda items 12 through 17, 18, 19 through 27 through recorded vote of nine in favor, zero against with one abstention, have been recommended for approval by consent.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
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Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

CONDITIONS:

1. The applicant/owner shall submit a subdivision plat to the City of Virginia Beach, subject to the review and approval of the Department of Planning & Community Development prior to recordation, which shall be in substantial conformance to the submitted exhibit entitled "REZONING EXHIBIT FOR VIRGINIA BEACH RACQUET CLUB NORTH ASSOCIATES, THOMAS BISHOP LANE, VIRGINIA BEACH, VA," prepared by Timmons Group, dated September 30, 2021, a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning & Community Development.
2. When the property is developed, the residential dwellings constructed shall vary in size and design and shall be of high quality materials and architectural features that are compatible with the surrounding development, as determined by the Planning Director.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.

The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

**Virginia Beach Planning Commission
December 8, 2021 Public Meeting
Agenda Item #3**

**Samet Properties, LLC [Applicant]
Taylor Farms Land Company, LLC [Property Owner]**

Conditional Rezoning (AG-1 & AG-2 Agricultural Districts to Conditional I-1 Light Industrial District)

2097 Harpers Road

RECOMMENDED FOR APPROVAL – CONSENT

Jack Wall:

Okay, thank you. The next item on the agenda is agenda item number three, Samet Properties LLC is the applicant. And Taylor Farms Land Company LLC is the property owner. It's a Conditional Rezoning AG1 and AG2 to I1 Light Industrial at 2097 Harpers Road, in the Beach District. Is there a representative to speak on this item?

Eddie Bourdon:

Again, thank you, Commissioner Wall, Chairman, members of the Commission, Eddie Bourdon, Virginia Beach attorney representing Samet Properties. Pretty simple application. Appreciate being on the consent agenda and appreciate staff's help and Marchelle's help on the application. Thank you.

Jack Wall:

Thanks. Okay, thank you. Is there any opposition to this being placed on the consent agenda? Hearing none, the Planning Commission's asked Mr. Alcaraz to read this into the record.

George Alcaraz:

Thank you. Again, it is a simple application, but I'll just be real short with the details. Conditional Rezoning from AG1 to AG2, Agriculture District to Conditional I1 Light Industrial. Staff is recommending approval. Location is 2097 Harpers Road. On September 7th, 2021, Conditional Rezoning for AG1 to AG2 Agricultural Districts. An I1 Light Industrial District to Conditional I1 Light Industrial District. Excuse me. As well as a Conditional Use Permit for Bulk Storage was granted by City Council to construct a 221,000 square foot distribution center and associated parking.

George Alcaraz:

With that application, the applicant proposed two stormwater management facilities in underground storage below the proposed parking lot to address the stormwater quality and quality control for the site. The applicant is now seeking to increase the stormwater management facilities for the site by an additional 10 acres to install additional storage in the above ground pod. To accomplish this, the applicant is requesting to rezone an additional 10

acres north of the approved site from AG1 to AG2 to Conditional I1 to accommodate for the additional aboveground storage for this site.

George Alcaraz:

The Planning Commission is recommending this item for consent agenda for approval.

Jack Wall:

Is there any opposition for agenda items 18 through 27 being placed on the consent agenda? All right. Hearing none, Mr. Chairman I make a motion that we approve agenda items 1 and 2, 3, 4, 5, 7, 8, 9, 10, 11, 12 through 17, 18, and 19 through 27.

David Weiner:

All right. We have a motion for approval. Do we have a second?

Donald Horsley:

Second.

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A second.

David Weiner:

Okay. Now, disclosures. Yeah, I know. We're going there. We got the motion. We got the second. Now we have the disclosures. Okay, go. You start, Whitney.

Whitney Graham:

Thank you, Mr. Chairman. Pursuant to the Conflicts of Interest Act, Virginia Code Section 2.2-3115F, I have a letter on file to this as well. I make the following declarations, the following agenda items on today's agenda have some financing by Towne Bank, which I serve on one of the Boards at Towne Bank, but I don't make any decisions for loans or anything like that.

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Dave Redmond:

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the travel industry, and I therefore do not vote on any of the individual short term rental applications, nor on any of the ordinances that govern short term rentals. So while I will be voting in favor of the consent agenda, I'm specifically abstaining from those items, which I have down as number 12 to 27 on short term rentals. Thank you, Kay. And thank you, Mr. Chairman.

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Whitney Graham:
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David Weiner:
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Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

PROFFERS:

The following are proffers submitted by the applicant as part of a Conditional Zoning Agreement (CZA). The applicant, consistent with Section 107(h) of the City Zoning Ordinance, has voluntarily submitted these proffers in an attempt to “offset identified problems to the extent that the proposed rezoning is acceptable,” (§107(h)(1)). Should this application be approved, the proffers will be recorded at the Circuit Court and serve as conditions restricting the use of the property as proposed with this change of zoning.

Proffer 1:

When the property is developed, it must be assembled with and incorporated by subdivision into one (1) parcel with that adjoining property containing approximately 67.15 acres which is subject to those Proffered Covenants, Restrictions and Conditions recorded in the above referenced Office of the Clerk as Instrument Number 202103073597.

Proffer 2:

When the Property is developed, it shall be improved with a stormwater retention pond and related infrastructure for the capture, retention and discharge of stormwater associated with the development of the balance of assembled parcel substantially as depicted with the exhibit entitled “PROJECT DOOR BMP EXPANSION AREA”, dated September 29, 2021, prepared by Kimley-Horn and Associates which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development (hereinafter “BMP Expansion Plan”).

Proffer 3:

When the Property is developed, the party of the first part, Grantor, shall dedicate additional necessary right of way, if any, to facilitate those right of way improvements to Harpers Road substantially in accordance with the exhibit entitled, “PROJECT DOOR HARPERS ROAD IMPROVEMENTS EXHIBIT” dated July 20, 2021 and prepared by Kimley-Horn and Associates

which have been exhibited to the Virginia Beach City Council and area on file with the Virginia Beach Department of Planning and Community Development (hereinafter the “Right of Way Improvements”).

Proffer 4:

Further conditions may be required by the Grantee during detailed Site Plan review and administration of applicable City Codes by all cognizant City agencies and departments to meet all applicable City Code requirements.

Staff Comments: Staff has reviewed the Proffers listed above and finds them acceptable. The City Attorney’s Office has reviewed the agreement and found it to be legally sufficient and in acceptable legal form.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.

The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

**Virginia Beach Planning Commission
December 8, 2021 Public Meeting
Agenda Item #4**

Monet Freeman [Applicant]
Shoppes I, LLC [Property Owner]

Conditional Use Permit (Tattoo Parlor)

4380 Holland Plaza Shopping Center

RECOMMENDED FOR APPROVAL – CONSENT

Jack Wall:

Okay, thank you. The next item on the consent agenda is agenda item number four, Monet Freeman as the applicant. Shoppes One LLC as the property owner. It's for a Conditional Use Permit for a Tattoo Parlor at 4380 Holland Plaza Shopping Center in the Rose Hall District. Is there a representative to speak on this item?

Madam Clerk:

Mr. Wall, Monet Freeman is virtual. She's WebEx. So, Ms. Freeman, if you would wait two to three seconds, we're going to unmute your mic. Please state your name, and then state whether or not you agree with conditions of your application. You're on the consent agenda.

Monet Freeman:

Monet Freeman here. And yes, I do agree.

Jack Wall:

Is there any opposition for this item to be placed on the consent agenda? Hearing none, the Planning Commission has asked Ms. Klein to read this into the record.

Robyn Klein:

The applicant is requesting a Conditional Use Permit for a Tattoo Parlor, specifically for the application of permanent makeup, known as microblading. The operation will occur within a 472 square foot unit in the Holland Plaza Shopping Center. The property is zoned B2, Community Business. Staff recommends approval of this application, and it is placed on the consent agenda.

Jack Wall:

Is there any opposition for agenda items 18 through 27 being placed on the consent agenda? All right. Hearing none, Mr. Chairman I make a motion that we approve agenda items 1 and 2, 3, 4, 5, 7, 8, 9, 10, 11, 12 through 17, 18, and 19 through 27.

David Weiner:

All right. We have a motion for approval. Do we have a second?

Donald Horsley:
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David Weiner:
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David Weiner:
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Whitney Graham:
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David Weiner:
All right. Next, Mr. Redmond.

Dave Redmond:
Yeah, I'm not going to do any of that. I will say that I have a letter, myself, on file with the City Attorney's Office, which prevents me from voting on all the short-term rentals. I have a client in the travel industry, and I therefore do not vote on any of the individual short term rental applications, nor on any of the ordinances that govern short term rentals. So while I will be voting in favor of the consent agenda, I'm specifically abstaining from those items, which I have down as number 12 to 27 on short term rentals. Thank you, Kay. And thank you, Mr. Chairman.

David Weiner:
Mr. Inman.

Mike Inman:
Yes, I have to make a disclosure regarding items financing by Towne Bank. I serve on Advisory Board, as does Mr. Graham, that does not make any loan decisions, but disposing with regard to agenda items one and 2, 10, 18, and 19 through 27, without going into the same detail that Mr. Graham did. I believe I can participate in these decisions fairly and objectively, and I will participate in voting on those items.

Mike Inman:

Next, I'm making a disclosure with regard to item number three, Samet Properties. One of my partners represents the applicant Taylor Farms Land Company. And I'm not involved in that representation, nor do I represent the owner. And I have no financial interest on. Having made this disclosure, I believe I can participate in this vote objectively, fairly, and in the public interest.

Mike Inman:

Last but not least, with regard to item seven Hunt Club Condominium, I represent that applicant otherwise, not here today, obviously Mr. Bourdon did, and I will therefore abstain from item number seven.

David Weiner:

Okay. Mr. Graham, do you want to add something?

Whitney Graham:

Yes, sir, Mr. Chairman. I apologize. In my disclosure, I want to add that I do plan to participate in today's vote, and that I feel that I can do so fairly and objectively in the public's interest. Thank you.

David Weiner:

Anyone else? Okay. We have a motion for approval by Mr. Wall, a second by Mr. Horsley.

Madam Clerk:

Okay. Vote is open. By recorded vote of 10 in favor, zero against, agenda items one and 2, 3, 4, 5, 8, 9, 10, and 11 have been recommended for approval by consent. Agenda item number seven, by recorded vote of nine in favor, zero against with one abstention, has been recommended for approval by consent. And agenda items 12 through 17, 18, 19 through 27 through recorded vote of nine in favor, zero against with one abstention, have been recommended for approval by consent.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

CONDITIONS:

1. A business license for the Tattoo Parlor shall not be issued to the applicant without the approval of the Health Department to ensure consistency with the provisions of Chapter 23 of the City Code.
2. This Conditional Use Permit for a Tattoo Parlor shall be limited to only microblading, a tattooing technique used in the application of permanent make-up. No other form of tattooing shall be permitted.
3. The actual application of tattoos shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
4. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar sign installed on the exterior of the building or in any window, or on the doors. Building signage designed to be a "box sign" and signage for windows shall not be permitted. A separate sign permit shall be obtained from the Planning Department for installation of any new signs.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.

The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

**Virginia Beach Planning Commission
December 8, 2021 Public Meeting
Agenda Item # 5**

**Platinum Management, LLC [Applicant]
5429 Greenwich Road, VA, LLC [Property Owner]**

Conditional Rezoning (I-1 Light Industrial to Conditional A-36 Apartment for construction of 315 dwelling units at a density of approximately 29.41 units per acre)

5429 Greenwich Road

RECOMMENDED FOR APPROVAL – CONSENT

Jack Wall:

Okay, thank you. The next item on the consent agenda is agenda item number five, Platinum Management LLC is the applicant and 5429 Greenwich Road. Virginia LLC is the property owner. Conditional Rezoning from I1 Light Industrial to Conditional A36 Apartments for construction of 315 dwelling units at a density of approximately 29.41 units per acre at 5429 Greenwich Road in the Kempsville District. Is there a representative to speak on this item?

Lisa Murphy:

Good afternoon, Chairman, Vice Chairman, members of the Planning Commission. For the record, my name is Lisa Murphy, local zoning attorney. And I'm here on behalf of Platinum Management LLC. We appreciate all of Marchelle Coleman's work on this project and being placed on the consent agenda. And I thank you for your time.

Jack Wall:

Thank you. Thank you. Is there any opposition for this item being placed on the consent agenda? Hearing none, the Commission has asked Mr. Redmond to read this into the record.

Dave Redmond:

Thank you, Mr. Wall. This is an application by Platinum Management LLC at 5429 Greenwich Road for a Conditionally Rezoning from I1 Light Industrial, Conditional A36 Apartment. The applicant is requesting to rezone a 10.73 acre parcel from I1 Light Industrial District to Conditional A36 Apartment District to redevelop the property with a 315-unit multifamily residential community. The property is located within the Newtown Strategic Growth Area, and is currently developed with the Virginia Pilot Newspaper Production and Distribution Facility.

Dave Redmond:

The two existing buildings on the property will be removed in conjunction with the proposed redevelopment of the site. The submitted conceptual site plan depicts three multifamily buildings, four stories in height, with a clubhouse. The proposed apartments will have an extensive amenity package consisting of courtyard with fire pits, exterior fireplaces, and exclusive seating at a resort style pool, grilling stations, and fitness facilities within the clubhouse.

Dave Redmond:

If you are familiar with this property, and I don't know how you could not be familiar with this property, it is quite iconic. It is in close proximity to the Top Golf Entertainment Facility, as well as another apartment building in very close proximity of the same height and similar density. This is a redeveloping corridor. There's obviously a gigantic transportation project that surrounds it. The staff has laid out a number of conditions that adequately serve the public interest.

Dave Redmond:

The Planning Commission agrees not just with their judgements, recognizes that there is no public opposition, and also believes that this is a very appropriate re-development project and moves the city and its people forward. And therefore, we concur with the staff's recommendation and place it on consent. Mr. Wall.

Jack Wall:

Is there any opposition for agenda items 18 through 27 being placed on the consent agenda? All right. Hearing none, Mr. Chairman I make a motion that we approve agenda items 1 and 2, 3, 4, 5, 7, 8, 9, 10, 11, 12 through 17, 18, and 19 through 27.

David Weiner:

All right. We have a motion for approval. Do we have a second?

Donald Horsley:

Second.

David Weiner:

A second.

David Weiner:

Okay. Now, disclosures. Yeah, I know. We're going there. We got the motion. We got the second. Now we have the disclosures. Okay, go. You start, Whitney.

Whitney Graham:

Thank you, Mr. Chairman. Pursuant to the Conflicts of Interest Act, Virginia Code Section 2.2-3115F, I have a letter on file to this as well. I make the following declarations, the following agenda items on today's agenda have some financing by Towne Bank, which I serve on one of the Boards at Towne Bank, but I don't make any decisions for loans or anything like that.

Whitney Graham:

So anyway, these are items one and two Virginia Beach Raquet Club North Associates LP, 1951 Thomas Bishop Lane, number 10, Jody Calcagno, 4752 Euclid Road, agenda items 12 through 17, 2508 Pacific Avenue LLC for 2510, 2514, 2518, 2522, 2526, 2530 Pacific Avenue, agenda item number 18, ORF Ventures LLC, 603 20th Street, agenda items 19 through 27 ORF

Ventures LLC, 410 19th Street units 101, 102, 103, 201, 202. And this is at 412 19th Street units 101, 102, 201 and 202. Sorry about the length of that. Thank you.

David Weiner:

All right. Next, Mr. Redmond.

Dave Redmond:

Yeah, I'm not going to do any of that. I will say that I have a letter, myself, on file with the City Attorney's Office, which prevents me from voting on all the short-term rentals. I have a client in the travel industry, and I therefore do not vote on any of the individual short term rental applications, nor on any of the ordinances that govern short term rentals. So while I will be voting in favor of the consent agenda, I'm specifically abstaining from those items, which I have down as number 12 to 27 on short term rentals. Thank you, Kay. And thank you, Mr. Chairman.

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Mr. Inman.

Mike Inman:

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Whitney Graham:

Yes, sir, Mr. Chairman. I apologize. In my disclosure, I want to add that I do plan to participate in today's vote, and that I feel that I can do so fairly and objectively in the public's interest. Thank you.

David Weiner:

Anyone else? Okay. We have a motion for approval by Mr. Wall, a second by Mr. Horsley.

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	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

PROFFERS:

The following are proffers submitted by the applicant as part of a Conditional Zoning Agreement (CZA). The applicant, consistent with Section 107(h) of the City Zoning Ordinance, has voluntarily submitted these proffers in an attempt to “offset identified problems to the extent that the proposed rezoning is acceptable,” (§107(h)(1)). Should this application be approved, the proffers will be recorded at the Circuit Court and serve as conditions restricting the use of the property as proposed with this change of zoning.

Proffer 1:

The Property shall be developed in substantial conformity with the conceptual site plan entitled "5429 Greenwich Road, Virginia Beach, VA – Conceptual Layout", prepared by Timmons Group dated September 7, 2021 ("Conceptual Site Plan"), which has been exhibited to the Virginia Beach City Council ("City Council") and is on file with the Virginia Beach Department of Planning ("Planning Department").

Proffer 2:

The architectural design and building materials of the multi-family dwelling units built on the Property shall be substantially compatible with the architectural style and materials depicted on the building elevation plans entitled "Society at Gateway", dated July 20, 2021 and September 7, 2021, prepared by Poole and Poole Architecture, LLC, which have been exhibited to City Council and are on file with the Planning Department.

Proffer 3:

There shall be no more than three hundred fifteen (315) multi-family dwelling units on the Property.

Proffer 4:

Parking will be provided in the approximate locations depicted on the Conceptual Site Plan; however, the total number of spaces provided will be the number required pursuant to Section 203 of the Zoning Ordinance, based on the final number of multi-family dwelling units constructed on the Property.

Proffer 5:

Open space shall be provided in the approximate locations depicted on the Conceptual Site Plan.

Proffer 6:

All lighting on the Property shall be limited to that necessary for security purposes and to comply with applicable laws and shall be shielded to prevent glare and spillover onto adjacent properties.

Proffer 7:

An HVAC unit for each dwelling unit will be located on the roof of the applicable building in which such dwelling unit is located and will be concealed in wells or behind walls.

Proffer 8:

Further conditions lawfully imposed by development ordinances may be required by the GRANTEE during detailed site plan review and administration of applicable City Codes by City agencies and departments to meet all applicable City Code requirements.

Proffer 9:

The freestanding community identification sign shall be located substantially in the location identified on the Conceptual Site Plan.

Proffer 10:

All onsite signage shall meet the requirements of the City Zoning Ordinance, unless otherwise approved by the Board of Zoning Appeals. The proposed sign package will be submitted to the Zoning Administrator for review and approval prior to the issuance of a sign permit.

Proffer 11:

Dumpsters shall be located substantially in the locations identified on the Conceptual Site Plan and shall be enclosed with a solid wall on three (3) sides comprised of materials and colors that match the buildings.

Proffer 12:

The Effective Date of this Agreement shall be the date this Agreement is approved by City Council.

Staff Comments: Staff has reviewed the Proffers listed above and finds them acceptable. The City Attorney's Office has reviewed the agreement and found it to be legally sufficient and in acceptable legal form.

**Virginia Beach Planning Commission
December 8, 2021 Public Meeting
Agenda Item # 6**

**Princess Anne Village, LLC [Applicant]
Susan Kellam, David E. Kellam Revocable Trust, Kellam & Eaton, Inc. Sister II, LLC,
Charles F. Burroughs, III, City of Virginia Beach [Property Owner]**

**Conditional Rezoning (B-2 Community Business, AG-1 & Ag-2 Agricultural Districts to
Conditional PD-H2 Planned Unit Development (R-10 Residential District) & Conditional B-2
Community Business Districts)**

**2369, 2373, 2375, 2381, 2385 Princess Anne Road & 2393, 2401, 2413 North Landing
Road, Parcel between 2393 North Landing Road and 2385 Princess Anne Road**

RECOMMENDED FOR APPROVAL – HEARD

David Weiner:

Okay, next we are going to item number six. And before we do that, I need to read something. Let's see, pursuant to the state and local government Conflict of Interest Act, I make the following declaration. I'm executing this written disclosure regarding the Planning Commission's discussion on vote number six, Princess Anne Village at 2385 Princess Anne Road, parcels 2398 North Landing Road and 2385 Princess Anne Road. The applicant is a client of mine, and as an employee of Batchelder & Collins, 2305 Granby Street, I have financial personal interest in this transaction. Therefore, I abstain from discussion in this matter in December 8th, 2021 Planning Commission hearing. I am going to step out, and Mr. Wall will take over.

Jack Wall:

Okay. Thank you. The one and only item to be heard today is agenda item number six, Princess Anne Village LLC as the applicant and Susan Kellam, David Kellam, Rockwell Trust Kellam and Eaton Incorporated, Sisters Two LLC, and Charles E Burrows III, and City of Virginia Beach as the property owners for Conditional Rezoning for B2 Community Business AG1, AG2 to PDH2 Planned Unit Development in the R10 Residential District and Conditional B2 Community Business Districts at 2369, 2373, 2375, 2381, 2385 Princess Anne Road and 2393, 2401, 2413 North Landing Road. Parcel between 2393 North Landing Road and 2385 Princess Anne Road in the Princess Anne District. Is there a representative for this application?

RJ Nutter:

Yes, sir. Thank you, Mr. Wall. Thank you, Mr. Acting Chairman, soon-to-be Chairman. Thank you very much, members of the Commission. My name's RJ Nutter. I'm an attorney. I represent the applicant. I'm pleased to be here today. I want to thank Bobby and his staff, Carolyn for moving this application forward. It's been with the city for some time working through the issues, and we're happy to be here today. We appreciate their indulgence.

RJ Nutter:

I'd also like to tell you that the families involved in this case have owned this property for generations. They have literally watched the courthouse grow. They have watched all the neighborhoods around the courthouse grow, be rezoned and developed, and they have been some of the stalwarts of this community since its formation, as you know, with the Kellam family.

RJ Nutter:

So when it was time to start developing or looking for their next generation of what's going to happen with the properties, they really wanted to work with some people who were going to make a difference and not just propose another development that would be just more in the line of development around the courthouse. Instead, they wanted to be an anchor to the Municipal Center. And so for that, they hired some of the top planning firms in the country. And after working with those firms, they then selected, I should say, a consultant, Frye Properties, who is consultant in this case, but has designed the properties, designed the homes, and will be overseeing the construction of these homes to make sure they qualify up to the standards of Mr. Frye and his company. You may know that Mr. Frye and his companies have been recognized around the country as some of the best new traditional neighborhoods in Virginia and is often cited for how to develop property in and around areas where you have a lot of trees and want to save those trees. And areas where you want to have really something special.

RJ Nutter:

His properties of East Beach in Norfolk and the Cavalier in Virginia Beach. This will only be his second Virginia Beach entree. And it'll be of the same quality levels that you see in both of those developments. But anyway, a little bit about the parties and why this is important. But that'll frame it for you because, as you can see, and I want some people to understand this, because there was some chatter on Nextdoor Neighbor the other day about this. I want to let you know that for those of you watching or listening, that this is one of the lowest density projects in and around the entire area. That most of the other areas around and neighborhoods around this have a much higher density. Those include Courthouse Greens, the Enclave, Courthouse North, Courthouse Forest, High Court and Holland Crossing, all of which have higher densities than this project.

RJ Nutter:

None of those properties involved open space like this has. None of them involved conservation areas like this project has. And none of them involved the, while several high quality and nice neighborhoods, none of them are the neo-traditional development that we see bring brought forward here. What's so special about neo-traditional? Number one, it has a much higher degree of preservation of the land. It has less land utilization for roads. It has less land utilization for parking. It provides that the homes in this case will all front on a park-like setting. Every single home in this development will front on a park-like setting. The access to those homes, where the cars will be parked, is in the rear. You will not see them. And this allows for, again, greater urbanization between people. They get to walk around. This is a very walkable neighborhood. You're not going to see people trying to get to their homes by stepping over somebody's car in the parking lot and so forth. You will walk up to their front porch just like you

do years and years ago in New England neighborhoods where this was first brought to the forefront.

RJ Nutter:

In terms of density. Again, as I told you, we're about the lowest. One thing, if I could, I did want to show about the density. Well, the number is 89 in terms of actual units, or in terms of the Zoning Ordinance. They're really 73 single-family development homes. 73. The reason it's 89 is because, and this would be important, Robyn, for your perspective, there are up to 16 available apartments here, garage apartments. They cannot exceed 800 square feet. They cannot have their own utility service. They have to be connected through the home. Has to be contained fully within the home. This was the same product we introduced at the Cavalier and at East Beach.

RJ Nutter:

The benefit of this is it allows people in different demographic areas, and with different socioeconomic backgrounds, to live in a nice neighborhood without buying an expensive home. It was very important for people who live that close to the Courthouse to be able to have those type of units so they can live and walk to the courthouse. It's important for people who buy of these homes to have members of their family who are getting older who want to live independently, but want to live somewhere close to their families. This was intentionally put into this ordinance in this case. In other cases, doesn't even have to count toward density, but we said, "All right. We'll be happy to count toward density since, even with those you units, we're still under the densities of those around us." So I wanted you to know about that.

RJ Nutter:

In terms of the Comp Plan. As you know, the neighborhood has been involved here, all the neighborhoods here have been involved, in the direction of many Comp Plans. This Comp Plan involves actually four different Planning Districts. It involves the Transition Zone, the Inter-Facility zone, the Municipal Center District, and the Courthouse, Historic, and Cultural Districts. All of those overlay a portion of this property. So when we were looking at how to develop this property, we had to comply with all four of those criteria. And I'm happy to tell you, staff points out, we've done that. All four and a Comp Plan, therefore, recommends approval.

RJ Nutter:

So also, I want to point out that we've been to the Historical Review Board twice. First, some of the homes were in bad shape, had to be demolished. And that had to be approved. In other cases, they approved the architecture of the homes. And we submitted three different types. We decided to withdraw the Victorian. I apologize. Couldn't confirm this while I told this morning. So we're not putting Victorian style homes in here. We're putting the other three that have been approved by the board.

RJ Nutter:

So in addition to that, I want you to know we did an elaborate stormwater study here. That process took close to two years, over \$250,000 in modeling fees with Kimley-Horn and Mr. Kellam's firm. And I'm happy to tell you that we're not only taking care of the water from this and

on this property, we're picking up water off the adjacent roadways. And we're also permitting the city to pass water through here that covers about 160 acres of property on the other side of Princess Anne Road, all flow through a ditch system that'll come into this property.

RJ Nutter:

So that's very important, as you can imagine. So we're not only handling our water, we're handling public water off the street. And we're permitting the city's water to run through this property, again, about 160 acres. So when we were doing the modeling, all of that water had to be included, even though it's not our water. It's still water. So we had to make sure the models tested for that. And as staff points out, they're happy that we've been able to accomplish that task.

RJ Nutter:

One other question, Ms. Klein, you asked about floodplain and flood areas. The city does the maps you saw based on, largely, aerial photos. An applicant is able to approach the agencies and submit studies where the exact soils are on their property and so forth and determine what's in the floodplain study. They did that in this case. And I'm happy to tell you, based on that study, which was approved by the state, all of the homes and properties are really outside of those areas now. So I wanted you to know that the case. Because in addition to the larger conservation areas we're dedicating here, we stayed out of those areas. We tried our best to stay out of those areas, as you might imagine. We don't want to be there anymore than you want us to be there.

RJ Nutter:

So with that, I'll try to answer any questions with you. I would tell you that we've tried to address every question that the staff's come up with. We're pleased the storm waters come out the way it has. And we're anxious to get going with this project, I might tell you. So happy to answer any questions you might have, Mr. Horsley, Mr. Bradley.

Jack Wall:

Okay. Well thank you, Mr. Nutter. Are there any questions?

Robyn Klein:

I do have one question.

RJ Nutter:

Yes. Certainly.

Robyn Klein:

If I understand you correctly about the garage apartment.

RJ Nutter:

Yes.

Robyn Klein:

If I purchase a home in this neighborhood, I can then rent out the garage apartment.

RJ Nutter:

Correct.

Robyn Klein:

... to someone in the community.

RJ Nutter:

Correct.

Robyn Klein:

Thank you.

RJ Nutter:

And in fact, they found that not only helped in different socioeconomic situation in the neighborhood, it made it more lively. Quite frankly, they found different people, different backgrounds were part of that neighborhood, not just people who could afford a particular home.

Robyn Klein:

Thank you.

Donald Horsley:

Along that same line, but that's only on those, what was it, 13 homes?

RJ Nutter:

Sixteen homes.

Donald Horsley:

Sixteen homes.

RJ Nutter:

And they have to be the largest lots.

Donald Horsley:

Just on those? So the other homes can't add these type things to them?

RJ Nutter:

That's correct.

Jack Wall:

Anyway else? I got a question.

RJ Nutter:
Oh, Mr. Wall. Absolutely.

Jack Wall:
It looks like you're preserving existing mature landscaping. Can you-

RJ Nutter:
Sure. I'm happy to. First of all, I didn't point this out as much as I should have, but in addition to the conservation areas, the area you see that's outlined with the streets there, comprises about 21.496 acres. Within that acreage, we have about 6.27 acres of open space. And it was done intentionally, not only for the park perception, but also we wanted to preserve as many trees on the site as we could. And in fact, we did some tree surveys. We found, actually, some trees that really make some sense in trying to save. And it's one thing you know about Mr. Frye's developments is they go around trees. They try not to disrupt.

RJ Nutter:
If you've been driving around Cavalier, for instance, you'll see that the trees are given the right of way, almost, over the right of ways. That's one of his styles of his development. But there's tree preservation going on in those areas. There will be some tree loss, I can't mislead you, because it's a heavily wooded site. But on the other hand, we're preserving far more areas, almost three to one areas, what we're disturbing in this. Because we have about 70 acres of conservation area. Of the 21 acres, we have 6.27 inside of that, that are preserved as well.

Jack Wall:
Okay. Also the buffer on Princess Anne Road. It looks like you're preserving some of the material landscaping plus, like a setback from-

RJ Nutter:
It really is. I'm glad you pointed out because one of the things, it was in the design process, which was exhaustive, because it kept getting better. And that was one of the things we added just from the last year, was this elongated feature that's about 50 foot wide, runs the entire length of it. And we did it because we didn't want people's lot lines, or excuse me, we didn't want there to be any development along in that area. We want those homes to face out onto that feature. And when you're driving in Princess Anne Road, we wanted to see just the front of the houses behind those trees and behind that green space area.

RJ Nutter:
And if you notice the other important features, the only entrance of the property is right by the Courthouse, Princess Anne Road. And if you look, when you come in there, you're going to see a park there. You're going to see a park. So you won't see the houses until they're almost way down here at the end. It's really by design. It was intended to be, when you come into this, you're going to see is really cool green area with houses back in the sides. So all that was by design.

RJ Nutter:

And we appreciate, also, the Planning Department and not just Public Works as well, and Public Utilities. Because when you do something different, you got to run into a lot of rules that are based upon things that we used to do 30, 40 years ago. So there's no surprise there some variances involved in this to make it work. But because we made it work at East Beach and Cavalier, we know it can work here as well.

RJ Nutter:

Yes sir. And if I could, I'd like to also thank Mr. Inman, and I'm sorry Dee's not here, for your service, along with everyone else, just like Eddie said. They will be sorely missed. It'd be nice to see you without having to worry about me running into gym asking about something about on Planning Commission agenda. But at the same time, I really appreciate all the service you've done, Mike. I'm sorry Dee's not here to personally thank her as well.

Mike Inman:

Thank you.

RJ Nutter:

And, David, congratulations. You must have done another year or so. That's good news. But anyway, I'm sorry. Any other questions?

Jack Wall:

Anybody else?

John Coston:

I've got one quick question. We discussed the addition, the driving space for the emergency apparatus. Can you point those out for me?

RJ Nutter:

Yeah, I didn't do that. Thank you very much. One of the things we did early on in this process was to meet with the Fire Department because whenever you have alleyways and smaller streets and things of that nature, you got to make sure emergency vehicles can access the property. I hope this works. Is this the one? Let's see. I'll try this one.

RJ Nutter:

This one? Oh, it's on? Okay. Oh yes. Good point. It's on. Okay. Here we go. In addition to what we did, we designed these roads, so they obviously could accommodate emergency vehicles. But of course, Fire Department said, "We need more than just that access way." So along these portions here, let me show you, here and here and here and here. In addition to these alleyways, they have subterranean features built in so that the trucks, fire trucks can maneuver and stay there. They'll look green, but between the area, the alleyways and those walkways, it's going to be those subterranean features. The fire trucks be able to maneuver in there.

RJ Nutter:

We've used this at multiple locations. Westminster Canterbury has it around their properties where it looks green, and their trucks can get around the buildings. But I'm glad you asked that, Mr. Coston. In fact, he put a lot of time in effort it into this application and wanted to make sure that was covered. So, I'm glad you brought that up, Mr. Coston. Yes, sir.

John Coston:

Thank you.

RJ Nutter:

Thank you. My pleasure.

Jack Wall:

Thank you. Anybody else? Okay. Thank you, Mr. Nutter.

Jack Wall:

We call the first speaker.

Madam Clerk:

We have no speakers.

Jack Wall:

We have no speakers. Okay. In that case, then I'm going to open it up for a discussion. Mr. Bradley.

David Bradley:

Well, I live about a mile or two from here, and I'm biased, but I think this is one of the prettiest areas in the city as you drive down Princess Anne Road, as you're approaching the municipal center. And I think this development's really going to add to this area of the city. One of things that I'm on as being a Planning Commissioner is the Transition Area Subcommittee. I was now out on the subcommittee when this was reviewed, but it was recommended by that committee as something to move forward.

David Bradley:

I think with Nimmo Parkway being built several years ago, that's going to take the traffic pressure off this area. There was a lot of traffic. I think we've all seen that before, as you would approach the municipal center on a workday. I think the development is beautiful, will be unique. And I think it's going to add to the municipal center area, which I think will be complimentary. I think over 50% of the property is going to be open space. It's already been pointed out, some of the neat conservation areas in there. They're going to help with the city trail that's going to be coming from Foxfire, and also a trail head near the parking lot over here. So, to me, I see a lot of positives with this. And I'm going to be voting yes on it.

Jack Wall:

Okay. Thank you. Sure. Great.

Whitney Graham:

I just want to add a little bit. I agree with Mr. Bradley. I think it's very well thought out. It's a shame we don't have more projects like this in the city. I think it's just really well done. And I think that the developer and their consultants did a good job of coming up with a design that, I think, really, like you said earlier, checks a lot of boxes. So that's all I have. I'll be supporting it.

Jack Wall:

Okay. Mr. Horsley.

Donald Horsley:

I just want to say that this project has been a long time coming. I don't know. I said this this morning, maybe 15 years. Or it maybe been 20 years ago since they started trying to do something with these properties down here, and a lot of different ideas came up. And I think different ones, but the willingness of the people to be patient and get this thing right. The landowners adjoining these properties together, I think is something like 10 different parcels that have been put together. And that's a hard thing to do in itself. And to get it done, and then to come with a quality project like this right here at the courthouse, this is the cornerstone of the city as far as I'm concerned. So I'm real proud of this project, and I will be supporting it also.

Robyn Klein:

My turn? Okay.

Jack Wall:

That's fine.

Robyn Klein:

I think the project is gorgeous. The renderings are beautiful. I would love to live in one of those houses one day. And if this was just regular bare green space, I don't think I would have a problem with it. But we just voted to spend half a billion dollars on flood mitigation. And those are all mature trees. And 75 homes that are in the upper income bracket, who you can put your mother-in-law in there. You can rent to a college student. I can't say what's going to go in there, but that's not enough for me to lose the environmental benefits of the mature trees. And so I will be voting against it.

Jack Wall:

Okay. Thank you. Mr. Redmond.

Dave Redmond:

Mr. Chairman, I move approval of agenda item number six.

Jack Wall:

Okay. Before you, is there anybody else to speak on, who wants to say anything? I've got one thing, though, before we'll get to that. Just a couple things. My opinion, I think they did a great

job with the application, maintaining open space and mature landscaping, the green space. I think the architectural features blend with the Courthouse District unique site layout that preserves the open space and limits the impervious footprint. I trust the stormwater review that's been done has been appropriate. And I trust the additional review that's going to be done through site development process will be just as thorough.

Jack Wall:

The transportation. There was some opposition in terms of written opposition, mostly based on transportation. Certainly, it's going to add trips. You add homes, it's going to add trips. But I think it's going to be minimal impact to traffic at that a corridor. So I'll be supporting. Mr. Inman.

Mike Inman:

Well, let me just add, this is obviously a challenging piece of property, but it is a piece of property that our fellow citizens own. And if they're able to develop it in a responsible way, they deserve the opportunity to develop it. No one could possibly have gone much further in planning, and the sensitivity of their planning, has been an incredible, obviously. And it's taken quite a while to do it. And in this day and time, all of us, I think, are well aware that stormwater management has very high degree of requirements now. Far more than ever before. Some more than some of our civil engineers' think is even reasonable. So, they have to meet all those criteria at this point in time, and apparent they can. So, it's a great project to support.

Jack Wall:

Okay, Mr. Redmond.

Dave Redmond:

Actually, I would yield to Mr. Bradley.

Jack Wall:

Okay.

David Bradley:

I would move that we approve agenda item six, the Conditional Rezoning of this.

Jack Wall:

Okay.

Dave Redmond:

Second.

Jack Wall:

Okay. All right.

Madam Clerk:

That was a motion by Mr. Bradley, and a second by Mr. Redmond?

Jack Wall:
Yes.

Madam Clerk:
Okay. Thank you. Vote is open. By recorded vote of eight in favor, one against agenda item number six has been recommended for approval.

RJ Nutter:
Thank you all very much.

Jack Wall:
Thank you.

Kay Wilson:
And note the one abstention as well.

Madam Clerk:
No, he's absent. Mr. Weiner is absent.

Jack Wall:
For the record, we'll note that Mr. Weiner left the meeting at the time so there was no extension. He was no longer sitting at the board.

Madam Clerk:
Okay, thank you.

	AYE 8	NAY 1	ABS 1	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein		NAY		
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner			ABSTAIN	

PROFFERS:

The following are proffers submitted by the applicant as part of a Conditional Zoning Agreement (CZA). The applicant, consistent with Section 107(h) of the City Zoning Ordinance, has voluntarily submitted these proffers in an attempt to “offset identified problems to the extent that the proposed rezoning is acceptable,” (§107(h)(1)). Should this application be approved, the proffers will be recorded at the Circuit Court and serve as conditions restricting the use of the property as proposed with this change of zoning.

Proffer 1:

When developed, the lot dimensions, setbacks, height and other development criteria set forth in the City Zoning Ordinance shall be as set out in the attached exhibit entitled Princess Anne Village Residential Development Criteria dated August 25, 2021 (the “Development Criteria”), a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning. The Development Criteria shall be in lieu of all corresponding criteria in the Virginia Beach Zoning Ordinance applicable to the R-10 zoning district.

Proffer 2:

When developed, the project shall be developed in substantial conformity with the conceptual site plan consisting of 3 pages entitled “Conceptual Site Plan with Context”, “Conceptual Site Plan” and “Program and Parking” dated May 28th, 2021, (the “Concept Plan”), a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning.

Proffer 3:

When developed, the number of single family residential homes located on the Property shall not exceed a total of 73 homes and 16 Garage Apartments.

Proffer 4:

Residential structures constructed on the Property shall be in substantial conformity with the conceptual architectural renderings consisting of 2 pages entitled Home Styles, Princess Anne Village, “Elevations”, a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and which have been approved by the Virginia Beach Historical Review Board on July 18, 2018.

Proffer 5:

When developed, access to the Property from North Landing Road shall be landscaped and contain a monument-styled free standing sign substantially as shown on exhibit entitled “Monument Sign”, a copy of which has been exhibited to the Virginia Beach City Council and is on file unless modified by the Virginia Beach Historical Review Board with the Virginia Beach Department of Planning.

Proffer 6:

When developed the entrance open space areas shall be in substantial conformity with the elevation entitled "Entrance Way" dated June 4, 2021, a copy of which has been exhibited a copy of which has been exhibited to the Virginia Beach City Council and is on file unless modified by the Virginia Beach Historical Review Board with the Virginia Beach Department of Planning.

Proffer 7:

When developed, there should be a pedestrian trail system on the Property and that will connect to the adjacent City trail system as shown on the concept plan.

Proffer 8:

When developed, a linear open space area along Princess Anne road within the residential zones will be subdivided as shown on the elevation site plan entitled "Linear Open Space", dated June 4th, 2021, a copy of which has been exhibited to the Virginia Beach City Council and is on file unless modified by the Virginia Beach Historical Review Board with the Virginia Beach Department of Planning.

Proffer 9:

When developed, the Applicant will construct turn lanes at the vehicular entrance to Princess Anne Village substantially as shown on the Concept Plan.

Proffer 10:

When developed, the street widths, curb heights, centerline radii, rear lane, rear alley street signage and trail widths shall be developed in substantial conformity with the 2-page exhibit entitled "Thoroughfare Types" dated May 28th, 2021, a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning.

Proffers Relating to the Conditional B-2 Portion of Princess Anne Village:

Proffer 11:

Vehicular access to the portion of the Property zoned Conditional B-2 shall be from the road system within Princess Anne Village and not directly from the North Landing Road.

Proffer 12:

When developed, only the following uses shall be permitted on the Property zoned Conditional B-2: Restaurants with no drive-through, office, and retail.

Proffer 13:

The height of any principal structure on the Property zoned Conditional B-2 shall not exceed 45 feet. The exterior design and building materials shall be complimentary to the building materials and architectural designs of the homes in Princess Anne Village and shall be subject to approval by the Virginia Beach Historic Review Board.

Proffer 14:

Any freestanding sign on the portion of the Property zoned Conditional B-2 shall be a monument style sign, externally lit, and shall not exceed 8 feet in height. The final design and building materials of any freestanding sign shall be subject to approval of the Virginia Beach Historic Board.

Proffer 15:

Further conditions lawfully imposed by applicable development ordinances may be required by Grantee during detailed site plan and/or subdivision review and administration of applicable City Codes by all relevant City agencies and departments to meet all applicable City Code requirements.

Proffer 16:

All references hereinabove to zoning districts and to applicable regulations refer to the Zoning Ordinance of the City of Virginia Beach, in force as of the date the conditional zoning amendment is approved by Grantee.

Staff Comments: Staff has reviewed the Proffers listed above and finds them acceptable. The City Attorney's Office has reviewed the agreement and found it to be legally sufficient and in acceptable legal form.

**Virginia Beach Planning Commission
December 8, 2021 Public Meeting
Agenda Item # 7**

Hunt Club Condominium Association, Inc. [Applicant & Property Owner]

Modification of Conditions

120 Loflin Way Drive

RECOMMENDED FOR APPROVAL – CONSENT

Jack Wall:

Okay. Thank you, Mr. Chairman. We have 26 items on the consent agenda today, on the regular consent agenda, including short term rentals. ...

Jack Wall:

Okay. Thank you very much. The next item on the consent agenda is agenda item number seven, Hunt Club Condominium Association Incorporated is the applicant and property owner, for Modification of Conditions at 120 Loflin Way Drive in the Kempsville District. Is there a representative for this application?

Eddie Bourdon:

Thank you, Mr. Chairman, Mr. Vice Chairman, members of commission. Again, for the record, Eddie Bourdon, Virginia Beach attorney representing the Hunt Club Condominium Association Inc, which are the owners of the existing 37 units on this 11-acre piece of property. Elizabeth did a fantastic job. I will correct her on one thing. It was a PDH2 rezoning. It was not a Conditional Rezoning, in 1982. And actually, I'd just graduated from law school. Hadn't passed the bar exam. So that tells you how long ago this was. A whole very long time. And it was even before Don was on the Planning Commission, too.

Eddie Bourdon:

This is a great application, and it is, as Elizabeth said, a unique application. The Association is doing this. This does not represent any additional impervious surfaces. The building pads and the buildings were approved originally with the site plan after the PDH2 rezoning. And it helps the Association, which has all this land it's been maintaining, and these buildings, for the last 38 years. And it's hard for that few number of people to have to pay for all this maintenance. And the new buildings all get upgraded out of this as well. So, it's an excellent situation, and anything like it'll probably never exist again. But appreciate being on the consent agenda. Thank you.

Jack Wall:

Okay. Thank you. Is there any opposition for this application be placed on the consent agenda? Hearing none, the Commission has asked Mr. Bradley to read this into the record.

David Bradley:

The applicant and property owner Hunt Club Condominium is requesting a Modification of Conditions to increase the number of multifamily dwellings permitted on site by 11 at a resulting density of 4.25 units per acre. The 11.3-acre site is a multi-family residential development originally approved by City Council on September 27th, 1982. When a Conditional Rezoning for this property was approved in 1982, there was a general practice of imposing conditions in lieu of a voluntary proffer agreement. As this practice is no longer preferred, the applicant is offering proffers in order to modify those conditions of approval. Hence the request for the proffered modification of conditions.

David Bradley:

Condition five of the 1982 approval states, "The applicant has voluntarily agreed to limit the number of units to a total of 37. A modification of this condition is required to revise this limit." As part of their application, the applicant is also offering a site plan, architectural design, and landscaping of this site.

Jack Wall:

Okay, thank you.

Bobby Tahan:

Mr. Wall, if I may. Although I'm not required to disclose, I am disclosing for this that I am a member of the Board of Directors and Vice Chairman of the adjacent property owner of Kempsville Christian Church. Because of that, I have not reviewed nor influenced staff on the review of this application.

Jack Wall:

Is there any opposition for agenda items 18 through 27 being placed on the consent agenda? All right. Hearing none, Mr. Chairman I make a motion that we approve agenda items 1 and 2, 3, 4, 5, 7, 8, 9, 10, 11, 12 through 17, 18, and 19 through 27.

David Weiner:

All right. We have a motion for approval. Do we have a second?

Donald Horsley:

Second.

David Weiner:

A second.

David Weiner:

Okay. Now, disclosures. Yeah, I know. We're going there. We got the motion. We got the second. Now we have the disclosures. Okay, go. You start, Whitney.

Whitney Graham:

Thank you, Mr. Chairman. Pursuant to the Conflicts of Interest Act, Virginia Code Section 2.2-3115F, I have a letter on file to this as well. I make the following declarations, the following agenda items on today's agenda have some financing by Towne Bank, which I serve on one of the Boards at Towne Bank, but I don't make any decisions for loans or anything like that.

Whitney Graham:

So anyway, these are items one and two Virginia Beach Raquet Club North Associates LP, 1951 Thomas Bishop Lane, number 10, Jody Calcagno, 4752 Euclid Road, agenda items 12 through 17, 2508 Pacific Avenue LLC for 2510, 2514, 2518, 2522, 2526, 2530 Pacific Avenue, agenda item number 18, ORF Ventures LLC, 603 20th Street, agenda items 19 through 27 ORF Ventures LLC, 410 19th Street units 101, 102, 103, 201, 202. And this is at 412 19th Street units 101, 102, 201 and 202. Sorry about the length of that. Thank you.

David Weiner:

All right. Next, Mr. Redmond.

Dave Redmond:

Yeah, I'm not going to do any of that. I will say that I have a letter, myself, on file with the City Attorney's Office, which prevents me from voting on all the short-term rentals. I have a client in the travel industry, and I therefore do not vote on any of the individual short term rental applications, nor on any of the ordinances that govern short term rentals. So, while I will be voting in favour of the consent agenda, I'm specifically abstaining from those items, which I have down as number 12 to 27 on short term rentals. Thank you, Kay. And thank you, Mr. Chairman.

David Weiner:

Mr. Inman.

Mike Inman:

Yes, I have to make a disclosure regarding items financing by Towne Bank. I serve on Advisory Board, as does Mr. Graham, that does not make any loan decisions, but disposing with regard to agenda items one and 2, 10, 18, and 19 through 27, without going into the same detail that Mr. Graham did. I believe I can participate in these decisions fairly and objectively, and I will participate in voting on those items.

Mike Inman:

Next, I'm making a disclosure with regard to item number three, Samet Properties. One of my partners represents the applicant Taylor Farms Land Company. And I'm not involved in that representation, nor do I represent the owner. And I have no financial interest on. Having made this disclosure, I believe I can participate in this vote objectively, fairly, and in the public interest.

Mike Inman:

Last but not least, with regard to item seven Hunt Club Condominium, I represent that applicant otherwise, not here today, obviously Mr. Bourdon did, and I will therefore abstain from item number seven.

David Weiner:

Okay. Mr. Graham, do you want to add something?

Whitney Graham:

Yes, sir, Mr. Chairman. I apologize. In my disclosure, I want to add that I do plan to participate in today's vote, and that I feel that I can do so fairly and objectively in the public's interest. Thank you.

David Weiner:

Anyone else? Okay. We have a motion for approval by Mr. Wall, a second by Mr. Horsley.

Madam Clerk:

Okay. Vote is open. By recorded vote of 10 in favor, zero against, agenda items one and 2, 3, 4, 5, 8, 9, 10, and 11 have been recommended for approval by consent. Agenda item number seven, by recorded vote of nine in favor, zero against with one abstention, has been recommended for approval by consent. And agenda items 12 through 17, 18, 19 through 27 through recorded vote of nine in favor, zero against with one abstention, have been recommended for approval by consent.

	AYE 9	NAY 0	ABS 1	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman			ABSTAIN	
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

PROFFERS:

The following are proffers submitted by the applicant. The applicant, consistent with Section 107(h) of the City Zoning Ordinance, has voluntarily submitted these proffers in an attempt to “offset identified problems to the extent that the proposed application is acceptable,” (§107(h)(1)). Should this application be approved, the proffers will be recorded at the Circuit Court and service as a condition restricting the use of the property as proposed with this Modification of Conditions.

Proffer 1:

When the Phase Four and Phase Five Land is developed, it shall be as three (3) additional residential condominium buildings, each containing eight (8) residential dwelling units, substantially in accordance with the exhibit entitled “PROPOSED SITE IMPROVEMENTS PHASES 4 & 5, PLAT OF HUNT CLUB CONDOMINIUM” dated 9/29/2021, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning (the “Conceptual Site Plan”).

Proffer 2:

When the Property is developed, additional supplemental landscape screening shall be planted along the western boundary of the Property, along Parliament Drive and Loflin Way, as well as additional foundation landscaping on the existing and new buildings and parking lot landscaping within the existing and new phases substantially as depicted and described on the Conceptual Site Plan.

Proffer 3:

The architectural design and exterior building materials on the three (3) new residential building [sic.] as well as the new exterior building materials on the renovated exteriors of the three (3) existing residential buildings will be substantially as depicted and described on the exhibit entitled “Typical Hunt Club Condominium Building Elevation” dated 9/29/2021, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning (the “Elevation”).

Proffer 4:

Condition number 5 of the 8 conditions governing the residential use of the Property under the PDH-2 rezoning granted on September 27, 1982 is modified to permit no more than a total of forty-eight (48) residential dwelling units in the six (6) buildings as depicted and described on the Conceptual Site Plan.

Proffer 5:

The provisions and requirements set forth in the remaining seven (7) original conditions of development have all been complied with, as reflected in the Conceptual Site Plan, and remain binding upon the Property.

Proffer 6:

Further conditions may be required by the Grantee during detailed Site Plan review and administration of applicable City Codes by all cognizant City agencies and departments to meet all applicable City Code requirements.

Staff Comments: Staff has reviewed the Proffers listed above and finds them acceptable. The City Attorney’s Office has reviewed the agreement and found it to be legally sufficient and in acceptable legal form.

**Virginia Beach Planning Commission
December 8, 2021 Public Meeting
Agenda Item # 8**

Traya'na Mills [Applicant]
Providence Square Office Park Associates [Property Owner]

Conditional Use Permit (Tattoo Parlor)

1017 Kempsville Road

RECOMMENDED FOR APPROVAL – CONSENT

Jack Wall:

Okay. Thank you. Next item on the consent agenda is agenda item number eight. Traya'na Mills is the applicant and Providence Square Office Park Associates as the property owner for a Conditional Use Permit for Tattoo Parlor at 1017 at Kempsville Road in the Kempsville District. Is their a representative for this application?

Jack Wall:

Okay. No? Okay. Okay. All right. Seeing that there's none, we're going to move on. Is there any opposition for this item to be placed on the consent agenda? Hearing none, the Planning Commission's asked Mr. Inman to read this into the record.

Jack Wall:

Is there any opposition for agenda items 18 through 27 being placed on the consent agenda? All right. Hearing none, Mr. Chairman I make a motion that we approve agenda items 1 and 2, 3, 4, 5, 7, 8, 9, 10, 11, 12 through 17, 18, and 19 through 27.

David Weiner:

All right. We have a motion for approval. Do we have a second?

Donald Horsley:

Second.

David Weiner:

A second.

David Weiner:

Okay. Now, disclosures. Yeah, I know. We're going there. We got the motion. We got the second. Now we have the disclosures. Okay, go. You start, Whitney.

Whitney Graham:

Thank you, Mr. Chairman. Pursuant to the Conflicts of Interest Act, Virginia Code Section 2.2-3115F, I have a letter on file to this as well. I make the following declarations, the following

agenda items on today's agenda have some financing by Towne Bank, which I serve on one of the Boards at Towne Bank, but I don't make any decisions for loans or anything like that.

Whitney Graham:

So anyway, these are items one and two Virginia Beach Raquet Club North Associates LP, 1951 Thomas Bishop Lane, number 10, Jody Calcagno, 4752 Euclid Road, agenda items 12 through 17, 2508 Pacific Avenue LLC for 2510, 2514, 2518, 2522, 2526, 2530 Pacific Avenue, agenda item number 18, ORF Ventures LLC, 603 20th Street, agenda items 19 through 27 ORF Ventures LLC, 410 19th Street units 101, 102, 103, 201, 202. And this is at 412 19th Street units 101, 102, 201 and 202. Sorry about the length of that. Thank you.

David Weiner:

All right. Next, Mr. Redmond.

Dave Redmond:

Yeah, I'm not going to do any of that. I will say that I have a letter, myself, on file with the City Attorney's Office, which prevents me from voting on all the short-term rentals. I have a client in the travel industry, and I therefore do not vote on any of the individual short term rental applications, nor on any of the ordinances that govern short term rentals. So while I will be voting in favor of the consent agenda, I'm specifically abstaining from those items, which I have down as number 12 to 27 on short term rentals. Thank you, Kay. And thank you, Mr. Chairman.

David Weiner:

Mr. Inman.

Mike Inman:

Yes, I have to make a disclosure regarding items financing by Towne Bank. I serve on Advisory Board, as does Mr. Graham, that does not make any loan decisions, but disposing with regard to agenda items one and 2, 10, 18, and 19 through 27, without going into the same detail that Mr. Graham did. I believe I can participate in these decisions fairly and objectively, and I will participate in voting on those items.

Mike Inman:

Next, I'm making a disclosure with regard to item number three, Samet Properties. One of my partners represents the applicant Taylor Farms Land Company. And I'm not involved in that representation, nor do I represent the owner. And I have no financial interest on. Having made this disclosure, I believe I can participate in this vote objectively, fairly, and in the public interest.

Mike Inman:

Last but not least, with regard to item seven Hunt Club Condominium, I represent that applicant otherwise, not here today, obviously Mr. Bourdon did, and I will therefore abstain from item number seven.

David Weiner:

Okay. Mr. Graham, do you want to add something?

Whitney Graham:

Yes, sir, Mr. Chairman. I apologize. In my disclosure, I want to add that I do plan to participate in today's vote, and that I feel that I can do so fairly and objectively in the public's interest. Thank you.

David Weiner:

Anyone else? Okay. We have a motion for approval by Mr. Wall, a second by Mr. Horsley.

Madam Clerk:

Okay. Vote is open. By recorded vote of 10 in favor, zero against, agenda items one and 2, 3, 4, 5, 8, 9, 10, and 11 have been recommended for approval by consent. Agenda item number seven, by recorded vote of nine in favor, zero against with one abstention, has been recommended for approval by consent. And agenda items 12 through 17, 18, 19 through 27 through recorded vote of nine in favor, zero against with one abstention, have been recommended for approval by consent.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

CONDITIONS:

1. A business license for the Tattoo Parlor shall not be issued to the applicant without the approval of the Health Department to ensure consistency with the provisions of Chapter 23-51 of the City Code.
2. This Conditional Use Permit for a Tattoo Parlor shall be limited to only microblading, a tattooing technique used in the application of permanent make-up. No other form of tattooing shall be permitted.
3. The actual application of permanent make-up shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.

4. All signage on the site must be in accordance with the sign regulations of the Zoning Ordinance. A separate sign permit shall be obtained from the Planning Department for the installation of any new signs.

5. The existing signage on the door and window of the business, as depicted in the site photos on page 6 of this report, shall be allowed. No additional signage shall be added to any doors or windows of this business. If the existing signage on the window and door is removed for any reason, it shall not be replaced.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.

The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

**Virginia Beach Planning Commission
December 8, 2021 Public Meeting
Agenda Item # 9**

Kevin & Keisha Mercer [Applicant]
RT Virginia Holdings, LLC [Property Owner]

Conditional Use Permit (Assembly Use)

5300 Kempsriver Drive, Suite 126

RECOMMENDED FOR APPROVAL – CONSENT

Jack Wall:

The next item on the consent agenda is Kevin and Keisha Mercer as the applicant and RT Virginia Holdings LLC as the property owner for a Conditional Use Permit for Assembly Use at 5300 Kemps River Drive in the Kempsville District. Is there a representative to speak on this application?

Jack Wall:

Welcome, please state your name.

Keisha Mercer:

Thank you. Good afternoon. My name is Keisha Mercer. I represent Venue 1225. I am seeking a space for individuals to have celebratory events. And I thank you all for your time and consideration.

Jack Wall:

Okay. Thanks. Are the about the six conditions acceptable?

Keisha Mercer:

Yes.

Jack Wall:

Okay. Thank you. Okay. I appreciate it. Thanks. Thank you. Is there any opposition for this application to be placed on the consent agenda?

Jack Wall:

Is there any opposition for agenda items 18 through 27 being placed on the consent agenda? All right. Hearing none, Mr. Chairman I make a motion that we approve agenda items 1 and 2, 3, 4, 5, 7, 8, 9, 10, 11, 12 through 17, 18, and 19 through 27.

David Weiner:

All right. We have a motion for approval. Do we have a second?

Donald Horsley:
Second.

David Weiner:
A second.

David Weiner:
Okay. Now, disclosures. Yeah, I know. We're going there. We got the motion. We got the second. Now we have the disclosures. Okay, go. You start, Whitney.

Whitney Graham:
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David Weiner:
All right. Next, Mr. Redmond.

Dave Redmond:
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David Weiner:
Mr. Inman.

Mike Inman:
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Mr. Graham did. I believe I can participate in these decisions fairly and objectively, and I will participate in voting on those items.

Mike Inman:

Next, I'm making a disclosure with regard to item number three, Samet Properties. One of my partners represents the applicant Taylor Farms Land Company. And I'm not involved in that representation, nor do I represent the owner. And I have no financial interest on. Having made this disclosure, I believe I can participate in this vote objectively, fairly, and in the public interest.

Mike Inman:

Last but not least, with regard to item seven Hunt Club Condominium, I represent that applicant otherwise, not here today, obviously Mr. Bourdon did, and I will therefore abstain from item number seven.

David Weiner:

Okay. Mr. Graham, do you want to add something?

Whitney Graham:

Yes, sir, Mr. Chairman. I apologize. In my disclosure, I want to add that I do plan to participate in today's vote, and that I feel that I can do so fairly and objectively in the public's interest. Thank you.

David Weiner:

Anyone else? Okay. We have a motion for approval by Mr. Wall, a second by Mr. Horsley.

Madam Clerk:

Okay. Vote is open. By recorded vote of 10 in favor, zero against, agenda items one and 2, 3, 4, 5, 8, 9, 10, and 11 have been recommended for approval by consent. Agenda item number seven, by recorded vote of nine in favor, zero against with one abstention, has been recommended for approval by consent. And agenda items 12 through 17, 18, 19 through 27 through recorded vote of nine in favor, zero against with one abstention, have been recommended for approval by consent.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			

Weiner	AYE			
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CONDITIONS:

1. A business license for the Assembly Use shall not be issued to the applicant without the approval of the Health Department to ensure consistency with the provisions of Chapter 23 of the City Code.

2. The applicant shall obtain all necessary permits and inspections from the Department of Planning & Community Development/Permits and Inspections Division prior to occupancy. The applicant shall secure a Certificate of Occupancy from the Building Official's Office for use of the existing building as an Assembly Use prior to operation.

3. The maximum number of occupants within the Assembly Use shall not exceed the maximum number as required by applicable building codes, noted on the Certificate of Occupancy, and posted by the Fire Marshal.

4. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar sign installed on the exterior of the building or in any window, or on the doors. A separate sign permit shall be obtained from the Department of Planning & Community Development for the installation of any new signs.

5. All event activities shall occur within the building. Outdoor events shall be prohibited unless specifically permitted with a Special Event permit.

6. No amplification of music or use of speakers or monitors shall be permitted except within the enclosed building.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.

The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

**Virginia Beach Planning Commission
December 8, 2021 Public Meeting
Agenda Item # 10**

Jodie Calcagno [Applicant]
H C D Properties, LC [Property Owner]

Conditional Use Permit (Assembly Use)

4752 Euclid Road

RECOMMENDED FOR APPROVAL – CONSENT

Jack Wall:

The next item is agenda item number 10, Jodie Calcagno as the applicant and HCD Properties LLC as the property owner for a Conditioned Use Permit for Assembly Use at 4752 Euclid Road in the Bayside District. Is there a representative for this application? Welcome.

Jodie Calcagno:

Thank you, Chairman, Vice Chairman, and members of the Planning Commission. My name is Jody Michelle Calcagno, and I'm representing 4752 Euclid Road. Thank you, Michaela, for your guidance during this process. And thank you for including me on the consent agenda today. I accept all terms.

Jack Wall:

Okay. So the seven conditions are acceptable?

Jodie Calcagno:

They are. Yes. Thank you.

Jack Wall:

All right. Thank you. Is there any opposition for this item to be placed on the consent agenda? Hearing none, the Planning Commission's asked Mr. Redmond to read this into the record.

Dave Redmond:

Thank you, Mr. Wall. This is an application by Jodie Calcagno, who we just saw, for Conditional Use Permit for an Assembly Use. The applicant is proposing to convert a portion of the first floor of an existing 12,600 square foot office building into a boutique event venue. Events such as these are classified in the Zoning Ordinance as Assembly Uses, thereby necessitating a Conditional Use Permit in the B2 Community Business District. The 3,400 square foot event space will consist of three party rooms and an outdoor patio. The applicant plans to host bridal and wedding showers, as well as business retreats.

Dave Redmond:

The second floor of the existing building will remain office space with 11 units. You can see a picture of the building here. It's appropriate for this kind of use. I'm very familiar with this

building. I work right around the corner. There was some concern about the amount of parking, and parking availability for the office uses and for this event venue. The applicant has proposed to manage her events in such a way in hours, so as not conflict with the business use in this building. So they are utilizing a shared parking arrangement, in a way, which is in and of itself a positive thing, more parking, less asphalt. Everybody's needs and uses get met. It's an appropriate use in this location. The staff supports it. We're unaware of any opposition, and the commission agrees, then, with the staff by consent. Thank you, Mr. Wall.

Jack Wall:

Is there any opposition for agenda items 18 through 27 being placed on the consent agenda? All right. Hearing none, Mr. Chairman I make a motion that we approve agenda items 1 and 2, 3, 4, 5, 7, 8, 9, 10, 11, 12 through 17, 18, and 19 through 27.

David Weiner:

All right. We have a motion for approval. Do we have a second?

Donald Horsley:

Second.

David Weiner:

A second.

David Weiner:

Okay. Now, disclosures. Yeah, I know. We're going there. We got the motion. We got the second. Now we have the disclosures. Okay, go. You start, Whitney.

Whitney Graham:

Thank you, Mr. Chairman. Pursuant to the Conflicts of Interest Act, Virginia Code Section 2.2-3115F, I have a letter on file to this as well. I make the following declarations, the following agenda items on today's agenda have some financing by Towne Bank, which I serve on one of the Boards at Towne Bank, but I don't make any decisions for loans or anything like that.

Whitney Graham:

So anyway, these are items one and two Virginia Beach Raquet Club North Associates LP, 1951 Thomas Bishop Lane, number 10, Jody Calcagno, 4752 Euclid Road, agenda items 12 through 17, 2508 Pacific Avenue LLC for 2510, 2514, 2518, 2522, 2526, 2530 Pacific Avenue, agenda item number 18, ORF Ventures LLC, 603 20th Street, agenda items 19 through 27 ORF Ventures LLC, 410 19th Street units 101, 102, 103, 201, 202. And this is at 412 19th Street units 101, 102, 201 and 202. Sorry about the length of that. Thank you.

David Weiner:

All right. Next, Mr. Redmond.

Dave Redmond:

Yeah, I'm not going to do any of that. I will say that I have a letter, myself, on file with the City Attorney's Office, which prevents me from voting on all the short-term rentals. I have a client in the travel industry, and I therefore do not vote on any of the individual short term rental applications, nor on any of the ordinances that govern short term rentals. So while I will be voting in favor of the consent agenda, I'm specifically abstaining from those items, which I have down as number 12 to 27 on short term rentals. Thank you, Kay. And thank you, Mr. Chairman.

David Weiner:
Mr. Inman.

Mike Inman:
Yes, I have to make a disclosure regarding items financing by Towne Bank. I serve on Advisory Board, as does Mr. Graham, that does not make any loan decisions, but disposing with regard to agenda items one and 2, 10, 18, and 19 through 27, without going into the same detail that Mr. Graham did. I believe I can participate in these decisions fairly and objectively, and I will participate in voting on those items.

Mike Inman:
Next, I'm making a disclosure with regard to item number three, Samet Properties. One of my partners represents the applicant Taylor Farms Land Company. And I'm not involved in that representation, nor do I represent the owner. And I have no financial interest on. Having made this disclosure, I believe I can participate in this vote objectively, fairly, and in the public interest.

Mike Inman:
Last but not least, with regard to item seven Hunt Club Condominium, I represent that applicant otherwise, not here today, obviously Mr. Bourdon did, and I will therefore abstain from item number seven.

David Weiner:
Okay. Mr. Graham, do you want to add something?

Whitney Graham:
Yes, sir, Mr. Chairman. I apologize. In my disclosure, I want to add that I do plan to participate in today's vote, and that I feel that I can do so fairly and objectively in the public's interest. Thank you.

David Weiner:
Anyone else? Okay. We have a motion for approval by Mr. Wall, a second by Mr. Horsley.

Madam Clerk:
Okay. Vote is open. By recorded vote of 10 in favor, zero against, agenda items one and 2, 3, 4, 5, 8, 9, 10, and 11 have been recommended for approval by consent. Agenda item number seven, by recorded vote of nine in favor, zero against with one abstention, has been recommended for approval by consent. And agenda items 12 through 17, 18, 19 through 27

through recorded vote of nine in favor, zero against with one abstention, have been recommended for approval by consent.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

CONDITIONS:

1. The Assembly Use shall be limited to 3,400 square feet of the first floor to include the outdoor patio, as depicted on the floor plan entitled "LA GALLERIA – VIRGINIA BEACH, VIRGINIA, prepared by WALLER, TODD, & SADLER ARCHITECTS, INC., dated January 5, 1987, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning & Community Development.
2. A business license for the Assembly Use shall not be issued to the applicant without the approval of the Health Department to ensure consistency with the provisions of Chapter 23 of the City Code.
3. The applicant shall obtain all necessary permits and inspections from the Department of Planning & Community Development/Permits and Inspections Division. The applicant shall secure a Certificate of Occupancy from the Building Official's Office for a 3,400 square foot portion of the existing building as an Assembly Use. The floor plans submitted during the building permit process must show hard markings to include doors, walls, etc. to differentiate the assembly use space from the rest of the building.
4. The maximum number of occupants within the Assembly Use shall not exceed the maximum number as required by applicable building codes, noted on the Certificate of Occupancy, and posted by the Fire Marshal.
5. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar sign installed on the exterior of the building or in any window, or on the doors. A separate sign permit shall be obtained from the Department of Planning & Community Development for the installation of any new signs.
6. The hours of operation for the assembly use shall be limited to 6:00 p.m. to 11:00 p.m., Monday through Friday and 12:00 p.m. to 11:00 p.m. on Saturdays and Sundays.

7. No amplification of music or use of speakers or monitors shall be permitted between the hours of 10:00 p.m. to 11:00 a.m.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.

The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

**Virginia Beach Planning Commission
December 8, 2021 Public Meeting
Agenda Item # 11**

Michael D. Sifen, Inc. [Applicant]
Virginia Beach Investment Co. [Property Owner]

Conditional Use Permit (Self-Storage/Mini Warehouse)

Parcel at the southwest intersection of Providence Road & College Park Boulevard

RECOMMENDED FOR APPROVAL – CONSENT

Jack Wall:

All right. Thank you. The next application is agenda number 11, Michael D Sifen Incorporated as the applicant and Virginia Beach Investment Company as the property owner for Conditional Use Permit for self-storage mini warehouse. Is there a representative for this? Actually, it's in the Centerville... Excuse me. It's in the Centerville District at the corner southwest intersection of Providence Road and College Park Boulevard. Is there a representative for this application?

Eddie Bourdon:

Thank you, Mr. Vice Chair, Mr. Chairman, members of the commission. Again, Eddie Bourdon, Virginia Beach attorney, for the record, representing Michael D Sifen Incorporated. I want to thank Michaela for her extremely good work on this. And I want compliment Mr. Tajan for the new hires that the department. They're excellent additions. All nine conditions, as recommended in the use permit, are acceptable. I want to add one thing. The building is actually designed. It is a 45-foot-tall building roof. The only reason it's above are the parapets, which add to the architectural interest of the building. And also, they shield mechanical equipment that's on top from view. So, the building was at 45-feet, but it's just for the parapet. Thank you very much.

Jack Wall:

Okay. Thank you. Is there any opposition for this application to be placed on the consent agenda? I'm hearing none. We've asked Ms. Klein to read this into the record.

Robyn Klein:

The applicant is requesting a Conditional Use permit for a mini-warehouse on a 2.89-acre undeveloped parcel zoned B2 Community Business District at the southwest corner of Providence Road and College Park Boulevard. The four-story mini-warehouse building will be climate controlled with a floor area of 165,680 square feet. Staff supports the application, and the Commission places sit on the consent agenda.

Jack Wall:

Okay, thank you. Additionally, we have the short-term rentals, which are now in the regular consent agenda. And the next application is 12 through 17, agenda items 12 through 17, 2508 Pacific Avenue LLC is both the applicant and property owner for Conditional Use Permits for

short-term rentals at 2510, 2514, 2518, 2522, 2526, 2530 Pacific Avenue in the Beach District. Is there a representative for this application?

Jack Wall:

Is there any opposition for agenda items 18 through 27 being placed on the consent agenda? All right. Hearing none, Mr. Chairman I make a motion that we approve agenda items 1 and 2, 3, 4, 5, 7, 8, 9, 10, 11, 12 through 17, 18, and 19 through 27.

David Weiner:

All right. We have a motion for approval. Do we have a second?

Donald Horsley:

Second.

David Weiner:

A second.

David Weiner:

Okay. Now, disclosures. Yeah, I know. We're going there. We got the motion. We got the second. Now we have the disclosures. Okay, go. You start, Whitney.

Whitney Graham:

Thank you, Mr. Chairman. Pursuant to the Conflicts of Interest Act, Virginia Code Section 2.2-3115F, I have a letter on file to this as well. I make the following declarations, the following agenda items on today's agenda have some financing by Towne Bank, which I serve on one of the Boards at Towne Bank, but I don't make any decisions for loans or anything like that.

Whitney Graham:

So anyway, these are items one and two Virginia Beach Raquet Club North Associates LP, 1951 Thomas Bishop Lane, number 10, Jody Calcagno, 4752 Euclid Road, agenda items 12 through 17, 2508 Pacific Avenue LLC for 2510, 2514, 2518, 2522, 2526, 2530 Pacific Avenue, agenda item number 18, ORF Ventures LLC, 603 20th Street, agenda items 19 through 27 ORF Ventures LLC, 410 19th Street units 101, 102, 103, 201, 202. And this is at 412 19th Street units 101, 102, 201 and 202. Sorry about the length of that. Thank you.

David Weiner:

All right. Next, Mr. Redmond.

Dave Redmond:

Yeah, I'm not going to do any of that. I will say that I have a letter, myself, on file with the City Attorney's Office, which prevents me from voting on all the short-term rentals. I have a client in the travel industry, and I therefore do not vote on any of the individual short term rental applications, nor on any of the ordinances that govern short term rentals. So while I will be

voting in favor of the consent agenda, I'm specifically abstaining from those items, which I have down as number 12 to 27 on short term rentals. Thank you, Kay. And thank you, Mr. Chairman.

David Weiner:
Mr. Inman.

Mike Inman:

Yes, I have to make a disclosure regarding items financing by Towne Bank. I serve on Advisory Board, as does Mr. Graham, that does not make any loan decisions, but disposing with regard to agenda items one and 2, 10, 18, and 19 through 27, without going into the same detail that Mr. Graham did. I believe I can participate in these decisions fairly and objectively, and I will participate in voting on those items.

Mike Inman:

Next, I'm making a disclosure with regard to item number three, Samet Properties. One of my partners represents the applicant Taylor Farms Land Company. And I'm not involved in that representation, nor do I represent the owner. And I have no financial interest on. Having made this disclosure, I believe I can participate in this vote objectively, fairly, and in the public interest.

Mike Inman:

Last but not least, with regard to item seven Hunt Club Condominium, I represent that applicant otherwise, not here today, obviously Mr. Bourdon did, and I will therefore abstain from item number seven.

David Weiner:

Okay. Mr. Graham, do you want to add something?

Whitney Graham:

Yes, sir, Mr. Chairman. I apologize. In my disclosure, I want to add that I do plan to participate in today's vote, and that I feel that I can do so fairly and objectively in the public's interest. Thank you.

David Weiner:

Anyone else? Okay. We have a motion for approval by Mr. Wall, a second by Mr. Horsley.

Madam Clerk:

Okay. Vote is open. By recorded vote of 10 in favor, zero against, agenda items one and 2, 3, 4, 5, 8, 9, 10, and 11 have been recommended for approval by consent. Agenda item number seven, by recorded vote of nine in favor, zero against with one abstention, has been recommended for approval by consent. And agenda items 12 through 17, 18, 19 through 27 through recorded vote of nine in favor, zero against with one abstention, have been recommended for approval by consent.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

CONDITIONS:

1. The building height shall be no higher than 47 feet and six inches. This is a deviation to the City Zoning Ordinance.
2. An eight-foot tall black aluminum ornamental fence along the southern and western property lines shall be installed. This is a deviation to the required six-foot solid privacy fence, as required by the City Zoning Ordinance. The eight-foot tall black aluminum ornamental fence shall substantially adhere in appearance, size, and materials to the submitted rendering entitled “College Park Square Storage-Fence Detail, dated November 22, 2021, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
3. The eight-foot-tall black aluminum ornamental fence along the southern property line is permitted on the condition that the white vinyl privacy fence to the south of the property remains. If the adjacent property owner’s privacy fence is torn down and removed, the eight-foot-tall aluminum ornamental fence along the southern property line must be replaced with a six-foot tall solid privacy fence.
4. When the property is developed, it shall be in substantial conformance with the plan entitled “COLLEGE PARK ROAD STORAGE SCHEMATIC LAYOUT”, prepared by SilverCore Land Development Consultants, dated September 30, 2021, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning & Community Development.
5. A Landscape plan shall be submitted to the Development Services Center of the Department of Planning & Community Development for review and ultimate approval prior to issuance of a Certificate of Occupancy and shall be in substantial conformance to the plan entitled “CONCEPTUAL LANDSCAPE PLAN – PROVIDENCE ROAD STORAGE FACILITY – MICHAEL D. SIFEN, INC.”, prepared by Frankenfield Design & Development, LLC, dated October 1, 2021 and revised October 25, 2021, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
6. The exterior of the proposed building shall substantially adhere in appearance, size, and materials to the submitted elevations entitled “MINI PRICE STORAGE – PROVIDENCE ROAD ROAD, VIRGINIA BEACH, VA”, prepared by Finley Design, dated November 1,

2021, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.

7. The freestanding monument style sign shall be no more than eight feet (8') in height with a brick base to match the materials of the building.
8. All on-site signage must meet the requirements and regulations of the Zoning Ordinance. A separate permit from the Department of Planning & Community Development is required for any new signage installed on the site.
9. Consistent with Section 237 of the City Zoning Ordinance, all outdoor lights shall be shielded to direct light and glare onto the mini-warehouse premises; said lighting and glare shall be deflected, shaded, and focused away from all adjoining property.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.

The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

**Virginia Beach Planning Commission
December 8, 2021 Public Meeting
Agenda Items # 12-17**

2508 Pacific Avenue, LLC [Applicant & Property Owner]

Conditional Use Permits (Short Term Rentals)

2510, 2514, 2518, 2522, 2526 & 2530 Pacific Avenue

RECOMMENDED FOR APPROVAL – CONSENT

ack Wall:

Okay. Thank you, Mr. Chairman. We have 26 items on the consent agenda today, on the regular consent agenda, including short term rentals. The first item is agenda items one and two. Virginia Beach Raquet Club North Associates, both applicant and property owner, for Rezoning from R20 to R40 and a Subdivision Variance at 1951 Thomas Bishop Lane in the Lynnhaven District. Is there a representative for this item.

Eddie Bourdon:

Thank you, Mr. Vice Chair, Mr. Chairman, members of the Commission. For the record, Eddie Bourdon, Virginia Beach Attorney representing the Raquet Club, Dr. Shifflett and his family, on these applications. Appreciate Marchelle's work on this application and being on the consent agenda. The two conditions recommended are acceptable.

Eddie Bourdon:

I did want to follow on some of Commissioner Wall's inquiries this morning in the informal. I apologize. I'll try to be brief. Thomas Bishop Lane, as it runs through this property, you can see that little dotted line that goes all the way up to the far end. That's a power easement that ran along the original Great Neck Road. Great Neck Road ran right through here, where Thomas Bishop Lane is now, way back in the day. I think it was actually, the new one, was dedicated, I believe, in the mid-60s. So the Shiffletts, knowing that they were going to move this bubble where the tennis courts are now, that was the indoor, over to a new one, about over 10 years ago, started planning for this property.

Eddie Bourdon:

Three lots were created on the Long Creek Canal with the Subdivision Variance and with Bay Board approval. And it was everybody's consensus at the time not to extend a road and put a cul-de-sac. Because it's more environmentally friendly to do some flag lots. Three flag lots were created. The first one has a house on it. The second one is shown there with the little box. The third one is where the box would've been. And then there was more land to the west and then all the way down. They planned on having five other lots that would've all been served by the same easement that already exists.

Eddie Bourdon:

Instead, we're just creating three. The third lot of the original three has been incorporated into the rest of the property. And that's that three plus acre piece that will remain as one piece. Two less slots than were originally anticipated. And the road note, there's no new improvements. What is there will continue to be the road under the existing easement that exists today. Sorry for the length, but I thought it would be helpful to everybody to understand.

Jack Wall:
Okay. Thank you.

Eddie Bourdon:
Thank you.

Jack Wall:
Yep. Is there any opposition for this item being placed on the consent agenda? Hearing none, the Planning Commission has asked Mr. Graham to read this into the record.

Whitney Graham:
Thank you, Mr. Wall. This application for Virginia Beach Raquet Club North Associates LP for the Rezoning of R20 Residential District to R40 Residential District, as well as a Subdivision Variance of the Subdivision Regulations. The property is located 1951 Thomas Bishop Lane. The subject lot is zoned R20 Residential and R40 Residential District and is currently developed with tennis courts and an asphalt parking lot, which has been owned by the Virginia Beach Raquet Club for decades.

Whitney Graham:
To remove the split zoning on the property, the applicant is requesting to rezone a portion of the property from R20 Residential District to R40 Residential District. This will create three lots, all of which are in excess of 40,000 square feet. The applicant has also received approval from the Chesapeake Bay Preservation Area Board to encroach into the RPA, and have limited impervious coverage of, approximately, a maximum of 30%. Staff, again, supports this project, and we recommend approval.

Jack Wall:
Okay, thank you. The next item on the agenda is agenda item number three, Samet Properties LLC is the applicant. And Taylor Farms Land Company LLC is the property owner. It's a Conditional Rezoning AG1 and AG2 to I1 Light Industrial at 2097 Harpers Road, in the Beach District. Is there a representative to speak on this item?

Eddie Bourdon:
Again, thank you, Commissioner Wall, Chairman, members of the Commission, Eddie Bourdon, Virginia Beach attorney representing Samet Properties. Pretty simple application. Appreciate being on the consent agenda and appreciate staff's help and Marchelle's help on the application. Thank you.

Jack Wall:

Thanks. Okay, thank you. Is there any opposition to this being placed on the consent agenda? Hearing none, the Planning Commission's asked Mr. Alcaraz to read this into the record.

George Alcaraz:

Thank you. Again, it is a simple application, but I'll just be real short with the details. Conditional Rezoning from AG1 to AG2, Agriculture District to Conditional I1 Light Industrial. Staff is recommending approval. Location is 2097 Harpers Road. On September 7th, 2021, Conditional Rezoning for AG1 to AG2 Agricultural Districts. An I1 Light Industrial District to Conditional I1 Light Industrial District. Excuse me. As well as a Conditional Use Permit for Bulk Storage was granted by City Council to construct a 221,000 square foot distribution center and associated parking.

George Alcaraz:

With that application, the applicant proposed two stormwater management facilities in underground storage below the proposed parking lot to address the stormwater quality and quality control for the site. The applicant is now seeking to increase the stormwater management facilities for the site by an additional 10 acres to install additional storage in the above ground pod. To accomplish this, the applicant is requesting to rezone an additional 10 acres north of the approved site from AG1 to AG2 to Conditional I1 to accommodate for the additional aboveground storage for this site.

George Alcaraz:

The Planning Commission is recommending this item for consent agenda for approval.

Jack Wall:

Okay, thank you. The next item on the consent agenda is agenda item number four, Monet Freeman as the applicant. Shoppes One LLC as the property owner. It's for a Conditional Use Permit for a Tattoo Parlor at 4380 Holland Plaza Shopping Center in the Rose Hall District. Is there a representative to speak on this item?

Madam Clerk:

Mr. Wall, Monet Freeman is virtual. She's WebEx. So, Ms. Freeman, if you would wait two to three seconds, we're going to unmute your mic. Please state your name, and then state whether or not you agree with conditions of your application. You're on the consent agenda.

Monet Freeman:

Monet Freeman here. And yes, I do agree.

Jack Wall:

Is there any opposition for this item to be placed on the consent agenda? Hearing none, the Planning Commission has asked Ms. Klein to read this into the record.

Robyn Klein:

The applicant is requesting a Conditional Use Permit for a Tattoo Parlor, specifically for the application of permanent makeup, known as microblading. The operation will occur within a 472 square foot unit in the Holland Plaza Shopping Center. The property is zoned B2, Community Business. Staff recommends approval of this application, and it is placed on the consent agenda.

Jack Wall:

Okay, thank you. The next item on the consent agenda is agenda item number five, Platinum Management LLC is the applicant and 5429 Greenwich Road. Virginia LLC is the property owner. Conditional Rezoning from I1 Light Industrial to Conditional A36 Apartments for construction of 315 dwelling units at a density of approximately 29.41 units per acre at 5429 Greenwich Road in the Kempsville District. Is there a representative to speak on this item?

Lisa Murphy:

Good afternoon, Chairman, Vice Chairman, members of the Planning Commission. For the record, my name is Lisa Murphy, local zoning attorney. And I'm here on behalf of Platinum Management LLC. We appreciate all of Marchelle Coleman's work on this project and being placed on the consent agenda. And I thank you for your time.

Jack Wall:

Thank you. Thank you. Is there any opposition for this item being placed on the consent agenda? Hearing none, the Commission has asked Mr. Redmond to read this into the record.

Dave Redmond:

Thank you, Mr. Wall. This is an application by Platinum Management LLC at 5429 Greenwich Road for a Conditionally Rezoning from I1 Light Industrial, Conditional A36 Apartment. The applicant is requesting to rezone a 10.73 acre parcel from I1 Light Industrial District to Conditional A36 Apartment District to redevelop the property with a 315-unit multifamily residential community. The property is located within the Newtown Strategic Growth Area, and is currently developed with the Virginia Pilot Newspaper Production and Distribution Facility.

Dave Redmond:

The two existing buildings on the property will be removed in conjunction with the proposed redevelopment of the site. The submitted conceptual site plan depicts three multifamily buildings, four stories in height, with a clubhouse. The proposed apartments will have an extensive amenity package consisting of courtyard with fire pits, exterior fireplaces, and exclusive seating at a resort style pool, grilling stations, and fitness facilities within the clubhouse.

Dave Redmond:

If you are familiar with this property, and I don't know how you could not be familiar with this property, it is quite iconic. It is in close proximity to the Top Golf Entertainment Facility, as well as another apartment building in very close proximity of the same height and similar density. This is a redeveloping corridor. There's obviously a gigantic transportation project that

surrounds it. The staff has laid out a number of conditions that adequately serve the public interest.

Dave Redmond:

The Planning Commission agrees not just with their judgements, recognizes that there is no public opposition, and also believes that this is a very appropriate re-development project and moves the city and its people forward. And therefore, we concur with the staff's recommendation and place it on consent. Mr. Wall.

Jack Wall:

Okay. Thank you very much. The next item on the consent agenda is agenda item number seven, Hunt Club Condominium Association Incorporated is the applicant and property owner, for Modification of Conditions at 120 Loflin Way Drive in the Kempsville District. Is there a representative for this application?

Eddie Bourdon:

Thank you, Mr. Chairman, Mr. Vice Chairman, members of commission. Again, for the record, Eddie Bourdon, Virginia Beach attorney representing the Hunt Club Condominium Association Inc, which are the owners of the existing 37 units on this 11-acre piece of property. Elizabeth did a fantastic job. I will correct her on one thing. It was a PDH2 rezoning. It was not a Conditional Rezoning, in 1982. And actually, I'd just graduated from law school. Hadn't passed the bar exam. So that tells you how long ago this was. A whole very long time. And it was even before Don was on the Planning Commission, too.

Eddie Bourdon:

This is a great application, and it is, as Elizabeth said, a unique application. The Association is doing this. This does not represent any additional impervious surfaces. The building pads and the buildings were approved originally with the site plan after the PDH2 rezoning. And it helps the Association, which has all this land it's been maintaining, and these buildings, for the last 38 years. And it's hard for that few number of people to have to pay for all this maintenance. And the new buildings all get upgraded out of this as well. So it's an excellent situation, and anything like it'll probably never exist again. But appreciate being on the consent agenda. Thank you.

Jack Wall:

Okay. Thank you. Is there any opposition for this application be placed on the consent agenda? Hearing none, the Commission has asked Mr. Bradley to read this into the record.

David Bradley:

The applicant and property owner Hunt Club Condominium is requesting a Modification of Conditions to increase the number of multifamily dwellings permitted on site by 11 at a resulting density of 4.25 units per acre. The 11.3-acre site is a multi-family residential development originally approved by City Council on September 27th, 1982. When a Conditional Rezoning for this property was approved in 1982, there was a general practice of imposing conditions in lieu of a voluntary proffer agreement. As this practice is no longer preferred, the applicant is offering

proffers in order to modify those conditions of approval. Hence the request for the proffered modification of conditions.

David Bradley:

Condition five of the 1982 approval states, "The applicant has voluntarily agreed to limit the number of units to a total of 37. A modification of this condition is required to revise this limit." As part of their application, the applicant is also offering a site plan, architectural design, and landscaping of this site.

Jack Wall:

Okay, thank you.

Bobby Tahan:

Mr. Wall, if I may. Although I'm not required to disclose, I am disclosing for this that I am a member of the Board of Directors and Vice Chairman of the adjacent property owner of Kempsville Christian Church. Because of that, I have not reviewed nor influenced staff on the review of this application.

Jack Wall:

Okay. Thank you. Next item on the consent agenda is agenda item number eight. Treyana Mills is the applicant and Providence Square Office Park Associates as the property owner for a Conditional Use Permit for Tattoo Parlor at 1017 at Kempsville Road in the Kempsville District. Is their a representative for this application?

Jack Wall:

Okay. No? Okay. Okay. All right. Seeing that there's none, we're going to move on. Is there any opposition for this item to be placed on the consent agenda? Hearing none, the Planning Commission's asked Mr. Inman to read this into the record.

Mike Inman:

I'm number nine.

Jack Wall:

Oh yeah. Number nine. That's it.

Mike Inman:

Oh, we're on it?

Jack Wall:

You're number nine.

Mike Inman:

I thought it was eight.

Jack Wall:
Number eight. We're on number eight. Sorry. Number eight. Yeah.

David Weiner:
I have you down for number eight, too. What are we seeing here? I got you down for number eight.

Jack Wall:
You sure you're not doing eight, Mike? I've got you down for number eight.

Mike Inman:
I don't have that.

David Weiner:
Don't look at me, Mike.

Mike Inman:
You have me down for number eight.

Jack Wall:
We all have you down for number eight.

Mike Inman:
Give me two seconds, and I'll do it.

Jack Wall:
Yeah. That'd be good.

Mike Inman:
Yeah. I'm prepared for number nine. Who's doing number nine?

Jack Wall:
Mr. Coston's doing number nine.

John Coston:
You got your glasses.

Jack Wall:
Don't y'all fight there. I couldn't get it by them. Speak up earlier.

Dave Redmond:
Sit tight. Just be cool. Be cool.

Jack Wall:

Dave, you want us to do it, Dave?

Mike Inman:

I'll do it. Come on. It's number eight, is application for the Tattoo Parlor. It's located at 1017 Kempsville Road. The request is for the applicant to must obtain a business license from the Health Department. The applicant's not proposing any new signage for the establishment. About four employees are anticipated, and typical hours of operation will be 10:00 AM to 5:00 PM. There are a number of conditions that have been approved, and it's accepted by the applicant. And the Comprehensive Plan recognizes this property as being within the suburban area, and that its guiding principles have been established by the comprehensive plan, and that this use will meet those criteria. And for that reason, staff recommended it. And we agreed to put it on the consent agenda.

Jack Wall:

Thank you. Great job. Appreciate it.

Mike Inman:

Winging it.

Jack Wall:

The next item on the consent agenda is Kevin and Keisha Mercer as the applicant and RT Virginia Holdings LLC as the property owner for a Conditional Use Permit for Assembly Use at 5300 Kemps River Drive in the Kempsville District. Is there a representative to speak on this application?

Jack Wall:

Welcome, please state your name.

Keisha Mercer:

Thank you. Good afternoon. My name is Keisha Mercer. I represent Venue 1225. I am seeking a space for individuals to have celebratory events. And I thank you all for your time and consideration.

Jack Wall:

Okay. Thanks. Are the about the six conditions acceptable?

Keisha Mercer:

Yes.

Jack Wall:

Okay. Thank you. Okay. I appreciate it. Thanks. Thank you. Is there any opposition for this application to be placed on the consent agenda?

Dave Redmond:

Jack, just let me go out of the box here for a minute. Today's Mr. Inman's last meeting, and he's ready to read number nine. I think we should let him read number nine.

Jack Wall:

Oh, that's a great idea. That's a great idea. Go ahead.

Mike Inman:

Mr. Will be very disappointed.

Jack Wall:

I think he'll be all right.

Dave Redmond:

He doesn't look disappointed.

Mike Inman:

You don't mind if I do?

John Coston:

I don't mind.

Mike Inman:

Oh okay. No, it's very gracious of you.

Mike Inman:

All right. So number nine is a Conditional Use Permit application at the Kemp's Corner Shops, which is in a B2 Community Business District. The applicant estimates a number of guests, and it's for an assembly hall, banquet hall. And as the applicant's stated, it's for celebratory events. And applicant estimates the number of guests will ranged from 10 to 105. The parking requirements are met on site. There are no significant modifications to the site anticipated, or the building. The conditions include onsite signage must meet the zoning code. All activities must occur within the building, outdoor events are prohibited unless permitted by a special event permit. And no amplification of music or speakers or monitors will be permitted except within the enclosed building. And having met those conditions, staff recommends and we put it on a consent agenda.

Jack Wall:

Okay. Thank you very much.

Mike Inman:

My pleasure.

Jack Wall:

The next item is agenda item number 10, Jodie Calcagno as the applicant and HCD Properties LLC as the property owner for a Conditioned Use Permit for Assembly Use at 4752 Euclid Road in the Bayside District. Is there a representative for this application? Welcome.

Jodie Calcagno:

Thank you, Chairman, Vice Chairman, and members of the Planning Commission. My name is Jody Michelle Calcagno, and I'm representing 4752 Euclid Road. Thank you, Michaela, for your guidance during this process. And thank you for including me on the consent agenda today. I accept all terms.

Jack Wall:

Okay. So the seven conditions are acceptable?

Jodie Calcagno:

They are. Yes. Thank you.

Jack Wall:

All right. Thank you. Is there any opposition for this item to be placed on the consent agenda? Hearing none, the Planning Commission's asked Mr. Redmond to read this into the record.

Dave Redmond:

Thank you, Mr. Wall. This is an application by Jody Calcagno, who we just saw, for Conditional Use Permit for an Assembly Use. The applicant is proposing to convert a portion of the first floor of an existing 12,600 square foot office building into a boutique event venue. Events such as these are classified in the Zoning Ordinance as Assembly Uses, thereby necessitating a Conditional Use Permit in the B2 Community Business District. The 3,400 square foot event space will consist of three party rooms and an outdoor patio. The applicant plans to host bridal and wedding showers, as well as business retreats.

Dave Redmond:

The second floor of the existing building will remain office space with 11 units. You can see a picture of the building here. It's appropriate for this kind of use. I'm very familiar with this building. I work right around the corner. There was some concern about the amount of parking, and parking availability for the office uses and for this event venue. The applicant has proposed to manage her events in such a way in hours, so as not conflict with the business use in this building. So they are utilizing a shared parking arrangement, in a way, which is in and of itself a positive thing, more parking, less asphalt. Everybody's needs and uses get met. It's an appropriate use in this location. The staff supports it. We're unaware of any opposition, and the commission agrees, then, with the staff by consent. Thank you, Mr. Wall.

Jack Wall:

All right. Thank you. The next application is agenda number 11, Michael D Sifen Incorporated as the applicant and Virginia Beach Investment Company as the property owner for Conditional Use Permit for self-storage mini warehouse. Is there a representative for this? Actually, it's in

the Centerville... Excuse me. It's in the Centerville District at the corner southwest intersection of Providence Road and College Park Boulevard. Is there a representative for this application?

Eddie Bourdon:

Thank you, Mr. Vice Chair, Mr. Chairman, members of the commission. Again, Eddie Bourdon, Virginia Beach attorney, for the record, representing Michael D Sifen Incorporated. I want to thank Michaela for her extremely good work on this. And I want compliment Mr. Tajan for the new hires that the department. They're excellent additions. All nine conditions, as recommended in the use permit, are acceptable. I want to add one thing. The building is actually designed. It is a 45-foot tall building roof. The only reason it's above are the parapets, which add to the architectural interest of the building. And also, they shield mechanical equipment that's on top from view. So the building was at 45-feet, but it's just for the parapet. Thank you very much.

Jack Wall:

Okay. Thank you. Is there any opposition for this application to be placed on the consent agenda? I'm hearing none. We've asked Ms. Klein to read this into the record.

Robyn Klein:

The applicant is requesting a Conditional Use permit for a mini-warehouse on a 2.89-acre undeveloped parcel zoned B2 Community Business District at the southwest corner of Providence Road and College Park Boulevard. The four-story mini-warehouse building will be climate controlled with a floor area of 165,680 square feet. Staff supports the application, and the Commission places sit on the consent agenda.

Jack Wall:

Okay, thank you. Additionally, we have the short-term rentals, which are now in the regular consent agenda. And the next application is 12 through 17, agenda items 12 through 17, 2508 Pacific Avenue LLC is both the applicant and property owner for Conditional Use Permits for short-term rentals at 2510, 2514, 2518, 2522, 2526, 2530 Pacific Avenue in the Beach District. Is there a representative for this application?

Eddie Bourdon:

Like a bad penny. I keep turning up. Eddie Bourdon, Virginia Beach attorney representing 2508 Pacific Avenue LLC. Thanks to Antoinette and Ms. Moss and her staff, all 21 conditions as recommended, are acceptable. I did want to, again, put on the record, this is new. What Council approved when they finally got, and you all after all the years, these units, all but one, that doesn't have a garage. The ones with the garage are all two-car garages. And to meet the parking requirements, they're two-car garages for use as just a residence. But the short term rental ordinance now says you only get to get one parking space credit in the garage. So this is, just so everyone is, just really over parked by having the extra 10 spaces. But then it's not a complaint. Just want to put that on the record because not everybody's completely aware of that change. Thank you.

Jack Wall:

Thank you. Thank you. Is there any opposite for this being placed on the consent agenda? Hearing none... Okay. Next is number 18 ORP Ventures LLC is both the applicant and property owner requesting a short-term rental Conditional Use Permit at 603 20th Street in the Beach District. Is there a representative for this application?

Eddie Bourdon:

Again, Eddie Bourdon, Virginia Beach attorney representing the applicant. Again, appreciate Antionette's work. All 19 conditions, as recommended, are acceptable to the applicant.

Jack Wall:

Okay. Thank you. The next item is agenda item number 19 through 27 ORP Venture LLC. Again as applicant and property owner Conditional Use Permit for short term rentals at 410 19th Street unit 101, 102, 103, 201, 202 and 412 and 19th Street unit 101, 102, 201, 202 in the Beach District. Is there representative for this application?

Eddie Bourdon:

Again, Eddie Bourdon, Virginia Beach attorney representing the applicant. Before I tell you that all 19 conditions, or excuse me, all 18 conditions are acceptable, I wanted to thank Mr. Inman for his service to our city. All of you, for that matter, as volunteers, as much time and effort as you put into it. But Mr. Inman has brought all a great deal of knowledge of real estate law to the table, which I think has helped everyone over the course of his tenure on this Commission. And he'll be sorely missed. Won't be able to be replaced, but there'll be someone that'll do a good job just the same. And I want to wish everybody Happy Holidays, Merry Christmas, Happy New Year. Hope everybody has a great, safe holiday, and appreciate Brandon's work. And the conditions are acceptable to my clients. Thank you very much.

Mike Inman:

Thank you.

Jack Wall:

Is there any opposition for agenda items 18 through 27 being placed on the consent agenda? All right. Hearing none, Mr. Chairman I make a motion that we approve agenda items 1 and 2, 3, 4, 5, 7, 8, 9, 10, 11, 12 through 17, 18, and 19 through 27.

David Weiner:

All right. We have a motion for approval. Do we have a second?

Donald Horsley:

Second.

David Weiner:

A second.

David Weiner:

Okay. Now, disclosures. Yeah, I know. We're going there. We got the motion. We got the second. Now we have the disclosures. Okay, go. You start, Whitney.

Whitney Graham:

Thank you, Mr. Chairman. Pursuant to the Conflicts of Interest Act, Virginia Code Section 2.2-3115F, I have a letter on file to this as well. I make the following declarations, the following agenda items on today's agenda have some financing by Towne Bank, which I serve on one of the Boards at Towne Bank, but I don't make any decisions for loans or anything like that.

Whitney Graham:

So anyway, these are items one and two Virginia Beach Raquet Club North Associates LP, 1951 Thomas Bishop Lane, number 10, Jody Calcagno, 4752 Euclid Road, agenda items 12 through 17, 2508 Pacific Avenue LLC for 2510, 2514, 2518, 2522, 2526, 2530 Pacific Avenue, agenda item number 18, ORF Ventures LLC, 603 20th Street, agenda items 19 through 27 ORF Ventures LLC, 410 19th Street units 101, 102, 103, 201, 202. And this is at 412 19th Street units 101, 102, 201 and 202. Sorry about the length of that. Thank you.

David Weiner:

All right. Next, Mr. Redmond.

Dave Redmond:

Yeah, I'm not going to do any of that. I will say that I have a letter, myself, on file with the City Attorney's Office, which prevents me from voting on all the short-term rentals. I have a client in the travel industry, and I therefore do not vote on any of the individual short term rental applications, nor on any of the ordinances that govern short term rentals. So while I will be voting in favor of the consent agenda, I'm specifically abstaining from those items, which I have down as number 12 to 27 on short term rentals. Thank you, Kay. And thank you, Mr. Chairman.

David Weiner:

Mr. Inman.

Mike Inman:

Yes, I have to make a disclosure regarding items financing by Towne Bank. I serve on Advisory Board, as does Mr. Graham, that does not make any loan decisions, but disposing with regard to agenda items one and 2, 10, 18, and 19 through 27, without going into the same detail that Mr. Graham did. I believe I can participate in these decisions fairly and objectively, and I will participate in voting on those items.

Mike Inman:

Next, I'm making a disclosure with regard to item number three, Samet Properties. One of my partners represents the applicant Taylor Farms Land Company. And I'm not involved in that representation, nor do I represent the owner. And I have no financial interest on. Having made this disclosure, I believe I can participate in this vote objectively, fairly, and in the public interest.

Mike Inman:

Last but not least, with regard to item seven Hunt Club Condominium, I represent that applicant otherwise, not here today, obviously Mr. Bourdon did, and I will therefore abstain from item number seven.

David Weiner:

Okay. Mr. Graham, do you want to add something?

Whitney Graham:

Yes, sir, Mr. Chairman. I apologize. In my disclosure, I want to add that I do plan to participate in today's vote, and that I feel that I can do so fairly and objectively in the public's interest. Thank you.

David Weiner:

Anyone else? Okay. We have a motion for approval by Mr. Wall, a second by Mr. Horsley.

Madam Clerk:

Okay. Vote is open. By recorded vote of 10 in favor, zero against, agenda items one and 2, 3, 4, 5, 8, 9, 10, and 11 have been recommended for approval by consent. Agenda item number seven, by recorded vote of nine in favor, zero against with one abstention, has been recommended for approval by consent. And agenda items 12 through 17, 18, 19 through 27 through recorded vote of nine in favor, zero against with one abstention, have been recommended for approval by consent.

	AYE 9	NAY 0	ABS 1	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond			ABSTAIN	
Wall	AYE			
Weiner	AYE			

CONDITIONS:

1. The following conditions shall only apply to the dwelling unit addressed as 2510, 2514, 2418, 2522, 2526, 2530 Pacific Ave., and the Short Term Rental use shall only occur in the principal structure.

2. An annual (yearly) STR Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.
3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. The garage space within the unit must remain a minimum of 9-feet by 18-feet, contain a minimum 8-foot wide vehicle entryway opening, and shall remain free of materials to ensure vehicular accessibility to the Short Term Rental tenants.
5. All additional required parking spaces, at a location subject to approval by the Zoning Administrator, shall be available for use by the Short Term Rental occupants at all times.
6. For properties located within the boundaries of the Residential Parking Permit Program (RPPP), while the Short Term Rental use is active, parking passes issued for the subject dwelling unit(s) through the RPPP shall be limited to two (2) resident passes only. Guest and temporary passes through the RPPP shall not be permitted.
7. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire, or other similar codes.
8. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.
9. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
10. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning Permit; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
11. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.

12. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
13. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
14. Accessory structures shall not be used or occupied as Short Term Rentals.
15. No signage shall be on-site, except that each Short Term Rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a short term rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street.
16. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
17. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
18. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
19. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, which number shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).
20. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property annually. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in affect at the of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one smoke alarm installed on every floor of the structure and in the areas adjacent to all sleeping rooms, and when activated, be audible in all sleeping rooms, and 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order.

Properties managed by Short Term Rental Companies certified by the Department of Planning shall only be required to be inspected every three years. The inspection for compliance with the requirements above shall be performed by the short term rental management company and be documented on a form prescribed by the Planning Department and shall be provided during the yearly permitting process.

Properties may be inspected annually for compliance with the requirements above by certified Short Term Rental Management Companies or Certified Home Inspectors. The

compliance inspection shall be documented on a form prescribed by the Planning Department and shall be provided during the yearly permit process.

21. A structural safety inspection report shall be provided to the City every three (3) years indicating all exterior stairways, decks, porches, and balconies have been inspected by a licensed design professional qualified to perform such inspection (engineer or architect) and are safe for use. The report must indicate the maximum number of occupants permitted on each level of these structures and placards indicating the maximum number of occupants of all exterior stairways, decks, porches, and balconies must be posted on each level of these structures.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.

The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

**Virginia Beach Planning Commission
December 8, 2021 Public Meeting
Agenda Item # 18**

ORP Ventures, LLC [Applicant & Property Owner]

Conditional Use Permit (Short Term Rental)

603 20th Street

RECOMMENDED FOR APPROVAL – CONSENT

ack Wall:

Okay. Thank you, Mr. Chairman. We have 26 items on the consent agenda today, on the regular consent agenda, including short term rentals. The first item is agenda items one and two. Virginia Beach Raquet Club North Associates, both applicant and property owner, for Rezoning from R20 to R40 and a Subdivision Variance at 1951 Thomas Bishop Lane in the Lynnhaven District. Is there a representative for this item.

Eddie Bourdon:

Thank you, Mr. Vice Chair, Mr. Chairman, members of the Commission. For the record, Eddie Bourdon, Virginia Beach Attorney representing the Raquet Club, Dr. Shifflett and his family, on these applications. Appreciate Marchelle's work on this application and being on the consent agenda. The two conditions recommended are acceptable.

Eddie Bourdon:

I did want to follow on some of Commissioner Wall's inquiries this morning in the informal. I apologize. I'll try to be brief. Thomas Bishop Lane, as it runs through this property, you can see that little dotted line that goes all the way up to the far end. That's a power easement that ran along the original Great Neck Road. Great Neck Road ran right through here, where Thomas Bishop Lane is now, way back in the day. I think it was actually, the new one, was dedicated, I believe, in the mid-60s. So the Shiffletts, knowing that they were going to move this bubble where the tennis courts are now, that was the indoor, over to a new one, about over 10 years ago, started planning for this property.

Eddie Bourdon:

Three lots were created on the Long Creek Canal with the Subdivision Variance and with Bay Board approval. And it was everybody's consensus at the time not to extend a road and put a cul-de-sac. Because it's more environmentally friendly to do some flag lots. Three flag lots were created. The first one has a house on it. The second one is shown there with the little box. The third one is where the box would've been. And then there was more land to the west and then all the way down. They planned on having five other lots that would've all been served by the same easement that already exists.

Eddie Bourdon:

Instead, we're just creating three. The third lot of the original three has been incorporated into the rest of the property. And that's that three plus acre piece that will remain as one piece. Two less slots than were originally anticipated. And the road note, there's no new improvements. What is there will continue to be the road under the existing easement that exists today. Sorry for the length, but I thought it would be helpful to everybody to understand.

Jack Wall:
Okay. Thank you.

Eddie Bourdon:
Thank you.

Jack Wall:
Yep. Is there any opposition for this item being placed on the consent agenda? Hearing none, the Planning Commission has asked Mr. Graham to read this into the record.

Whitney Graham:
Thank you, Mr. Wall. This application for Virginia Beach Raquet Club North Associates LP for the Rezoning of R20 Residential District to R40 Residential District, as well as a Subdivision Variance of the Subdivision Regulations. The property is located 1951 Thomas Bishop Lane. The subject lot is zoned R20 Residential and R40 Residential District and is currently developed with tennis courts and an asphalt parking lot, which has been owned by the Virginia Beach Raquet Club for decades.

Whitney Graham:
To remove the split zoning on the property, the applicant is requesting to rezone a portion of the property from R20 Residential District to R40 Residential District. This will create three lots, all of which are in excess of 40,000 square feet. The applicant has also received approval from the Chesapeake Bay Preservation Area Board to encroach into the RPA, and have limited impervious coverage of, approximately, a maximum of 30%. Staff, again, supports this project, and we recommend approval.

Jack Wall:
Okay, thank you. The next item on the agenda is agenda item number three, Samet Properties LLC is the applicant. And Taylor Farms Land Company LLC is the property owner. It's a Conditional Rezoning AG1 and AG2 to I1 Light Industrial at 2097 Harpers Road, in the Beach District. Is there a representative to speak on this item?

Eddie Bourdon:
Again, thank you, Commissioner Wall, Chairman, members of the Commission, Eddie Bourdon, Virginia Beach attorney representing Samet Properties. Pretty simple application. Appreciate being on the consent agenda and appreciate staff's help and Marchelle's help on the application. Thank you.

Jack Wall:

Thanks. Okay, thank you. Is there any opposition to this being placed on the consent agenda? Hearing none, the Planning Commission's asked Mr. Alcaraz to read this into the record.

George Alcaraz:

Thank you. Again, it is a simple application, but I'll just be real short with the details. Conditional Rezoning from AG1 to AG2, Agriculture District to Conditional I1 Light Industrial. Staff is recommending approval. Location is 2097 Harpers Road. On September 7th, 2021, Conditional Rezoning for AG1 to AG2 Agricultural Districts. An I1 Light Industrial District to Conditional I1 Light Industrial District. Excuse me. As well as a Conditional Use Permit for Bulk Storage was granted by City Council to construct a 221,000 square foot distribution center and associated parking.

George Alcaraz:

With that application, the applicant proposed two stormwater management facilities in underground storage below the proposed parking lot to address the stormwater quality and quality control for the site. The applicant is now seeking to increase the stormwater management facilities for the site by an additional 10 acres to install additional storage in the above ground pod. To accomplish this, the applicant is requesting to rezone an additional 10 acres north of the approved site from AG1 to AG2 to Conditional I1 to accommodate for the additional aboveground storage for this site.

George Alcaraz:

The Planning Commission is recommending this item for consent agenda for approval.

Jack Wall:

Okay, thank you. The next item on the consent agenda is agenda item number four, Monet Freeman as the applicant. Shoppes One LLC as the property owner. It's for a Conditional Use Permit for a Tattoo Parlor at 4380 Holland Plaza Shopping Center in the Rose Hall District. Is there a representative to speak on this item?

Madam Clerk:

Mr. Wall, Monet Freeman is virtual. She's WebEx. So, Ms. Freeman, if you would wait two to three seconds, we're going to unmute your mic. Please state your name, and then state whether or not you agree with conditions of your application. You're on the consent agenda.

Monet Freeman:

Monet Freeman here. And yes, I do agree.

Jack Wall:

Is there any opposition for this item to be placed on the consent agenda? Hearing none, the Planning Commission has asked Ms. Klein to read this into the record.

Robyn Klein:

The applicant is requesting a Conditional Use Permit for a Tattoo Parlor, specifically for the application of permanent makeup, known as microblading. The operation will occur within a 472 square foot unit in the Holland Plaza Shopping Center. The property is zoned B2, Community Business. Staff recommends approval of this application, and it is placed on the consent agenda.

Jack Wall:

Okay, thank you. The next item on the consent agenda is agenda item number five, Platinum Management LLC is the applicant and 5429 Greenwich Road. Virginia LLC is the property owner. Conditional Rezoning from I1 Light Industrial to Conditional A36 Apartments for construction of 315 dwelling units at a density of approximately 29.41 units per acre at 5429 Greenwich Road in the Kempsville District. Is there a representative to speak on this item?

Lisa Murphy:

Good afternoon, Chairman, Vice Chairman, members of the Planning Commission. For the record, my name is Lisa Murphy, local zoning attorney. And I'm here on behalf of Platinum Management LLC. We appreciate all of Marchelle Coleman's work on this project and being placed on the consent agenda. And I thank you for your time.

Jack Wall:

Thank you. Thank you. Is there any opposition for this item being placed on the consent agenda? Hearing none, the Commission has asked Mr. Redmond to read this into the record.

Dave Redmond:

Thank you, Mr. Wall. This is an application by Platinum Management LLC at 5429 Greenwich Road for a Conditionally Rezoning from I1 Light Industrial, Conditional A36 Apartment. The applicant is requesting to rezone a 10.73 acre parcel from I1 Light Industrial District to Conditional A36 Apartment District to redevelop the property with a 315-unit multifamily residential community. The property is located within the Newtown Strategic Growth Area, and is currently developed with the Virginia Pilot Newspaper Production and Distribution Facility.

Dave Redmond:

The two existing buildings on the property will be removed in conjunction with the proposed redevelopment of the site. The submitted conceptual site plan depicts three multifamily buildings, four stories in height, with a clubhouse. The proposed apartments will have an extensive amenity package consisting of courtyard with fire pits, exterior fireplaces, and exclusive seating at a resort style pool, grilling stations, and fitness facilities within the clubhouse.

Dave Redmond:

If you are familiar with this property, and I don't know how you could not be familiar with this property, it is quite iconic. It is in close proximity to the Top Golf Entertainment Facility, as well as another apartment building in very close proximity of the same height and similar density. This is a redeveloping corridor. There's obviously a gigantic transportation project that

surrounds it. The staff has laid out a number of conditions that adequately serve the public interest.

Dave Redmond:

The Planning Commission agrees not just with their judgements, recognizes that there is no public opposition, and also believes that this is a very appropriate re-development project and moves the city and its people forward. And therefore, we concur with the staff's recommendation and place it on consent. Mr. Wall.

Jack Wall:

Okay. Thank you very much. The next item on the consent agenda is agenda item number seven, Hunt Club Condominium Association Incorporated is the applicant and property owner, for Modification of Conditions at 120 Loflin Way Drive in the Kempsville District. Is there a representative for this application?

Eddie Bourdon:

Thank you, Mr. Chairman, Mr. Vice Chairman, members of commission. Again, for the record, Eddie Bourdon, Virginia Beach attorney representing the Hunt Club Condominium Association Inc, which are the owners of the existing 37 units on this 11-acre piece of property. Elizabeth did a fantastic job. I will correct her on one thing. It was a PDH2 rezoning. It was not a Conditional Rezoning, in 1982. And actually, I'd just graduated from law school. Hadn't passed the bar exam. So that tells you how long ago this was. A whole very long time. And it was even before Don was on the Planning Commission, too.

Eddie Bourdon:

This is a great application, and it is, as Elizabeth said, a unique application. The Association is doing this. This does not represent any additional impervious surfaces. The building pads and the buildings were approved originally with the site plan after the PDH2 rezoning. And it helps the Association, which has all this land it's been maintaining, and these buildings, for the last 38 years. And it's hard for that few number of people to have to pay for all this maintenance. And the new buildings all get upgraded out of this as well. So it's an excellent situation, and anything like it'll probably never exist again. But appreciate being on the consent agenda. Thank you.

Jack Wall:

Okay. Thank you. Is there any opposition for this application be placed on the consent agenda? Hearing none, the Commission has asked Mr. Bradley to read this into the record.

David Bradley:

The applicant and property owner Hunt Club Condominium is requesting a Modification of Conditions to increase the number of multifamily dwellings permitted on site by 11 at a resulting density of 4.25 units per acre. The 11.3-acre site is a multi-family residential development originally approved by City Council on September 27th, 1982. When a Conditional Rezoning for this property was approved in 1982, there was a general practice of imposing conditions in lieu of a voluntary proffer agreement. As this practice is no longer preferred, the applicant is offering

proffers in order to modify those conditions of approval. Hence the request for the proffered modification of conditions.

David Bradley:

Condition five of the 1982 approval states, "The applicant has voluntarily agreed to limit the number of units to a total of 37. A modification of this condition is required to revise this limit." As part of their application, the applicant is also offering a site plan, architectural design, and landscaping of this site.

Jack Wall:

Okay, thank you.

Bobby Tahan:

Mr. Wall, if I may. Although I'm not required to disclose, I am disclosing for this that I am a member of the Board of Directors and Vice Chairman of the adjacent property owner of Kempsville Christian Church. Because of that, I have not reviewed nor influenced staff on the review of this application.

Jack Wall:

Okay. Thank you. Next item on the consent agenda is agenda item number eight. Treyana Mills is the applicant and Providence Square Office Park Associates as the property owner for a Conditional Use Permit for Tattoo Parlor at 1017 at Kempsville Road in the Kempsville District. Is their a representative for this application?

Jack Wall:

Okay. No? Okay. Okay. All right. Seeing that there's none, we're going to move on. Is there any opposition for this item to be placed on the consent agenda? Hearing none, the Planning Commission's asked Mr. Inman to read this into the record.

Mike Inman:

I'm number nine.

Jack Wall:

Oh yeah. Number nine. That's it.

Mike Inman:

Oh, we're on it?

Jack Wall:

You're number nine.

Mike Inman:

I thought it was eight.

Jack Wall:
Number eight. We're on number eight. Sorry. Number eight. Yeah.

David Weiner:
I have you down for number eight, too. What are we seeing here? I got you down for number eight.

Jack Wall:
You sure you're not doing eight, Mike? I've got you down for number eight.

Mike Inman:
I don't have that.

David Weiner:
Don't look at me, Mike.

Mike Inman:
You have me down for number eight.

Jack Wall:
We all have you down for number eight.

Mike Inman:
Give me two seconds, and I'll do it.

Jack Wall:
Yeah. That'd be good.

Mike Inman:
Yeah. I'm prepared for number nine. Who's doing number nine?

Jack Wall:
Mr. Coston's doing number nine.

John Coston:
You got your glasses.

Jack Wall:
Don't y'all fight there. I couldn't get it by them. Speak up earlier.

Dave Redmond:
Sit tight. Just be cool. Be cool.

Jack Wall:

Dave, you want us to do it, Dave?

Mike Inman:

I'll do it. Come on. It's number eight, is application for the Tattoo Parlor. It's located at 1017 Kempsville Road. The request is for the applicant to must obtain a business license from the Health Department. The applicant's not proposing any new signage for the establishment. About four employees are anticipated, and typical hours of operation will be 10:00 AM to 5:00 PM. There are a number of conditions that have been approved, and it's accepted by the applicant. And the Comprehensive Plan recognizes this property as being within the suburban area, and that its guiding principles have been established by the comprehensive plan, and that this use will meet those criteria. And for that reason, staff recommended it. And we agreed to put it on the consent agenda.

Jack Wall:

Thank you. Great job. Appreciate it.

Mike Inman:

Winging it.

Jack Wall:

The next item on the consent agenda is Kevin and Keisha Mercer as the applicant and RT Virginia Holdings LLC as the property owner for a Conditional Use Permit for Assembly Use at 5300 Kamps River Drive in the Kempsville District. Is there a representative to speak on this application?

Jack Wall:

Welcome, please state your name.

Keisha Mercer:

Thank you. Good afternoon. My name is Keisha Mercer. I represent Venue 1225. I am seeking a space for individuals to have celebratory events. And I thank you all for your time and consideration.

Jack Wall:

Okay. Thanks. Are the about the six conditions acceptable?

Keisha Mercer:

Yes.

Jack Wall:

Okay. Thank you. Okay. I appreciate it. Thanks. Thank you. Is there any opposition for this application to be placed on the consent agenda?

Dave Redmond:

Jack, just let me go out of the box here for a minute. Today's Mr. Inman's last meeting, and he's ready to read number nine. I think we should let him read number nine.

Jack Wall:

Oh, that's a great idea. That's a great idea. Go ahead.

Mike Inman:

Mr. Will be very disappointed.

Jack Wall:

I think he'll be all right.

Dave Redmond:

He doesn't look disappointed.

Mike Inman:

You don't mind if I do?

John Coston:

I don't mind.

Mike Inman:

Oh okay. No, it's very gracious of you.

Mike Inman:

All right. So number nine is a Conditional Use Permit application at the Kemp's Corner Shops, which is in a B2 Community Business District. The applicant estimates a number of guests, and it's for an assembly hall, banquet hall. And as the applicant's stated, it's for celebratory events. And applicant estimates the number of guests will ranged from 10 to 105. The parking requirements are met on site. There are no significant modifications to the site anticipated, or the building. The conditions include onsite signage must meet the zoning code. All activities must occur within the building, outdoor events are prohibited unless permitted by a special event permit. And no amplification of music or speakers or monitors will be permitted except within the enclosed building. And having met those conditions, staff recommends and we put it on a consent agenda.

Jack Wall:

Okay. Thank you very much.

Mike Inman:

My pleasure.

Jack Wall:

The next item is agenda item number 10, Jodie Calcagno as the applicant and HCD Properties LLC as the property owner for a Conditioned Use Permit for Assembly Use at 4752 Euclid Road in the Bayside District. Is there a representative for this application? Welcome.

Jodie Calcagno:

Thank you, Chairman, Vice Chairman, and members of the Planning Commission. My name is Jody Michelle Calcagno, and I'm representing 4752 Euclid Road. Thank you, Michaela, for your guidance during this process. And thank you for including me on the consent agenda today. I accept all terms.

Jack Wall:

Okay. So the seven conditions are acceptable?

Jodie Calcagno:

They are. Yes. Thank you.

Jack Wall:

All right. Thank you. Is there any opposition for this item to be placed on the consent agenda? Hearing none, the Planning Commission's asked Mr. Redmond to read this into the record.

Dave Redmond:

Thank you, Mr. Wall. This is an application by Jody Calcagno, who we just saw, for Conditional Use Permit for an Assembly Use. The applicant is proposing to convert a portion of the first floor of an existing 12,600 square foot office building into a boutique event venue. Events such as these are classified in the Zoning Ordinance as Assembly Uses, thereby necessitating a Conditional Use Permit in the B2 Community Business District. The 3,400 square foot event space will consist of three party rooms and an outdoor patio. The applicant plans to host bridal and wedding showers, as well as business retreats.

Dave Redmond:

The second floor of the existing building will remain office space with 11 units. You can see a picture of the building here. It's appropriate for this kind of use. I'm very familiar with this building. I work right around the corner. There was some concern about the amount of parking, and parking availability for the office uses and for this event venue. The applicant has proposed to manage her events in such a way in hours, so as not conflict with the business use in this building. So they are utilizing a shared parking arrangement, in a way, which is in and of itself a positive thing, more parking, less asphalt. Everybody's needs and uses get met. It's an appropriate use in this location. The staff supports it. We're unaware of any opposition, and the commission agrees, then, with the staff by consent. Thank you, Mr. Wall.

Jack Wall:

All right. Thank you. The next application is agenda number 11, Michael D Sifen Incorporated as the applicant and Virginia Beach Investment Company as the property owner for Conditional Use Permit for self-storage mini warehouse. Is there a representative for this? Actually, it's in

the Centerville... Excuse me. It's in the Centerville District at the corner southwest intersection of Providence Road and College Park Boulevard. Is there a representative for this application?

Eddie Bourdon:

Thank you, Mr. Vice Chair, Mr. Chairman, members of the commission. Again, Eddie Bourdon, Virginia Beach attorney, for the record, representing Michael D Sifen Incorporated. I want to thank Michaela for her extremely good work on this. And I want compliment Mr. Tajan for the new hires that the department. They're excellent additions. All nine conditions, as recommended in the use permit, are acceptable. I want to add one thing. The building is actually designed. It is a 45-foot tall building roof. The only reason it's above are the parapets, which add to the architectural interest of the building. And also, they shield mechanical equipment that's on top from view. So the building was at 45-feet, but it's just for the parapet. Thank you very much.

Jack Wall:

Okay. Thank you. Is there any opposition for this application to be placed on the consent agenda? I'm hearing none. We've asked Ms. Klein to read this into the record.

Robyn Klein:

The applicant is requesting a Conditional Use permit for a mini-warehouse on a 2.89-acre undeveloped parcel zoned B2 Community Business District at the southwest corner of Providence Road and College Park Boulevard. The four-story mini-warehouse building will be climate controlled with a floor area of 165,680 square feet. Staff supports the application, and the Commission places sit on the consent agenda.

Jack Wall:

Okay, thank you. Additionally, we have the short-term rentals, which are now in the regular consent agenda. And the next application is 12 through 17, agenda items 12 through 17, 2508 Pacific Avenue LLC is both the applicant and property owner for Conditional Use Permits for short-term rentals at 2510, 2514, 2518, 2522, 2526, 2530 Pacific Avenue in the Beach District. Is there a representative for this application?

Eddie Bourdon:

Like a bad penny. I keep turning up. Eddie Bourdon, Virginia Beach attorney representing 2508 Pacific Avenue LLC. Thanks to Antoinette and Ms. Moss and her staff, all 21 conditions as recommended, are acceptable. I did want to, again, put on the record, this is new. What Council approved when they finally got, and you all after all the years, these units, all but one, that doesn't have a garage. The ones with the garage are all two-car garages. And to meet the parking requirements, they're two-car garages for use as just a residence. But the short term rental ordinance now says you only get to get one parking space credit in the garage. So this is, just so everyone is, just really over parked by having the extra 10 spaces. But then it's not a complaint. Just want to put that on the record because not everybody's completely aware of that change. Thank you.

Jack Wall:

Thank you. Thank you. Is there any opposite for this being placed on the consent agenda? Hearing none... Okay. Next is number 18 ORP Ventures LLC is both the applicant and property owner requesting a short-term rental Conditional Use Permit at 603 20th Street in the Beach District. Is there a representative for this application?

Eddie Bourdon:

Again, Eddie Bourdon, Virginia Beach attorney representing the applicant. Again, appreciate Antoinette's work. All 19 conditions, as recommended, are acceptable to the applicant.

Jack Wall:

Okay. Thank you. The next item is agenda item number 19 through 27 ORP Venture LLC. Again as applicant and property owner Conditional Use Permit for short term rentals at 410 19th Street unit 101, 102, 103, 201, 202 and 412 and 19th Street unit 101, 102, 201, 202 in the Beach District. Is there representative for this application?

Eddie Bourdon:

Again, Eddie Bourdon, Virginia Beach attorney representing the applicant. Before I tell you that all 19 conditions, or excuse me, all 18 conditions are acceptable, I wanted to thank Mr. Inman for his service to our city. All of you, for that matter, as volunteers, as much time and effort as you put into it. But Mr. Inman has brought all a great deal of knowledge of real estate law to the table, which I think has helped everyone over the course of his tenure on this Commission. And he'll be sorely missed. Won't be able to be replaced, but there'll be someone that'll do a good job just the same. And I want to wish everybody Happy Holidays, Merry Christmas, Happy New Year. Hope everybody has a great, safe holiday, and appreciate Brandon's work. And the conditions are acceptable to my clients. Thank you very much.

Mike Inman:

Thank you.

Jack Wall:

Is there any opposition for agenda items 18 through 27 being placed on the consent agenda? All right. Hearing none, Mr. Chairman I make a motion that we approve agenda items 1 and 2, 3, 4, 5, 7, 8, 9, 10, 11, 12 through 17, 18, and 19 through 27.

David Weiner:

All right. We have a motion for approval. Do we have a second?

Donald Horsley:

Second.

David Weiner:

A second.

David Weiner:

Okay. Now, disclosures. Yeah, I know. We're going there. We got the motion. We got the second. Now we have the disclosures. Okay, go. You start, Whitney.

Whitney Graham:

Thank you, Mr. Chairman. Pursuant to the Conflicts of Interest Act, Virginia Code Section 2.2-3115F, I have a letter on file to this as well. I make the following declarations, the following agenda items on today's agenda have some financing by Towne Bank, which I serve on one of the Boards at Towne Bank, but I don't make any decisions for loans or anything like that.

Whitney Graham:

So anyway, these are items one and two Virginia Beach Raquet Club North Associates LP, 1951 Thomas Bishop Lane, number 10, Jody Calcagno, 4752 Euclid Road, agenda items 12 through 17, 2508 Pacific Avenue LLC for 2510, 2514, 2518, 2522, 2526, 2530 Pacific Avenue, agenda item number 18, ORF Ventures LLC, 603 20th Street, agenda items 19 through 27 ORF Ventures LLC, 410 19th Street units 101, 102, 103, 201, 202. And this is at 412 19th Street units 101, 102, 201 and 202. Sorry about the length of that. Thank you.

David Weiner:

All right. Next, Mr. Redmond.

Dave Redmond:

Yeah, I'm not going to do any of that. I will say that I have a letter, myself, on file with the City Attorney's Office, which prevents me from voting on all the short-term rentals. I have a client in the travel industry, and I therefore do not vote on any of the individual short term rental applications, nor on any of the ordinances that govern short term rentals. So while I will be voting in favor of the consent agenda, I'm specifically abstaining from those items, which I have down as number 12 to 27 on short term rentals. Thank you, Kay. And thank you, Mr. Chairman.

David Weiner:

Mr. Inman.

Mike Inman:

Yes, I have to make a disclosure regarding items financing by Towne Bank. I serve on Advisory Board, as does Mr. Graham, that does not make any loan decisions, but disposing with regard to agenda items one and 2, 10, 18, and 19 through 27, without going into the same detail that Mr. Graham did. I believe I can participate in these decisions fairly and objectively, and I will participate in voting on those items.

Mike Inman:

Next, I'm making a disclosure with regard to item number three, Samet Properties. One of my partners represents the applicant Taylor Farms Land Company. And I'm not involved in that representation, nor do I represent the owner. And I have no financial interest on. Having made this disclosure, I believe I can participate in this vote objectively, fairly, and in the public interest.

Mike Inman:

Last but not least, with regard to item seven Hunt Club Condominium, I represent that applicant otherwise, not here today, obviously Mr. Bourdon did, and I will therefore abstain from item number seven.

David Weiner:

Okay. Mr. Graham, do you want to add something?

Whitney Graham:

Yes, sir, Mr. Chairman. I apologize. In my disclosure, I want to add that I do plan to participate in today's vote, and that I feel that I can do so fairly and objectively in the public's interest. Thank you.

David Weiner:

Anyone else? Okay. We have a motion for approval by Mr. Wall, a second by Mr. Horsley.

Madam Clerk:

Okay. Vote is open. By recorded vote of 10 in favor, zero against, agenda items one and 2, 3, 4, 5, 8, 9, 10, and 11 have been recommended for approval by consent. Agenda item number seven, by recorded vote of nine in favor, zero against with one abstention, has been recommended for approval by consent. And agenda items 12 through 17, 18, 19 through 27 through recorded vote of nine in favor, zero against with one abstention, have been recommended for approval by consent.

	AYE 9	NAY 0	ABS 1	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond			ABSTAIN	
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 603 20th Street, and the Short Term Rental use shall only occur in the principal structure.
2. An annual (yearly) STR Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short Term Rental purposes.

3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. The garage space within the unit must remain a minimum of 9-feet by 18-feet, contain a minimum 8-foot-wide vehicle entryway opening, and shall remain free of materials to ensure vehicular accessibility to the Short Term Rental tenants.
5. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
6. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.
7. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
8. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning Permit; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
9. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
10. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
11. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
12. Accessory structures shall not be used or occupied as Short Term Rentals.
13. No signage shall be on-site, except that each Short Term Rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a short term rental and provides

the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street.

14. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
15. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
16. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
17. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, which number shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).
18. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property annually. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in affect at the of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one smoke alarm installed on every floor of the structure and in the areas adjacent to all sleeping rooms, and when activated, be audible in all sleeping rooms, and 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order.

Properties managed by Short Term Rental Companies certified by the Department of Planning shall only be required to be inspected every three years. The inspection for compliance with the requirements above shall be performed by the short term rental management company and be documented on a form prescribed by the Planning Department and shall be provided during the yearly permitting process.

Properties may be inspected annually for compliance with the requirements above by certified Short Term Rental Management Companies or Certified Home Inspectors. The compliance inspection shall be documented on a form prescribed by the Planning Department and shall be provided during the yearly permit process.

19. A structural safety inspection report shall be provided to the City every three (3) years indicating all exterior stairways, decks, porches, and balconies have been inspected by a licensed design professional qualified to perform such inspection (engineer or architect) and are safe for use. The report must indicate the maximum number of occupants permitted on each level of these structures and placards indicating the maximum number of occupants of all exterior stairways, decks, porches, and balconies must be posted on each level of these structures.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by

the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.

The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

**Virginia Beach Planning Commission
December 8, 2021 Public Meeting
Agenda Items # 19-27**

ORP Ventures, LLC [Applicant & Property Owner]

Conditional Use Permits (Short Term Rentals)

410 19th Street, Units 101, 102, 103, 201, 202, & 412 19th Street Units 101, 102, 201, 202

RECOMMENDED FOR APPROVAL – CONSENT

ack Wall:

Okay. Thank you, Mr. Chairman. We have 26 items on the consent agenda today, on the regular consent agenda, including short term rentals. The first item is agenda items one and two. Virginia Beach Raquet Club North Associates, both applicant and property owner, for Rezoning from R20 to R40 and a Subdivision Variance at 1951 Thomas Bishop Lane in the Lynnhaven District. Is there a representative for this item.

Eddie Bourdon:

Thank you, Mr. Vice Chair, Mr. Chairman, members of the Commission. For the record, Eddie Bourdon, Virginia Beach Attorney representing the Raquet Club, Dr. Shifflett and his family, on these applications. Appreciate Marchelle's work on this application and being on the consent agenda. The two conditions recommended are acceptable.

Eddie Bourdon:

I did want to follow on some of Commissioner Wall's inquiries this morning in the informal. I apologize. I'll try to be brief. Thomas Bishop Lane, as it runs through this property, you can see that little dotted line that goes all the way up to the far end. That's a power easement that ran along the original Great Neck Road. Great Neck Road ran right through here, where Thomas Bishop Lane is now, way back in the day. I think it was actually, the new one, was dedicated, I believe, in the mid-60s. So the Shiffletts, knowing that they were going to move this bubble where the tennis courts are now, that was the indoor, over to a new one, about over 10 years ago, started planning for this property.

Eddie Bourdon:

Three lots were created on the Long Creek Canal with the Subdivision Variance and with Bay Board approval. And it was everybody's consensus at the time not to extend a road and put a cul-de-sac. Because it's more environmentally friendly to do some flag lots. Three flag lots were created. The first one has a house on it. The second one is shown there with the little box. The third one is where the box would've been. And then there was more land to the west and then all the way down. They planned on having five other lots that would've all been served by the same easement that already exists.

Eddie Bourdon:

Instead, we're just creating three. The third lot of the original three has been incorporated into the rest of the property. And that's that three plus acre piece that will remain as one piece. Two less slots than were originally anticipated. And the road note, there's no new improvements. What is there will continue to be the road under the existing easement that exists today. Sorry for the length, but I thought it would be helpful to everybody to understand.

Jack Wall:
Okay. Thank you.

Eddie Bourdon:
Thank you.

Jack Wall:
Yep. Is there any opposition for this item being placed on the consent agenda? Hearing none, the Planning Commission has asked Mr. Graham to read this into the record.

Whitney Graham:
Thank you, Mr. Wall. This application for Virginia Beach Raquet Club North Associates LP for the Rezoning of R20 Residential District to R40 Residential District, as well as a Subdivision Variance of the Subdivision Regulations. The property is located 1951 Thomas Bishop Lane. The subject lot is zoned R20 Residential and R40 Residential District and is currently developed with tennis courts and an asphalt parking lot, which has been owned by the Virginia Beach Raquet Club for decades.

Whitney Graham:
To remove the split zoning on the property, the applicant is requesting to rezone a portion of the property from R20 Residential District to R40 Residential District. This will create three lots, all of which are in excess of 40,000 square feet. The applicant has also received approval from the Chesapeake Bay Preservation Area Board to encroach into the RPA, and have limited impervious coverage of, approximately, a maximum of 30%. Staff, again, supports this project, and we recommend approval.

Jack Wall:
Okay, thank you. The next item on the agenda is agenda item number three, Samet Properties LLC is the applicant. And Taylor Farms Land Company LLC is the property owner. It's a Conditional Rezoning AG1 and AG2 to I1 Light Industrial at 2097 Harpers Road, in the Beach District. Is there a representative to speak on this item?

Eddie Bourdon:
Again, thank you, Commissioner Wall, Chairman, members of the Commission, Eddie Bourdon, Virginia Beach attorney representing Samet Properties. Pretty simple application. Appreciate being on the consent agenda and appreciate staff's help and Marchelle's help on the application. Thank you.

Jack Wall:

Thanks. Okay, thank you. Is there any opposition to this being placed on the consent agenda? Hearing none, the Planning Commission's asked Mr. Alcaraz to read this into the record.

George Alcaraz:

Thank you. Again, it is a simple application, but I'll just be real short with the details. Conditional Rezoning from AG1 to AG2, Agriculture District to Conditional I1 Light Industrial. Staff is recommending approval. Location is 2097 Harpers Road. On September 7th, 2021, Conditional Rezoning for AG1 to AG2 Agricultural Districts. An I1 Light Industrial District to Conditional I1 Light Industrial District. Excuse me. As well as a Conditional Use Permit for Bulk Storage was granted by City Council to construct a 221,000 square foot distribution center and associated parking.

George Alcaraz:

With that application, the applicant proposed two stormwater management facilities in underground storage below the proposed parking lot to address the stormwater quality and quality control for the site. The applicant is now seeking to increase the stormwater management facilities for the site by an additional 10 acres to install additional storage in the above ground pod. To accomplish this, the applicant is requesting to rezone an additional 10 acres north of the approved site from AG1 to AG2 to Conditional I1 to accommodate for the additional aboveground storage for this site.

George Alcaraz:

The Planning Commission is recommending this item for consent agenda for approval.

Jack Wall:

Okay, thank you. The next item on the consent agenda is agenda item number four, Monet Freeman as the applicant. Shoppes One LLC as the property owner. It's for a Conditional Use Permit for a Tattoo Parlor at 4380 Holland Plaza Shopping Center in the Rose Hall District. Is there a representative to speak on this item?

Madam Clerk:

Mr. Wall, Monet Freeman is virtual. She's WebEx. So, Ms. Freeman, if you would wait two to three seconds, we're going to unmute your mic. Please state your name, and then state whether or not you agree with conditions of your application. You're on the consent agenda.

Monet Freeman:

Monet Freeman here. And yes, I do agree.

Jack Wall:

Is there any opposition for this item to be placed on the consent agenda? Hearing none, the Planning Commission has asked Ms. Klein to read this into the record.

Robyn Klein:

The applicant is requesting a Conditional Use Permit for a Tattoo Parlor, specifically for the application of permanent makeup, known as microblading. The operation will occur within a 472 square foot unit in the Holland Plaza Shopping Center. The property is zoned B2, Community Business. Staff recommends approval of this application, and it is placed on the consent agenda.

Jack Wall:

Okay, thank you. The next item on the consent agenda is agenda item number five, Platinum Management LLC is the applicant and 5429 Greenwich Road. Virginia LLC is the property owner. Conditional Rezoning from I1 Light Industrial to Conditional A36 Apartments for construction of 315 dwelling units at a density of approximately 29.41 units per acre at 5429 Greenwich Road in the Kempsville District. Is there a representative to speak on this item?

Lisa Murphy:

Good afternoon, Chairman, Vice Chairman, members of the Planning Commission. For the record, my name is Lisa Murphy, local zoning attorney. And I'm here on behalf of Platinum Management LLC. We appreciate all of Marchelle Coleman's work on this project and being placed on the consent agenda. And I thank you for your time.

Jack Wall:

Thank you. Thank you. Is there any opposition for this item being placed on the consent agenda? Hearing none, the Commission has asked Mr. Redmond to read this into the record.

Dave Redmond:

Thank you, Mr. Wall. This is an application by Platinum Management LLC at 5429 Greenwich Road for a Conditionally Rezoning from I1 Light Industrial, Conditional A36 Apartment. The applicant is requesting to rezone a 10.73 acre parcel from I1 Light Industrial District to Conditional A36 Apartment District to redevelop the property with a 315-unit multifamily residential community. The property is located within the Newtown Strategic Growth Area, and is currently developed with the Virginia Pilot Newspaper Production and Distribution Facility.

Dave Redmond:

The two existing buildings on the property will be removed in conjunction with the proposed redevelopment of the site. The submitted conceptual site plan depicts three multifamily buildings, four stories in height, with a clubhouse. The proposed apartments will have an extensive amenity package consisting of courtyard with fire pits, exterior fireplaces, and exclusive seating at a resort style pool, grilling stations, and fitness facilities within the clubhouse.

Dave Redmond:

If you are familiar with this property, and I don't know how you could not be familiar with this property, it is quite iconic. It is in close proximity to the Top Golf Entertainment Facility, as well as another apartment building in very close proximity of the same height and similar density. This is a redeveloping corridor. There's obviously a gigantic transportation project that

surrounds it. The staff has laid out a number of conditions that adequately serve the public interest.

Dave Redmond:

The Planning Commission agrees not just with their judgements, recognizes that there is no public opposition, and also believes that this is a very appropriate re-development project and moves the city and its people forward. And therefore, we concur with the staff's recommendation and place it on consent. Mr. Wall.

Jack Wall:

Okay. Thank you very much. The next item on the consent agenda is agenda item number seven, Hunt Club Condominium Association Incorporated is the applicant and property owner, for Modification of Conditions at 120 Loflin Way Drive in the Kempsville District. Is there a representative for this application?

Eddie Bourdon:

Thank you, Mr. Chairman, Mr. Vice Chairman, members of commission. Again, for the record, Eddie Bourdon, Virginia Beach attorney representing the Hunt Club Condominium Association Inc, which are the owners of the existing 37 units on this 11-acre piece of property. Elizabeth did a fantastic job. I will correct her on one thing. It was a PDH2 rezoning. It was not a Conditional Rezoning, in 1982. And actually, I'd just graduated from law school. Hadn't passed the bar exam. So that tells you how long ago this was. A whole very long time. And it was even before Don was on the Planning Commission, too.

Eddie Bourdon:

This is a great application, and it is, as Elizabeth said, a unique application. The Association is doing this. This does not represent any additional impervious surfaces. The building pads and the buildings were approved originally with the site plan after the PDH2 rezoning. And it helps the Association, which has all this land it's been maintaining, and these buildings, for the last 38 years. And it's hard for that few number of people to have to pay for all this maintenance. And the new buildings all get upgraded out of this as well. So it's an excellent situation, and anything like it'll probably never exist again. But appreciate being on the consent agenda. Thank you.

Jack Wall:

Okay. Thank you. Is there any opposition for this application be placed on the consent agenda? Hearing none, the Commission has asked Mr. Bradley to read this into the record.

David Bradley:

The applicant and property owner Hunt Club Condominium is requesting a Modification of Conditions to increase the number of multifamily dwellings permitted on site by 11 at a resulting density of 4.25 units per acre. The 11.3-acre site is a multi-family residential development originally approved by City Council on September 27th, 1982. When a Conditional Rezoning for this property was approved in 1982, there was a general practice of imposing conditions in lieu of a voluntary proffer agreement. As this practice is no longer preferred, the applicant is offering

proffers in order to modify those conditions of approval. Hence the request for the proffered modification of conditions.

David Bradley:

Condition five of the 1982 approval states, "The applicant has voluntarily agreed to limit the number of units to a total of 37. A modification of this condition is required to revise this limit." As part of their application, the applicant is also offering a site plan, architectural design, and landscaping of this site.

Jack Wall:

Okay, thank you.

Bobby Tahan:

Mr. Wall, if I may. Although I'm not required to disclose, I am disclosing for this that I am a member of the Board of Directors and Vice Chairman of the adjacent property owner of Kempsville Christian Church. Because of that, I have not reviewed nor influenced staff on the review of this application.

Jack Wall:

Okay. Thank you. Next item on the consent agenda is agenda item number eight. Treyana Mills is the applicant and Providence Square Office Park Associates as the property owner for a Conditional Use Permit for Tattoo Parlor at 1017 at Kempsville Road in the Kempsville District. Is their a representative for this application?

Jack Wall:

Okay. No? Okay. Okay. All right. Seeing that there's none, we're going to move on. Is there any opposition for this item to be placed on the consent agenda? Hearing none, the Planning Commission's asked Mr. Inman to read this into the record.

Mike Inman:

I'm number nine.

Jack Wall:

Oh yeah. Number nine. That's it.

Mike Inman:

Oh, we're on it?

Jack Wall:

You're number nine.

Mike Inman:

I thought it was eight.

Jack Wall:
Number eight. We're on number eight. Sorry. Number eight. Yeah.

David Weiner:
I have you down for number eight, too. What are we seeing here? I got you down for number eight.

Jack Wall:
You sure you're not doing eight, Mike? I've got you down for number eight.

Mike Inman:
I don't have that.

David Weiner:
Don't look at me, Mike.

Mike Inman:
You have me down for number eight.

Jack Wall:
We all have you down for number eight.

Mike Inman:
Give me two seconds, and I'll do it.

Jack Wall:
Yeah. That'd be good.

Mike Inman:
Yeah. I'm prepared for number nine. Who's doing number nine?

Jack Wall:
Mr. Coston's doing number nine.

John Coston:
You got your glasses.

Jack Wall:
Don't y'all fight there. I couldn't get it by them. Speak up earlier.

Dave Redmond:
Sit tight. Just be cool. Be cool.

Jack Wall:

Dave, you want us to do it, Dave?

Mike Inman:

I'll do it. Come on. It's number eight, is application for the Tattoo Parlor. It's located at 1017 Kempsville Road. The request is for the applicant to must obtain a business license from the Health Department. The applicant's not proposing any new signage for the establishment. About four employees are anticipated, and typical hours of operation will be 10:00 AM to 5:00 PM. There are a number of conditions that have been approved, and it's accepted by the applicant. And the Comprehensive Plan recognizes this property as being within the suburban area, and that its guiding principles have been established by the comprehensive plan, and that this use will meet those criteria. And for that reason, staff recommended it. And we agreed to put it on the consent agenda.

Jack Wall:

Thank you. Great job. Appreciate it.

Mike Inman:

Winging it.

Jack Wall:

The next item on the consent agenda is Kevin and Keisha Mercer as the applicant and RT Virginia Holdings LLC as the property owner for a Conditional Use Permit for Assembly Use at 5300 Kamps River Drive in the Kempsville District. Is there a representative to speak on this application?

Jack Wall:

Welcome, please state your name.

Keisha Mercer:

Thank you. Good afternoon. My name is Keisha Mercer. I represent Venue 1225. I am seeking a space for individuals to have celebratory events. And I thank you all for your time and consideration.

Jack Wall:

Okay. Thanks. Are the about the six conditions acceptable?

Keisha Mercer:

Yes.

Jack Wall:

Okay. Thank you. Okay. I appreciate it. Thanks. Thank you. Is there any opposition for this application to be placed on the consent agenda?

Dave Redmond:

Jack, just let me go out of the box here for a minute. Today's Mr. Inman's last meeting, and he's ready to read number nine. I think we should let him read number nine.

Jack Wall:

Oh, that's a great idea. That's a great idea. Go ahead.

Mike Inman:

Mr. Will be very disappointed.

Jack Wall:

I think he'll be all right.

Dave Redmond:

He doesn't look disappointed.

Mike Inman:

You don't mind if I do?

John Coston:

I don't mind.

Mike Inman:

Oh okay. No, it's very gracious of you.

Mike Inman:

All right. So number nine is a Conditional Use Permit application at the Kemp's Corner Shops, which is in a B2 Community Business District. The applicant estimates a number of guests, and it's for an assembly hall, banquet hall. And as the applicant's stated, it's for celebratory events. And applicant estimates the number of guests will ranged from 10 to 105. The parking requirements are met on site. There are no significant modifications to the site anticipated, or the building. The conditions include onsite signage must meet the zoning code. All activities must occur within the building, outdoor events are prohibited unless permitted by a special event permit. And no amplification of music or speakers or monitors will be permitted except within the enclosed building. And having met those conditions, staff recommends and we put it on a consent agenda.

Jack Wall:

Okay. Thank you very much.

Mike Inman:

My pleasure.

Jack Wall:

The next item is agenda item number 10, Jodie Calcagno as the applicant and HCD Properties LLC as the property owner for a Conditioned Use Permit for Assembly Use at 4752 Euclid Road in the Bayside District. Is there a representative for this application? Welcome.

Jodie Calcagno:

Thank you, Chairman, Vice Chairman, and members of the Planning Commission. My name is Jody Michelle Calcagno, and I'm representing 4752 Euclid Road. Thank you, Michaela, for your guidance during this process. And thank you for including me on the consent agenda today. I accept all terms.

Jack Wall:

Okay. So the seven conditions are acceptable?

Jodie Calcagno:

They are. Yes. Thank you.

Jack Wall:

All right. Thank you. Is there any opposition for this item to be placed on the consent agenda? Hearing none, the Planning Commission's asked Mr. Redmond to read this into the record.

Dave Redmond:

Thank you, Mr. Wall. This is an application by Jody Calcagno, who we just saw, for Conditional Use Permit for an Assembly Use. The applicant is proposing to convert a portion of the first floor of an existing 12,600 square foot office building into a boutique event venue. Events such as these are classified in the Zoning Ordinance as Assembly Uses, thereby necessitating a Conditional Use Permit in the B2 Community Business District. The 3,400 square foot event space will consist of three party rooms and an outdoor patio. The applicant plans to host bridal and wedding showers, as well as business retreats.

Dave Redmond:

The second floor of the existing building will remain office space with 11 units. You can see a picture of the building here. It's appropriate for this kind of use. I'm very familiar with this building. I work right around the corner. There was some concern about the amount of parking, and parking availability for the office uses and for this event venue. The applicant has proposed to manage her events in such a way in hours, so as not conflict with the business use in this building. So they are utilizing a shared parking arrangement, in a way, which is in and of itself a positive thing, more parking, less asphalt. Everybody's needs and uses get met. It's an appropriate use in this location. The staff supports it. We're unaware of any opposition, and the commission agrees, then, with the staff by consent. Thank you, Mr. Wall.

Jack Wall:

All right. Thank you. The next application is agenda number 11, Michael D Sifen Incorporated as the applicant and Virginia Beach Investment Company as the property owner for Conditional Use Permit for self-storage mini warehouse. Is there a representative for this? Actually, it's in

the Centerville... Excuse me. It's in the Centerville District at the corner southwest intersection of Providence Road and College Park Boulevard. Is there a representative for this application?

Eddie Bourdon:

Thank you, Mr. Vice Chair, Mr. Chairman, members of the commission. Again, Eddie Bourdon, Virginia Beach attorney, for the record, representing Michael D Sifen Incorporated. I want to thank Michaela for her extremely good work on this. And I want compliment Mr. Tajan for the new hires that the department. They're excellent additions. All nine conditions, as recommended in the use permit, are acceptable. I want to add one thing. The building is actually designed. It is a 45-foot tall building roof. The only reason it's above are the parapets, which add to the architectural interest of the building. And also, they shield mechanical equipment that's on top from view. So the building was at 45-feet, but it's just for the parapet. Thank you very much.

Jack Wall:

Okay. Thank you. Is there any opposition for this application to be placed on the consent agenda? I'm hearing none. We've asked Ms. Klein to read this into the record.

Robyn Klein:

The applicant is requesting a Conditional Use permit for a mini-warehouse on a 2.89-acre undeveloped parcel zoned B2 Community Business District at the southwest corner of Providence Road and College Park Boulevard. The four-story mini-warehouse building will be climate controlled with a floor area of 165,680 square feet. Staff supports the application, and the Commission places sit on the consent agenda.

Jack Wall:

Okay, thank you. Additionally, we have the short-term rentals, which are now in the regular consent agenda. And the next application is 12 through 17, agenda items 12 through 17, 2508 Pacific Avenue LLC is both the applicant and property owner for Conditional Use Permits for short-term rentals at 2510, 2514, 2518, 2522, 2526, 2530 Pacific Avenue in the Beach District. Is there a representative for this application?

Eddie Bourdon:

Like a bad penny. I keep turning up. Eddie Bourdon, Virginia Beach attorney representing 2508 Pacific Avenue LLC. Thanks to Antoinette and Ms. Moss and her staff, all 21 conditions as recommended, are acceptable. I did want to, again, put on the record, this is new. What Council approved when they finally got, and you all after all the years, these units, all but one, that doesn't have a garage. The ones with the garage are all two-car garages. And to meet the parking requirements, they're two-car garages for use as just a residence. But the short term rental ordinance now says you only get to get one parking space credit in the garage. So this is, just so everyone is, just really over parked by having the extra 10 spaces. But then it's not a complaint. Just want to put that on the record because not everybody's completely aware of that change. Thank you.

Jack Wall:

Thank you. Thank you. Is there any opposite for this being placed on the consent agenda? Hearing none... Okay. Next is number 18 ORP Ventures LLC is both the applicant and property owner requesting a short-term rental Conditional Use Permit at 603 20th Street in the Beach District. Is there a representative for this application?

Eddie Bourdon:

Again, Eddie Bourdon, Virginia Beach attorney representing the applicant. Again, appreciate Antoinette's work. All 19 conditions, as recommended, are acceptable to the applicant.

Jack Wall:

Okay. Thank you. The next item is agenda item number 19 through 27 ORP Venture LLC. Again as applicant and property owner Conditional Use Permit for short term rentals at 410 19th Street unit 101, 102, 103, 201, 202 and 412 and 19th Street unit 101, 102, 201, 202 in the Beach District. Is there representative for this application?

Eddie Bourdon:

Again, Eddie Bourdon, Virginia Beach attorney representing the applicant. Before I tell you that all 19 conditions, or excuse me, all 18 conditions are acceptable, I wanted to thank Mr. Inman for his service to our city. All of you, for that matter, as volunteers, as much time and effort as you put into it. But Mr. Inman has brought all a great deal of knowledge of real estate law to the table, which I think has helped everyone over the course of his tenure on this Commission. And he'll be sorely missed. Won't be able to be replaced, but there'll be someone that'll do a good job just the same. And I want to wish everybody Happy Holidays, Merry Christmas, Happy New Year. Hope everybody has a great, safe holiday, and appreciate Brandon's work. And the conditions are acceptable to my clients. Thank you very much.

Mike Inman:

Thank you.

Jack Wall:

Is there any opposition for agenda items 18 through 27 being placed on the consent agenda? All right. Hearing none, Mr. Chairman I make a motion that we approve agenda items 1 and 2, 3, 4, 5, 7, 8, 9, 10, 11, 12 through 17, 18, and 19 through 27.

David Weiner:

All right. We have a motion for approval. Do we have a second?

Donald Horsley:

Second.

David Weiner:

A second.

David Weiner:

Okay. Now, disclosures. Yeah, I know. We're going there. We got the motion. We got the second. Now we have the disclosures. Okay, go. You start, Whitney.

Whitney Graham:

Thank you, Mr. Chairman. Pursuant to the Conflicts of Interest Act, Virginia Code Section 2.2-3115F, I have a letter on file to this as well. I make the following declarations, the following agenda items on today's agenda have some financing by Towne Bank, which I serve on one of the Boards at Towne Bank, but I don't make any decisions for loans or anything like that.

Whitney Graham:

So anyway, these are items one and two Virginia Beach Raquet Club North Associates LP, 1951 Thomas Bishop Lane, number 10, Jody Calcagno, 4752 Euclid Road, agenda items 12 through 17, 2508 Pacific Avenue LLC for 2510, 2514, 2518, 2522, 2526, 2530 Pacific Avenue, agenda item number 18, ORF Ventures LLC, 603 20th Street, agenda items 19 through 27 ORF Ventures LLC, 410 19th Street units 101, 102, 103, 201, 202. And this is at 412 19th Street units 101, 102, 201 and 202. Sorry about the length of that. Thank you.

David Weiner:

All right. Next, Mr. Redmond.

Dave Redmond:

Yeah, I'm not going to do any of that. I will say that I have a letter, myself, on file with the City Attorney's Office, which prevents me from voting on all the short-term rentals. I have a client in the travel industry, and I therefore do not vote on any of the individual short term rental applications, nor on any of the ordinances that govern short term rentals. So while I will be voting in favor of the consent agenda, I'm specifically abstaining from those items, which I have down as number 12 to 27 on short term rentals. Thank you, Kay. And thank you, Mr. Chairman.

David Weiner:

Mr. Inman.

Mike Inman:

Yes, I have to make a disclosure regarding items financing by Towne Bank. I serve on Advisory Board, as does Mr. Graham, that does not make any loan decisions, but disposing with regard to agenda items one and 2, 10, 18, and 19 through 27, without going into the same detail that Mr. Graham did. I believe I can participate in these decisions fairly and objectively, and I will participate in voting on those items.

Mike Inman:

Next, I'm making a disclosure with regard to item number three, Samet Properties. One of my partners represents the applicant Taylor Farms Land Company. And I'm not involved in that representation, nor do I represent the owner. And I have no financial interest on. Having made this disclosure, I believe I can participate in this vote objectively, fairly, and in the public interest.

Mike Inman:

Last but not least, with regard to item seven Hunt Club Condominium, I represent that applicant otherwise, not here today, obviously Mr. Bourdon did, and I will therefore abstain from item number seven.

David Weiner:

Okay. Mr. Graham, do you want to add something?

Whitney Graham:

Yes, sir, Mr. Chairman. I apologize. In my disclosure, I want to add that I do plan to participate in today's vote, and that I feel that I can do so fairly and objectively in the public's interest. Thank you.

David Weiner:

Anyone else? Okay. We have a motion for approval by Mr. Wall, a second by Mr. Horsley.

Madam Clerk:

Okay. Vote is open. By recorded vote of 10 in favor, zero against, agenda items one and 2, 3, 4, 5, 8, 9, 10, and 11 have been recommended for approval by consent. Agenda item number seven, by recorded vote of nine in favor, zero against with one abstention, has been recommended for approval by consent. And agenda items 12 through 17, 18, 19 through 27 through recorded vote of nine in favor, zero against with one abstention, have been recommended for approval by consent.

	AYE 9	NAY 0	ABS 1	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond			ABSTAIN	
Wall	AYE			
Weiner	AYE			

CONDITIONS:

1. The following conditions shall only apply to the dwelling units addressed as 410 19th Street Units 101, 102, 103, 201, 202 and 412 19th Street Units 101, 102, 201, 202, and the Short Term Rental use shall only occur in the principal structure.

2. An annual (yearly) STR Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short Term Rental purposes.
3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.
6. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
7. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning Permit; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
8. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
9. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
10. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
11. Accessory structures shall not be used or occupied as Short Term Rentals.
12. No signage shall be on-site, except that each Short Term Rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a Short Term Rental and

provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street.

13. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
14. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
15. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
16. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, which number shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).
17. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property annually. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in affect at the of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one smoke alarm installed on every floor of the structure and in the areas adjacent to all sleeping rooms, and when activated, be audible in all sleeping rooms, and 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order.

Properties managed by Short Term Rental Companies certified by the Department of Planning shall only be required to be inspected every three years. The inspection for compliance with the requirements above shall be performed by the Short Term Rental management company and be documented on a form prescribed by the Planning Department and shall be provided during the yearly permitting process.

Properties may be inspected annually for compliance with the requirements above by certified Short Term Rental Management Companies or Certified Home Inspectors. The compliance inspection shall be documented on a form prescribed by the Planning Department and shall be provided during the yearly permit process.

18. A structural safety inspection report shall be provided to the city every three (3) years indicating all exterior stairways, decks, porches, and balconies have been inspected by a licensed design professional qualified to perform such inspection (engineer or architect) and are safe for use. The report must indicate the maximum number of occupants permitted on each level of these structures and placards indicating the maximum number of occupants of all exterior stairways, decks, porches, and balconies must be posted on each level of these structures.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by

the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.

The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.