

## **Planning Commission Public Hearing**

**January 12, 2022**

Jack Wall:

At this time I Call to Order: The January 12th, 2022 Planning Commission Public Hearing. My name is Jack Wall and I'm the chairman of the Virginia Beach Planning Commission. Before we get started, Commissioner Graham is not in attendance today. He is out. I've asked Commissioner Coston to lead us in prayer, followed by the Pledge by Commissioner Horsley. Please stand.

John Coston:

Eternal God, our Father, we thank you for this glorious day. God, we thank you for the many blessings and benefits that you have bestowed upon us. Now, God, as we come to look after the business of the City, God, we pray that you would grant us of your wisdom and your knowledge, and your understanding, oh, God, that you would lead us in the right directions. Bless those who are assembled, in Jesus name, we pray. Amen.

Assembly:

Amen.

Donald Horsley:

Please join me in the Pledge.

Assembly:

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.

Jack Wall:

Thank you. I've asked Mr. Redmond to introduce the members of the Planning Commission.

David Redmond:

Thank you, Mr. Chairman. I'm going to start on this side per usual. The lady in the blue mask is Kay Wilson, she is the deputy city attorney. She handles a whole bunch of stuff, including those items that come under the Department of Planning and Community Development.

David Redmond:

Seated next to her is our newest member. That is Holly Cuellar, she replaced a fellow named Mike Inman, who used to serve here for eight years. She is a consultant, and she serves at-large. Also serving at-large is that handsome man next to her. That's John Coston. John is a retired fire captain. This is Robyn Klein. Robyn represents the Centerville District, and Robyn is a social worker.

David Redmond:

My name's Dave Redmond. I'm a commercial real estate broker and I represent the Bayside District. That is Donald Horsley. Mr. Horsley is a farmer and he serves at-large.

David Redmond:

Seated next to him, and in the center of your view there, is Jack Wall. Jack represents the Rose Hall District. He is an engineer and this is his first meeting as our chairman. So it's his first day on the job. Let's all go easy on him.

David Redmond:

Next to him is George Alcaraz. George represents the Beach. I mean, We all represent these districts for now, but who knows come forward. George represents the Beach District for now. George is a contractor, he's a business owner, he's a restaurant developer and entrepreneur, he plans events. He does a lot of things, but he represents the Beach District and this is his first day as our vice chairman. So, congratulations to both of you.

David Redmond:

The lady seated next to George is a prior chairman of the Planning Commission, that's Dee Oliver. She also has a whole lot of jobs. She's in the restaurant business and she's in the funeral business, and she's an author, and she does a whole bunch of different stuff. Did I say you serve at-large?

Dee Oliver:

No, but I do.

David Redmond:

Dee serves at-large. Okay.

Dee Oliver:

Thank you.

David Redmond:

The fellow next to her is David Weiner. David is another former chairman. Seems like everybody's been chairman and they were both very good at it, by the way. Dave represents the Kempsville District. He is a contractor in the commercial building industry.

David Redmond:

Whitney Graham is not here today. He, unfortunately, got ill and he represents the Lynnhaven District when he is here. And he is in the development business and does a number of things, and that.

David Redmond:

David Bradley is a retired Budget Director for the city. He represents the Princess Anne District. And as we start to go around this side here, we'll get to the staff. Bobby Tajan is the Planning Director. He is well-served by a very capable staff and Bobby's going to take a minute and introduce his folks.

Bobby Tajan:

Thank you, Mr. Redmond. Clerking today, we have Nicole Garrido and Pam Sandloop. The Planning Administration staff, we have Carolyn Smith, our Planning Administrator, Hoa Dao, the Current Planning Evaluation Coordinator, Marchelle Coleman, as well as our new employee, Madison Harris who's a new Planning Technician with us. Michaela McKinney, Elizabeth Nowack, as well as a new Zoning Inspector who's helping us as well, Levi Luckenbach, who I did not introduce earlier. We also have Hank Morrison who was just recently promoted from his Planner II position to a Planner III position. So we're glad we're able to do that as well. And also our new Zoning Administrator, Hannah Sabo is here with us.

David Redmond:

Thank you, Mr. Tajan and congratulations and welcome to those new folks, and those folks who got promoted on staff. We thank you for your work. Mr. Chairman?

Jack Wall:

Okay. Thank you, Mr. Redmond. Next I've asked staff to describe the rules and order of business for today's meeting.

Clerk - Pam Sandloop:

Okay. Thank you, Mr. Chairman. 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.

Clerk - Pam Sandloop:

The order of business for this public hearing: withdrawals and deferrals. The chairman will ask if there are any request to withdraw or defer an item on the agenda. Consideration of these requests will be made first.

Clerk - Pam Sandloop:

Consent agenda, the second order of business is the 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.

Clerk - Pam Sandloop:

Today, we will have both in-person speakers and speakers participating via Webex. When an agenda item has been called, we will recognize the applicant or their representative first. Following the applicant or their representative, in-person speakers will be called next, and then the speakers participating via Webex. 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. For Webex speakers, once your name is called, please pause for two to three seconds to begin to ensure the Commissioners hear your complete remarks. As only one audio feed can be open at a time, do not ask, "Can you hear me?" as you will not be able to hear a response. If a speaker does not respond, or if a technical issue occurs, which renders the comments unintelligible, we will move on to the next speaker or the next order of business.

Clerk - Pam Sandloop:

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  
January 12, 2022 Public Meeting  
Agenda Item #1**

**City of Virginia Beach** – An Ordinance to amend Section 1301 and 1303 of the City Zoning Ordinance in regard to Historic and Cultural Districts, adding Historic and Cultural District Design Guidelines and staff exceptions

RECOMMENDED FOR APPROVAL – CONSENT

George Alcaraz:

Item one, an ordinance to amend Section 1301 and 1303 of the City Zoning Ordinance in regard to Historic and Cultural Districts, adding Historic and Cultural District Design Guidelines and staff exceptions.

George Alcaraz:

Item two, an ordinance to amend the Comprehensive Plan 2016 with the addition of the Virginia Beach Historic and Cultural District Design Guidelines from November 2021 and revisions to the Comprehensive Plan 2016 in regard thereto. And at this moment, I'd like to call Representative of the City Mr. Reed to come up.

George Alcaraz:

Afternoon. Mr. Reed, could you just state your name for the record please?

Mark Reed:

Mark Reed, Historic Preservation Planner for the city.

George Alcaraz:

Thank you.

Mark Reed:

Good afternoon, Chairman Wall, members of the Planning Commission. As noted, I have two agenda items, bringing forward to you today relative to the Historic and Cultural District Design Guidelines that were presented to you at the November 2021 meeting.

Mark Reed:

Agenda item one is an ordinance to amend Section 1301 and 1303 of the City Zoning Ordinance in regard to the Historic and Cultural Districts. Proposed amendments will add references to the design guidelines and make additional adjustments, including staff review exceptions, to better align with the design guidelines recommendations.

Mark Reed:

Agenda item number two is an ordinance to amend the 2016 Comprehensive Plan with the addition of the November 2021 Virginia Beach Historic and Cultural District Design Guidelines and associated revisions. The section of the Comprehensive Plan that is proposed to be amended is the reference handbook. The ordinance proposes to add Historic and Cultural Districts Design Guidelines under the special area development guidelines chapter. This amendment includes four descriptive paragraphs for the design guidelines. As part of this amendment, it is recommended that the historic property section of the reference handbook under the special purpose guidelines chapter be deleted in its entirety so as not to duplicate or conflict with the 2021 design guidelines.

George Alcaraz:

Thank you, Mr. Reed.

Mark Reed:

Thank you.

Jack Wall:

Okay. Thank you, Mr. Alcaraz. Do I have a motion to prove these consents, the items on the consent agenda?

Dee Oliver:

That's you.

George Alcaraz:

Oh. I make a motion to approve consent item number 1, 2, 3, 4, 5, 7, 10, 11, 13, 14, 15, and 16.

Jack Wall:

Thank you. Is there a second? Yes. Yes. Okay. I'm hearing a second. Are there Planning Commissioners abstaining on these items? Mr. Redmond?

David Redmond:

Mr. Chairman, to be clear, I'm going to vote in support of the consent agenda but I want to be clear that I am specifically abstaining from the Short-Term Rental applications. I have a letter on file with the City Attorney's office. I have a client in the travel industry and that prevents me from voting on the Short-Term Rental applications individually or any of the ordinances, or ordinance amendments so I refrain from this. Thank you.

Jack Wall:

Okay. Thank you. Anybody else?

Madam Clerk:

Mr. Chairman, I heard the motion by Mr. Alcaraz. Who was the second?

Jack Wall:

Second by Mr. Horsley.

Madam Clerk

Thank you. Vote is open.

Jack Wall:

Okay.

Madam Clerk:

By recorded vote of 10 in favor and zero against agenda items one, two, three, four and five, seven, 10, 11, 13, and 14 have been recommended for approval. Agenda items number 15 and 16 by recorded vote of nine in favor, zero against, with one abstention are recommended for approval.

Jack Wall:

Okay, thank you. That's the conclusion of the consent agenda.

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

**Virginia Beach Planning Commission  
January 12, 2022 Public Meeting  
Agenda Item #2**

**City of Virginia Beach** – An Ordinance to amend the Comprehensive Plan 2016 with the addition of the Virginia Beach Historic & Cultural District Design Guidelines, November 2021, and revisions to the Comprehensive Plan 2016 in regard thereto.

RECOMMENDED FOR APPROVAL – CONSENT

George Alcaraz:

Item one, an ordinance to amend Section 1301 and 1303 of the City Zoning Ordinance in regard to Historic and Cultural Districts, adding Historic and Cultural District Design Guidelines and staff exceptions.

George Alcaraz:

Item two, an ordinance to amend the Comprehensive Plan 2016 with the addition of the Virginia Beach Historic and Cultural District Design Guidelines from November 2021 and revisions to the Comprehensive Plan 2016 in regard thereto. And at this moment, I'd like to call Representative of the City Mr. Reed to come up.

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Mark Reed:

Mark Reed, Historic Preservation Planner for the city.

George Alcaraz:

Thank you.

Mark Reed:

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Mark Reed:

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George Alcaraz:

Thank you, Mr. Reed.

Mark Reed:

Thank you.

Jack Wall:

Okay. Thank you, Mr. Alcaraz. Do I have a motion to prove these consents, the items on the consent agenda?

Dee Oliver:

That's you.

George Alcaraz:

Oh. I make a motion to approve consent item number 1, 2, 3, 4, 5, 7, 10, 11, 13, 14, 15, and 16.

Jack Wall:

Thank you. Is there a second? Yes. Yes. Okay. I'm hearing a second. Are there Planning Commissioners abstaining on these items? Mr. Redmond?

David Redmond:

Mr. Chairman, to be clear, I'm going to vote in support of the consent agenda but I want to be clear that I am specifically abstaining from the Short-Term Rental applications. I have a letter on file with the City Attorney's office. I have a client in the travel industry and that prevents me from voting on the Short-Term Rental applications individually or any of the ordinances, or ordinance amendments so I refrain from this. Thank you.

Jack Wall:

Okay. Thank you. Anybody else?

Madam Clerk:

Mr. Chairman, I heard the motion by Mr. Alcaraz. Who was the second?

Jack Wall:

Second by Mr. Horsley.

Madam Clerk

Thank you. Vote is open.

Jack Wall:

Okay.

Madam Clerk:

By recorded vote of 10 in favor and zero against agenda items one, two, three, four and five, seven, 10, 11, 13, and 14 have been recommended for approval. Agenda items number 15 and 16 by recorded vote of nine in favor, zero against, with one abstention are recommended for approval.

Jack Wall:

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

**Virginia Beach Planning Commission  
January 12, 2022 Public Meeting  
Agenda Item #3**

**Cecilia Patterson** [Applicant]  
**Chambord Commons, LLC** [Property Owner]

**Conditional Use Permit** [Tattoo Parlor]

**328 N. Great Neck Road, Suite 103**

**RECOMMENDED FOR APPROVAL – CONSENT**

George Alcaraz:

All right. Hearing none. I'll move on to item number three, Cecilia Patterson of Chambord Commons, Conditional Use Permit for a Tattoo Parlor. Address is 328 North Great Neck Road, Suite 103 in the Beach District, and Ms. Dee Oliver will be speaking.

George Alcaraz:

Is the representative for the item? Come forward, please. Just bear with me, I'm going to get this.

Cecilia Marie Patterson:

Hello. How are you?

George Alcaraz:

How you doing? State your name for the record.

Cecilia Marie Patterson:

Do you need me to take this off?

George Alcaraz:

It's up to you.

Cecilia Marie Patterson:

Cecilia Marie Patterson.

George Alcaraz:

Are the conditions acceptable? That have been presented to you?

Cecilia Marie Patterson:

Yes, sir.

George Alcaraz:

They are? Okay. And that's it. You're good.

Dee Oliver:

She's good.

George Alcaraz:

Is there any opposition to the item before?

Jack Wall:

You may sit down.

Cecilia Marie Patterson:

Okay. Thank you.

George Alcaraz:

Thank you.

Cecilia Marie Patterson:

Thank you.

George Alcaraz:

Is there any opposition for this item to be placed on the consent agenda? I see none. If I can ask Ms. Oliver to speak on it.

Dee Oliver:

Absolutely. This is an application for a conditional use permit for a tattoo parlor specifically for the application of permanent makeup known as microblading. This operation will occur within existing 1,480 square foot salon in the Chambord Commons Shopping Center. This property is zoned B-2. The proposed tattoo parlor will have two tattoo artists and the typical hours of operation are going to be 10:00 AM to 6:00 PM, Tuesday through Friday. There'll be no exterior changes to the building or to the existing signage. There are no other tattoo parlors within 600 feet of this location. This use will be compatible with other existing commercial businesses within the Chambord Commons Shopping Center and along this section of North Great Neck Road. The staff recommends approval of this application, subject to the conditions listed below,

and the removal of condition number two has been deleted from the application. There's no opposition and therefore we've placed this on the consent agenda.

George Alcaraz:

All right. Thank you.

David Redmond:

Just for clarity. The applicant is performing not just microblading but regular tattooing at the location.

Dee Oliver:

Oh, it is?

David Redmond:

Yes.

Madam Clerk:

By recorded vote of 10 in favor and zero against agenda items one, two, three, four and five, seven, 10, 11, 13, and 14 have been recommended for approval. Agenda items number 15 and 16 by recorded vote of nine in favor, zero against, with one abstention are recommended for approval.

Jack Wall:

Okay, thank you. That's the conclusion of the consent agenda.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Cuellar	Aye			
Graham				ABSENT
Horsley	AYE			
Klein	AYE			
Oliver	AYE			
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. 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.
3. 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  
January 12, 2022 Public Meeting  
Agenda Items #4-5**

**Watson Real Estate II, LLC** [Applicant & Property Owner]

**Conditional Use Permits** [Animal Hospital & Commercial Kennel]

**2497 North Landing Road**

**RECOMMENDED FOR APPROVAL – CONSENT**

George Alcaraz:

All right. Thank you, Ms. Oliver. Moving on to the next item. Items number four and five. It's Watson Real Estate, LLC, Southern Conference of the United Church of Christ, Conditional Use Permit for Animal Hospital and Commercial Kennel at 2497 North Landing Road. Sir, if you could state your name?

Billy Garrington:

Sure will. Thank you, Mr. Chairman, Mr. Alcaraz, members of the Planning Commission. For the record, Billy Garrington on behalf of the applicant. Applicant in this case is Watson Real Estate, LLC. Property is 2497 North Landing Road.

Billy Garrington:

Mr. Chairman, there are two requests here, both in the same building for the animal hospital and the commercial kennel. There are a total of 21 conditions, seven conditions at a part of the hospital and 14 conditions with the commercial kennel. We're in total agreement with all those conditions. We thank you for agreeing to place this on the consent agenda. We also have met with the city's Historical Review Board and they were on board with us also. So, we thank you very much for placing this on consent.

George Alcaraz:

Thank you, Mr. Garrington. Is there any opposition to this item with being on the consent agenda? Okay. Thank you. Move on to item number seven.

Jack Wall:

Hold on.

George Alcaraz:

Oh, sure.

Jack Wall:

He's just going to read that with the record.

George Alcaraz:

Oh, got you.

Jack Wall:

Mr. Bradley.

George Alcaraz:

Mr. Bradley, do you mind reading that?

David Bradley:

I'll be glad to. The applicant is requesting Conditional Use Permits for an Animal Hospital and a Commercial Kennel in order to construct a 12,000 square foot veterinary practice and boarding facility on this 2.87-acre site zoned AG-2 Agricultural Zoning District and within the Courthouse, Historic and Cultural Districts.

David Bradley:

The proposal was considered by the Historic Review Board and received a certificate of appropriateness on December 15th, 2021. It was also presented to the Transition Area and Interfacility Traffic Area Citizens' Advisory Committee on October 1st, 2020, and no objections were raised. Since planning staff has recommended this subject to conditions that are listed in the report and there's no opposition, the Planning Commission is recommending putting us on the consent agenda.

Madam Clerk:

By recorded vote of 10 in favor and zero against agenda items one, two, three, four and five, seven, 10, 11, 13, and 14 have been recommended for approval. Agenda items number 15 and 16 by recorded vote of nine in favor, zero against, with one abstention are recommended for approval.

Jack Wall:

Okay, thank you. That's the conclusion of the consent agenda.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Cuellar	AYE			



Graham				ABSENT
Horsley	AYE			
Klein	AYE			
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

**CONDITIONS – ANIMAL HOSPITAL**

1. The applicant/owner shall submit a resubdivision plat to vacate the interior property line with the City of Virginia Beach Department of Planning & Community Development. Said plat shall be subject to review and approval of the Department of Planning & Community Development, and plat shall be recorded with the City of Virginia Beach Circuit Court Clerk’s Office within 365 days from the date of the City Council action.
2. When the property is developed, it shall be in substantial conformance with the concept plan entitled “CONCEPT SITE DIAGRAM – Revised Footprint, COURTHOUSE VETERINARY CLINIC & PET BOARDING, 2497 N. LANDING ROAD, VIRGINIA BEACH, VA.”, dated 10/20/2021 and prepared by BDA ARCHITECTURE, P.C., which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
3. A Landscape Plan shall be submitted to the Development Services Center of the Department of Planning and Community Development for review and ultimate approval prior to the issuance of a Certificate of Occupancy. The Landscaping Plan shall address all requirements of the Landscaping Guide including, but not limited to, the installation of street frontage plantings, building foundation plantings, and interior parking lot plantings.
4. The exterior of the proposed buildings shall substantially adhere in appearance, size, materials to the submitted elevations entitled “EXTERIOR ELEVATIONS - COURTHOUSE VETERINARY CLINIC & PET BOARDING, 2497 NORTH LANDING ROAD, VIRGINIA BEACH, VA 23456”, dated 8/18//2020 and prepared by BDA ARCHITECTURE, P.C., which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
5. The signage design shall substantially adhere in appearance, size, materials to the submitted elevations entitled “SIGNAGE DESIGN - COURTHOUSE VETERINARY HOSPITAL, 2497 NORTH LANDING ROAD, VIRGINIA BEACH, VA 23456”, dated 09/23/2020 and prepared by BDA ARCHITECTURE, P.C., which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
6. The applicant shall comply with Section 223 of the Zoning Ordinance.
7. The final stormwater plan submitted to the Development Services Center (DSC) shall be in substantial conformance with the preliminary stormwater analysis utilizing the same basis of design.

## **CONDITIONS – COMMERCIAL KENNEL**

1. The applicant/owner shall submit a resubdivision plat to vacate the interior property line with the City of Virginia Beach Department of Planning & Community Development. Said plat shall be subject to review and approval of the Department of Planning & Community Development, and plat shall be recorded with the City of Virginia Beach Circuit Court Clerk's Office within 365 days from the date of the City Council action.
2. When the property is developed, it shall be in substantial conformance with the concept plan entitled "CONCEPT SITE DIAGRAM – Revised Footprint, COURTHOUSE VETERINARY CLINIC & PET BOARDING, 2497 N. LANDING ROAD, VIRGINIA BEACH, VA.", dated 10/20/2021 and prepared by BDA ARCHITECTURE, P.C., which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
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6. The applicant shall ensure that all dogs are properly vaccinated and immunized and are licensed through the City of Virginia Beach.
7. All dogs, when outside, shall be supervised at all times, and shall not be a nuisance to any other property owners or residents.
8. All signage on the site must be in accordance with sign regulations of the Zoning Ordinance.
9. The commercial dog kennel structure shall be maintained in a safe and sanitary condition.
10. All animal waste from the commercial dog kennel shall be collected and disposed of in a lawful manner on a daily basis.
11. Dog shows shall be prohibited.

12. The commercial dog kennel structure shall be constructed to be soundproofed and air-conditioned.
13. The applicant shall comply with Section 223 of the Zoning Ordinance.
14. The final stormwater plan submitted to the Development Services Center (DSC) shall be in substantial conformance with the preliminary stormwater analysis utilizing the same basis of design.

*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  
January 12, 2022 Public Meeting  
Agenda Item # 6**

**Pups & Pints, LLC** [Applicant]  
**Navy Federal Credit Union** [Property Owner]

**Conditional Use Permits** [Craft Brewery]

**2413 London Bridge Road**

**RECOMMENDED FOR APPROVAL – HEARD**

Jack Wall:

The next order business is the regular agenda. We're going to pause for a minute and anybody that that wants to leave at this point, feel free. So we're going to take a brief pause.

Jack Wall:

Okay. The next order of business is the regular agenda. Madame clerk, are we ready for the first item?

Madame Clerk:

Yes, we are. Mr. Bourdon just gave me some handouts for you related to this one, so I'm going to pass them along. Okay. Agenda item number six, Pups and Pints, LLC. An application for a Conditional Use Permit, Craft Brewery on property located at 2413 London Bridge Road in the Princess Anne district.

Jack Wall:

Thank you.

Eddie Bourdon:

Chairman, Mr. Vice Chairman, members of the commission. For the record, Eddie Bourdon, Virginia Beach attorney representing Pups and Pints LLC. Before I get in the presentation, as I talked to Ms. Wilson earlier, when we filed the application, my client ... two owners. Alex Lawson, or Alexandria Lawson, and Christina Sims. During the pending of the application, there's a third Virginia Beach citizen and businesswoman in Virginia Beach, Andrea Pathetise that has joined their ownership. I will revise the disclosure between now and City Council to include Ms. Pathetise. So let me welcome Ms. Cuellar, thank you for volunteering your time and your service to the city. We really appreciate it. The property that we're here to talk about is a 3.34 acre parcel that is owned unconditional B2. That is general commercial district. Parcels located on the south side of London Bridge Road as it is presently configured.

Eddie Bourdon:

Also, as London Bridge Road was originally aligned, it actually bisected the property and on the plan, you see this unimproved right away. That is where London Bridge Road used to be. The property has been zoned B2 since prior to, as the chairman mentioned in the informal, the residential that has been developed since that time that surrounds it. This is solely an application for a craft brewery to be operated within a portion of the existing building on this 3.34 acre site, and it'll be operated in conjunction with a restaurant and a membership-only doggie daycare business. Now that business will have no overnight boarding of dogs. The restaurant and the doggy daycare, which our ordinance classifies as an eating and drinking establishment in the case of the restaurant, and a kennel in the case of the doggy daycare, are by right uses on this B2 zone property.

Eddie Bourdon:

The doggy daycare business is a membership-only business. It's not open to the public, which you have to bring your dog there, have the dog viewed and time spent with the owners of the business to make sure the dog is friendly with others, let's say. It's not just something somebody can show up and drop their dog off. But the use is by right. It's technically called a kennel, but as well mentioned this morning, there's no boarding of animals in the facility. It will, however, be climate controlled and it will be soundproof. The applicants did not have to put all this information out there. They could just apply it for a craft brewery, but they wanted to be totally transparent with everyone and put this in there from day one. In discussions with the neighbors, they met with the neighbors, they have actually made changes to the plan to try to lessen anybody's concerns to the greatest degree that they could do so.

Eddie Bourdon:

As well also mentioned this morning, this is an adaptive reuse of a building and a site that were developed decades ago. I believe it was originally a equipment rental facility. I know it was. I don't know if there was something there before that. Then it was a garden center for many years. Actually, it's been vacant for quite a few years. This proposal involve a major renovation and refurbishing of the existing building. We won't be adding any impervious surface to the site. You have elevations of the building as it will look when it's completed. You also have a site layout, which you all reviewed this morning and staff has extensively reviewed. The existing parking areas will be ... some areas need some patching. They'll be patched, they'll be resealed, coated, and then they'll be re-stripped.

Eddie Bourdon:

There was an excellent discussion this morning during the informal about the fact that this is a nine to five craft brewery operation. It is a small craft brewery; three to five barrel brew house is what the brew master characterizes it. We're not anticipating exporting product. It's not Anheuser Busch. It's not Miller. It's just a small craft brewery. They'll be brewing for their own business there on the site. All of the material that's used in the brewing will be brought in on the left side of the building, where there will be a gated entrance to that side, to where there is

parking in the back as well. That's only for employees, not for the public, and it's where the deliveries will take place, again, during the nine to five business day, and the materials used in brewing will be stored inside the building.

Eddie Bourdon:

When the materials are spent, spent greens, spent hops, they will also be in the building, but for a very short period of time, there's a great demand in the agricultural community for those spent greens, spent hops. I certainly know some farmers just down the street in London Bridge Road who farm, our farm, have for years, that would love to have the material, I don't think, and they're confident, as other craft brewers can tell you, that they will have a ready market to take that off their hands promptly. They're obviously well located, close to a lot of agricultural operations. The site has existing fencing that's been there for decades around it. Most of the fencing has been consumed, or it's just greenery and natural areas all around the fencing. We're obviously not taking that fencing down. We will be adding our own fencing inside the site, which is shown on the plans, but the existing fencing on the exterior remain.

Eddie Bourdon:

There are a few properties to our west that don't have a fence and we will be putting up a fence, and they're cooperative and happy. They want a gate so they can get through and come in. But there will be fencing, and additional landscaping added to the already natural areas around the property that buffer the property. As I said, not that it's a part of this application, but the kennel or the doggy daycare will be heated, air conditioned, and its entrance is on the west side of the building. There are 14 conditions that have been recommended by staff with this application, all of which are acceptable to my clients. The one about parking that y'all discussed this morning, at the entrance, and I mentioned this to Ric, Strawbridge Road, as it comes in, I'm not sure the distance, but it may be too close, hopefully it is, to London Bridge Road, but there should be no parking allowed anywhere between our entrance and London Bridge Road.

Eddie Bourdon:

We are happy to put up not only at the entrance but in the building and let any customers know that they're not to park in the neighborhood. There is far more parking on here than is likely to be needed. We hope maybe not over time, but there is also room to add parking and there's the ability to do special event parking in the case that they have some fundraiser, and they can also do valet parking if that should ever be something that came about. So we are totally in agreement with the condition that our customers and clients not be able to park in the neighboring residential areas. That's not a problem and my clients will do their best to make sure that their clients and customers are aware that parking in the neighborhood is not permitted for the business because they have a large site and they have well above the required parking.

Eddie Bourdon:

In fact, that's one of the conditions that you'll be aware of and talked about this morning. We have a number of letters of support, which you all have gotten copies of. There are a number of

people who have come today in support of the application. I'd like to ask those people in attendance today who are in support of the Pups and Pints application to please stand and be recognized.

Eddie Bourdon:

Thank you all for coming very much. I'll conclude. I do represent Commonwealth Brewery over on Pleasure House Road, and we all know there are a lot of very nice small craft breweries, and Commonwealth's a lot bigger than this is going to be in residential areas that are very well appreciated by those residential areas. We certainly hope and believe that as they become good neighbors to the people who are already in the houses around them, that the people who live there will use it as a gathering place, like the Chesapeake Beach Civic League uses Commonwealth as their gathering place and trying to be respectful at all times to the community. Thank you.

Jack Wall:

Mr. Bourdon, I appreciate that. Are there any questions for the applicant?

Dee Oliver:

I've got a couple.

Jack Wall:

Ms. Oliver.

Dee Oliver:

I just want to make sure I'm clear on how the two entities ...

Jack Wall:

Work together.

Dee Oliver:

Work together. So, I went through your letters and the letters referred to how great it'll be to go to the brewery, have a drink and bring their dogs after being at work all day. So is it a dog park or is it a kennel? Because you refer to that the dogs coming would be sort of regular customers of a daycare kennel, but the letters make reference to dog park and going to the restaurant and bringing their dog. So I'm just-

Eddie Bourdon:

I mean, it's a very good question, Ms. Oliver. Either. The daycare, the folks who they keep the dogs during the day, someone may drop off their dogs, or dog, and then come after work to pick

the dog up and stick around and have a beer. Obviously, with the restaurant and with the outdoor seating area, people can come who aren't members and bring their dog on a leash and can sit outside and eat, have a beer and have their dog on a leash, but the dog's not going to be supervised by or placed in the daycare.

Dee Oliver:

Okay. That was my question because in the letter, some of them make reference to coming, bringing my dog, taking it to the park. So, I was just trying to see if the dog park and dog kennel were two-

Eddie Bourdon:

They're not separate at all. The dog park is only for use by the members who are of the daycare or the kennel. Exactly. They're not for the general public's use. That's exactly right.

Dee Oliver:

The other thing I noticed on your amenity plan example sheet.

Eddie Bourdon:

I tried to get a bigger one than this.

Dee Oliver:

It's very nice. You have a movie screen.

Eddie Bourdon:

Right.

Dee Oliver:

Then we have on recommended condition number three, the use of amplified sound outdoors shall be prohibited. So, I assume the movie screen is outside, because it looks like one of the inflatable ones.

Eddie Bourdon:

Right. The idea there is you can have a screen, as is the existence, say, with Buffalo Wild Wings, other places, you can have a screen so you can watch a game for instance, but there's no sound. That's exactly right. There will be no amplified sound, no sound from anything that is shown on the screen.



Dee Oliver:

Perfect. Thank you.

Eddie Bourdon:

Thank you. You have to answer the questions.

Jack Wall:

Anything else? Ms. Cuellar.

Holly Cuellar:

Yes. I have a question. Has the Civic League for this community taken a position on the brewery?

Eddie Bourdon:

I'm not aware as to whether there is a Civic League for either the community that the entrance is on the east side or the street that's on the west side. The meeting that was held, all of the adjacents have been and were notified and the meeting was many weeks ago. But I'm not aware of a Civic League that's involved.

Holly Cuellar:

Thank you.

Eddie Bourdon:

Sure. Thank you all.

Jack Wall:

Okay. Thank you, Mr. Bourdon. Madam Clerk if you could call the first speaker.

Madame Clerk:

Sure. Mr. Chairman, we have a total of five speakers, all in person. Dolores Pathetise, and I probably said that wrong. I'm very sorry. Dolores Pathetise. Sorry. To be followed by Lisa Irwin.

Dolores Pathetise:

Hello, ladies and gentleman.

Jack Wall:

Before you get started, can you state your name for the record please?

Dolores Pathetise:

Dolores Pathetise.

Madame Clerk:

I wasn't even close, I'm sorry.

Dolores Pathetise:

It's not easy. That's fine. I am here in support of the brewery and the dog park. I think Virginia Beach doesn't ... Well, they definitely don't have anything like this. I have been to other facilities like this in Florida and California. It's a beautiful, beautiful environment for your pets. It actually even helps the pets with their behaviors and such, because when pets are around other pets a lot, it does calm them down, helps them out. It's just something that Virginia Beach doesn't have. I think that this facility would really make Virginia Beach, a very pet friendly community, which is, I think, lacking right now in our community. So I thank you for your time and I hope you approve it. It's going to be a beautiful, beautiful facility. All right. Thank you.

Jack Wall:

Thank you,

Madame Clerk:

Lisa Irwin followed by Brian Irvine.

Lisa Irwin:

Good afternoon.

Jack Wall:

Please state your name for the record.

Lisa Irwin:

Lisa Irwin. I'm a property owner to the west of the proposed site.

Jack Wall:

Okay.

Lisa Irwin:

Just want to say to allow craft brewery to operate on a parcel that is surrounded by residential property, an elementary school and neighborhood parks is not keeping with the policies and goals supporting and sustaining great neighborhoods. It poses a negative impact on the safety,

aesthetic, suburban character, and economic value of our stable neighborhood. Surrounded solely by homes and an outdoor recreation facility, it will severely compromise the safety, quietude and tranquility of our homes and neighborhoods. The drainage and utility easement provide an open access to Middle Oaks Plantation neighborhood park and adjoining neighborhoods, no doubt inviting unwanted pedestrian traffic. The adjoining residential property, home to young children and neighborhood parks, should not be subject to the traffic, sound, sight and smell of a brewery. If approved, this will be the seventh brewery within two and a half mile radius and the only one in a neighborhood would with eight adjoining homes.

Lisa Irwin:

Strawbridge Road, a neighborhood road that is used for Strawbridge Elementary School, 678 students, pedestrian traffic and access to neighborhood parks, the proposed entrance is less than a quarter of a mile of the elementary zone and three neighborhood parks that are often used for children's sport practices and other outside activities. Strawbridge Road has no shoulder, no sidewalk, it's not fully lit and is already plagued with dangerous drivers. The neighborhood roads are already dangerously overutilized by people cutting to the main arterial roads. To introduced potentially impaired drivers on our neighborhood streets near neighborhood parks and our elementary school is not complementary to our great neighborhood and the amenities they have to offer. The recommended hours of operation for the brewery are 6:30 to 11:00 PM daily. It is assumed the brewery will be serving beer from 10:00 AM to 11:00 PM.

Lisa Irwin:

That's not safe nor okay in such close proximity to a school zone or our neighborhoods. You're asking us to support three distinct business models combined into one, all very different regulations, all posing their own issues in residential areas. With combined business hours of 6:30 to 11:00 PM, seven days a week is sure to disrupt the quietude and tranquility of our homes and private property. This is not compatible with surrounding neighborhood. It poses significant safety issues and is especially disrupted to those families with small and school-aged children or adults that have jobs that work early hours. As part of the proposal for a craft brewery as an enclosed off-

Jack Wall:

I appreciate it, but the red light is on and maybe should have warned you of that before, but I appreciate your comments. Are there any questions for Ms. Irwin?

Donald Horsley:

Could you show us where you ... take the pointer there on the podium and show us where you live?

Lisa Irwin:

Is this one the pointer?

Donald Horsley

Yeah.

Dee Oliver:

I have a question. So just to clarify, you know the restaurant part of the brewery and the kennel are by right?

Lisa Irwin:

Yes.

Dee Oliver:

So it's just the manufacturing of the beer is what we're hearing.

Lisa Irwin:

The safety in the neighborhood and the fact that the dog park is not a hundred feet from the property lines at all. Outside activities will be in our backyard and where our children play in the park with very clear visual from the park to back of the brewery.

Dee Oliver:

So are you concerned about the safety of the children with the dogs?

Lisa Irwin:

No. I'm concerned basically with the safety of impaired drivers coming in and out of Strawbridge Road, potentially cutting through our neighborhoods. They will do that because they do. Even anybody north on London Bridge Road going back towards Castleton neighborhood will not be going back out on London Bridge Road after having a beer or two. They're going to cut through the neighborhoods.

Dee Oliver:

But if this was a restaurant without the manufacturing of beer, they would still be serving alcohol and it still would be a by right use. So I'm just-

Lisa Irwin:

You're right. You're absolutely right.

Dee Oliver:

Okay. I just want to make-

Lisa Irwin:

I'm not sure that a restaurant would pose as much of a sit and have more than one drink. It's a little bit different atmosphere than a tasting room and a place you manufacture beer, inside and out, when probably would plan to stay there a little bit longer when you can bring your pet and not have to worry about getting home to letting them out.

Dee Oliver:

Got it.

Lisa Irwin:

I mean, in the school, that's huge. Sorry. That's a huge issue being that close to the school. School buses don't stop in the neighborhood. I mean, cars don't stop for school buses in the neighborhood now. A lot of kids in the neighborhood using those streets, Strawbridge Street, to play on, going to any of the parks. New drivers.

Dee Oliver:

Thank you.

Lisa Irwin:

Thank you.

Jack Wall:

Okay. Thank you.

Madame Clerk:

Brian Irvine followed by Jason Alhallena

Brian Irvine:

Good afternoon, Mr. Chairman, vice chairman, planning board commission.

Jack Wall:

Can you please state your name?

Brian Irvine:

Yes, sir. My name is Brian Irvine, resident of 2229 Bartholomew's Crossing in the Middle Oaks Plantation subdivision. First, I'd like to ask you to sit in our shoes as residents of the subdivision and think to yourselves about having a craft brewery on three sides of your home. You're asking a great neighborhood to endure the hours of operations of 6:30 to 11:00 PM, seven days a week, where I have a young boy at eight years old and a 15 year old son at home that need to go to bed at a certain time and get up at a certain time. Our property value is a huge concern in the community of Middle Oaks Plantation subdivision. You can sit here and tell me that anything's better than a vacant abandoned building that has been abandoned for many years, but I can tell you that it's not. I understand what we purchased when we purchased our home four years ago and that the building was vacant at the time and that there was the ability of something to be built there and the use.

Brian Irvine:

As soon as someone comes to our home, if we decide to put our home on purchase, on a Saturday afternoon in the middle of July and comes to an open house and has a craft brewery behind our home with loud noise, patrons, dogs barking, our property value will greatly diminish and it also does not allow us to have the vast variety of personnel to come and look at our home, our clients to buy and purchase our home. It is directly stricken to one group of individuals and whoever that may be, I do not know, but I know personally that I would not buy my home if that was behind it. They said in the agenda that it is well-screened with existing mature vegetation along its perimeter. The vegetation is mature. However, it is all weeds, weeds and overgrown Poison Ivy that is continuously tearing down our fences that I continuously have to rebuild yearly.

Brian Irvine:

I've spoken with Mr. Ned Brooks, the realtor of the property, and the Navy Federal Credit Union for the last four years to have work done in that vegetation. Nothing has been done. Lastly, I would like to talk to you about the lighting. I know 11 of the staff notes where in regards to the CUP brewery restates that all light poles shall no taller than 14 feet. 14 feet with a 20 foot home with a reflection, the lighting will still shine into our bedroom windows, into our living rooms. The lighting is a glare zone and a source of what was referred to as light trespass or light pollution, both of which is recognized by the human eye.

Brian Irvine:

In short, the shielding light does not eliminate glare zones causing by such light. We also don't know if the outdoor lighting will be on until 11:00 PM or all night long. The glare zone also will be visibly on both floors of our homes and adjacent to the properties. In closing, you can't put this brewery in our neighborhood.

Jack Wall:

Okay.

Jack Wall:

All right, Mr. Irvine. I appreciate it. Thank you.

Brian Irvine:

Yes, sir. Thank you for your time,

Madame Clerk:

Jason Alhallena followed by Barbara Malbon.

Jack Wall:

Hey, welcome. Please state your name for the record.

Jason Alhallena:

Jason Alhallena. A craft brewery. What a great idea. A local place, one that serves food. I like the entrepreneurship. Combine that with a dog park and a kennel. Who doesn't love dogs? All of this available 16 and a half hours a day, seven days a week. Just imagine. Imagine what a community would have to gain from having this right at the entrance to their neighborhood, or even better, just on the other side of their fences or right near their pools. Just imagine all the additional traffic. Certainly, they've wanted more cars to compete with, crossing London Bridge Road while with their kids on a bike ride, out for walk or a run. Just imagine the aroma in the air, especially on a hot summer day. There isn't anything like the smell of a dumpster or a grease vat or a dog doo. Even dog owners can't wait to get rid of that.

Jason Alhallena:

Just imagine the music, how enjoyable. Can't you hear the thumping already? Grab your earmuffs. 11:00 PM is only hours away. Just imagine all the dogs barking. Oh, to hear them enjoying themselves and exciting your dogs. Did I mention the earmuffs? But it'll end soon. I hear they're only open seven days a week. Just imagine if our fences and landscape were to provide a buffer and screening to insulate us from these new odors and noises. They won't but worry not. The planning commission staff notes suggest that our existing fences and landscape exceed the screening requirements. Though I wonder, have any of you actually personally gone to verify that?

Jason Alhallena:

But wait, just like a TV commercial, there's more. There are special events. There's live entertainment. There are outdoor container restrooms. Most of us call these outhouses. Can

you imagine this unique business concept on a lot with plenty of acreage to fit all of its ambitions, with sufficient room for parking and enough space for dogs to actually run and play, with less impact on the lives of nearby residents? You bet. Now just imagine all this squeezed into our neighborhood. I think not. This would be an unnecessary and avoidable annoyance to the residents of this neighborhood due to the safety, traffic, noise pollution, odors, and disturbances it would cause. Imagine a home going on the market right next door to this. Which of you would be wanting to move in? I'm not sure if you'd get a good deal yet. We don't know what it's going to do to our property values.

Jason Alhallena:

If I may mention, as a condition, the chain link fence is not sufficient screening. It needs to have slates put in the chain link. Those were available. It seems from the staff notes, you've already made your decision. That needs to be a condition.

Jack Wall:

All right. We haven't made a decision yet, but thank you.

Jason Alhallena:

Okay. Any questions?

Jack Wall:

Any questions for the speaker? Okay, appreciate it. Thank you.

Jason Alhallena:

You bet.

Madam Clerk:

Our final speaker, Barbara Malbon.

Barbara Malbon:

Hello, ladies and gentlemen, I just want to let you know-

Jack Wall:

Oh, Ms. Malbon, could you state your name for the record?

Barbara:

Oh, I'm sorry, Barbara Malbon.



Jack Wall:

Okay. Thank you.

Barbara:

I have lived in Middle Oaks Plantation for over 30 years. I live on the main street that goes down and you could hit a baseball to where they're proposing to put a bar, and a brewery is a bar. You can call it what you want, but it's a bar. I have children. I have grandchildren. The whole neighborhood has kids that walk all over those roads. It's ridiculous. I can't even believe this city would think to allow something like that to happen. There is a school, not a half mile right down the road. There are children that walk on that road, Strawbridge Road, daily, all day long. And in the summer, it goes into the night. Okay. That's our prime concern is our children with a bunch of drunks. That's it. That's what you're asking us to put up with. If I go to sell my home with that there, I make nothing. And I've lived there 30 years. I've lived there 30 years because it is a nice, peaceful little neighborhood, where we all look after each other. This is just unimaginable for this city to allow something like that to happen. That's all I have to say.

Jack Wall:

Okay. Thank you. Are there any questions for Ms. Malbon?

David Weiner:

I have a question. And I'm just hypothetically speaking. What if they just opened up a restaurant, they could leave right now, today, go open up a restaurant and doggy daycare.

Barbara:

No.

David Weiner:

Yes. No, they can, by right.

Barbara:

Mm-hmm (affirmative).

David Weiner:

They can do that by right. The only reason they're here right now is because they want to brew their own beer.

Barbara:

Okay.

David Weiner:

So, I mean, they could walk away right now and go do that. So wouldn't you want to have somebody in your neighborhood that you could actually meet with, talk with?

Barbara:

Mm-mm (negative).

David Weiner:

You have problems, discuss it?

Barbara:

No, I don't want a doggy daycare in my neighborhood.

David Weiner:

They can do it by right.

Barbara:

Well, we have Hunt Club Kennels right across the street.

David Weiner:

I understand what you're saying. But it's always nice to have somebody there that you can talk to.

Barbara:

No.

David Weiner:

Okay.

Barbara:

No.

David Weiner:

I'm just saying.

Barbara:

It's liquor. Okay.

David Weiner:

But they can do it by right.

Barbara:

Well, not if we have something to say about it.

David Weiner:

Okay, all right. All good. Thank you.

Jack Wall:

Okay. All right. Thank you.

Madam Clerk:

No more speakers, Mr. Chair.

Jack Wall:

Okay. Mr. Bourdon, would you like to come up for rebuttal?

Eddie Bourdon:

First of all, appreciate the folks who've come down to speak both for and against. We kept a lot of our people from speaking, didn't want to just be redundant. Unless I am mis-recollecting because I know this area pretty well. The only traffic that we would generate on Strawbridge Road from the east would be traffic from the neighborhoods coming to our facility. The traffic from outside the community would obviously use London Bridge Road to get there and not Strawbridge Road. And leaving, I wasn't even where you could get from this property, through the neighborhoods into Castleton, but maybe you can. But that's quite an interesting configuration to get there.

Dee Oliver:

You can.

Eddie Bourdon:

Okay. I said, I wasn't aware you could, but you might be able to. As Mr. Weiner pointed out, these are Virginia Beach local residents, three lady business, people who have every intention to be a good neighbor. We've agreed to conditions that would not otherwise be able to be put into the application if it were a restaurant serving alcohol from whatever time they start serving

alcohol till past the time that's specified in these conditions. The doggy daycare, same thing. They're perfectly legal uses of the property. And this is an opportunity to know what's happening and who's doing it and have the ability to communicate with them. Agree to protect their streets from parking, by a condition that I've never seen or agreed to before. But it's perfectly fine, because this site, unlike most sites, 3.34 acres of unconditional B2 land is a large piece of property by any measure in the commercial business area.

Eddie Bourdon:

This is a restaurant that'll be serving breakfast, lunch and dinner, hence the early hours. It's not a bar that's open to drink at nine or 10 o'clock in the morning. It's a restaurant. The brewery is simply to brew, as I said, small batch product that they will sell in the restaurant, on the site. The lighting question, the doggy daycare recreation area, which is closed at dark, is on the... you can see down in the Southwest corner, the Irwins live... Mr. Irwin's talking about three side, one little corner, one very small corner of their property, abuts the back corner of this property. And we are not going to take up the fence that's all enclosed by all the vegetation, but we're putting up additional fencing inside of that. And that is solid fencing. The doggy exercise area is closed at dusk, it's not going to be lit up.

Eddie Bourdon:

The area of seating pretty much in the middle of the site. And that's that's outdoor seating. There is indoor seating and most of the activity, the overwhelming majority of the activities will take place inside, as the conditions require. There's no outdoor activity, other than people can sit in the picnic area and eat during nice weather. That's it. The rest of it's all indoors. The conditions, specifically, we can't have any amplified music outside, none. So I mean, I don't know. All the hoopla, but if this were just a restaurant and a doggy daycare, you would have no say so over anything, any hours of operation, any of the... and the people running it, not that people wouldn't necessarily try to be good neighbors and talk to their neighbors, but these folks, these ladies have come in and from day one, here's what we want to do, try to engage with.

Eddie Bourdon:

And frankly, they have support from other people on the west side. And those are the only houses other than the one home. And the last gentleman who spoke, Jason, may be the owner of that house, I'm not sure. And their house is up next to the building itself. We got rid of the idea of food trucks in the back corner, it was somewhat close to their residence. I don't know how these young ladies could do a better job of trying to be, and they will be, good neighbors to the folks in the community. And hopefully, it'll be very successful business. Bar owners, this is not a bar. Restaurant owners do have a duty responsibility, to some degree, to their clients, not let them have too much to drink and then drive. We all know that. There are potential liabilities if they don't. But this is not being operated as a bar, it's a restaurant, family style, for families and all the of conditions are, I think, well thought out and supportive of making sure that it is a good neighbor to the homes that were built around an unconditional B2 piece of property to begin with. Happy to answer any questions.

Jack Wall:

Any questions? Mr. Redmond?

David Redmond:

I was a little confused. Can you walk me through this site plan, Mr. Bourdon?

Eddie Bourdon:

Sure.

David Redmond:

Where's the front of the building? I mean, first off, I will say, the building, I like the way that you've designed-

Eddie Bourdon:

The building, the blue facing, London Bridge Road facing north.

David Redmond:

Okay.

Eddie Bourdon:

That's the front of the building. And that's the restaurant. The back of the blue part is the brewery, kind of wraps around, that's where the brewing takes place.

David Redmond:

Right.

Eddie Bourdon:

And then the doggy daycare, which is the ordinance characterizes as a kennel, that's the brown area there. Heated air condition, soundproofed. Entrance is from the west. People dropping their dogs off, come in or around this... You see the drive aisle coming down the east side, that's gated. That's only for employees to park and for delivery of materials for the brewery, and for the restaurant as well. All deliveries will take place there during normal business hours.

David Redmond:

I think this slide could have been, maybe done a little bit better. What is the area underneath those big words, that say projector screen? The projector screen is this little red dot, what is that sitting on top of it? Is that sitting on top of parking?

Eddie Bourdon:

There's the picnic area and seating for people who are dining or eating in the picnic area. That's where the visibility would be to that screen.

David Redmond:

I see that. Okay. I see the words that say, projector screen. What's underneath that, that gray looking hash mark looking stuff. What is that? Is that the-

Eddie Bourdon:

That's existing impervious surface, that's what this is. That's-

Speaker 4:

It's overflow.

David Redmond:

This is this part.

Eddie Bourdon:

Oh, that is-

Speaker 4:

It's listed as overflow event parking area.

Eddie Bourdon:

Exactly. That is potential, if there ever came to be a need for additional parking for an event, or what have you, that's where it could go with city approval, the putting in of grass pavers and that kind of thing. Going through all the storm water stuff, the back of the site was almost entirely impervious over the years because of the gravel and some crack concrete, but that was there when it was both the rental place and they stored vehicles, or what have you back there. And then the greenhouse had plant material, et cetera. There's a lot of weeds and grass that have grown up through the gravel.

Eddie Bourdon:

And we were showing where all of the impervious on the site is for storm water purposes. And that's an area that we've got some impervious, some area that has vegetation through the gravel. And that's just showing where, if it were to become necessary at any point in time, and by showing it, 10 years from now, whatever, we wouldn't have to come back in here and have to modify the condition.

David Redmond:

I appreciate it. I just didn't understand.

Eddie Bourdon:

But it's not... It's nothing that's going to-

David Redmond:

I couldn't read it underneath all those letters. Right.

Eddie Bourdon:

Nothing's going to happen there, unless, at some point in the future, they need some overflow parking. And they could also try to do it in the old London Bridge Road right away out front with an encroachment. Just looking 10 years down the road. To make darn sure that nobody parks in the neighborhood.

David Redmond:

Thank you.

Jack Wall:

Okay. Thank you. Commissioner Alcaraz followed by Commissioner Weiner.

George Alcaraz:

Okay. Thank you, Mr. Bourdon, the brewery is combined as a restaurant and brewery. Is that where the restaurant is?

Eddie Bourdon:

Yeah, the restaurant and then the brewery is... It'll all be completely segregated inside the building. The whole building's being refurbished, and new walls will be put in, et cetera. The part that's blue is the restaurant and the area where the brewing will take place.

George Alcaraz:

The last speaker said something about liquor, y'all have any liquor there?

Eddie Bourdon:

I don't know whether the restaurant will serve liquor or not, but a restaurant could serve liquor, and that's a by right. But as far... I believe this is wine and beer. That's a question, I've never asked, but I would... But it is a-

Dee Oliver:

So are they registering as a brewery or are they registering as a restaurant? Because they-

Eddie Bourdon:

Well, they're both.

Dee Oliver:

Well, there's a different in the alcohol and food ratio. So it's completely two different things.

Eddie Bourdon:

Well, it's going to be a restaurant, and I'm unfamiliar with-

Dee Oliver:

And they'll serve alcohol?

Eddie Bourdon:

It's a restaurant that will serve beer and wine. And I don't know if they're serving alcohol or not, they may be.

Dee Oliver:

Because there's just different.

George Alcaraz:

That's what I was asking.

Dee Oliver:

They operate differently. That's why we're asking that.

Eddie Bourdon:

Right. But the restaurant, that's a separate business from the brewery. The craft brewery, which is brewing the beer that they will, and I believe they'll sell other beers other than their own as well in the restaurant.

Dee Oliver:

Hmm.

Jack Wall:



Okay.

Speaker from the crowd:

Could I ask a question?

Dee Oliver:

No.

Jack Wall:

No, I'm sorry. Yeah.

Eddie Bourdon:

You can hang around, I'll be happy to talk to you.

Jack Wall:

Yeah, you can talk to-

George Alcaraz:

Mr. Bourdon... No, sir. No, sir. Nope, sorry, you're done.

Jack Wall:

Yeah.

George Alcaraz:

Question, Mr. Bourdon.

Speaker from the crowd:

You heard it called a restaurant. It's always been a craft brewery.

George Alcaraz:

Excuse me, sir.

Dee Oliver:

Sir.

Jack Wall:

Sir, excuse us. Excuse us. Thank you. Yeah.

David Weiner:

Mr. Bourdon, the dog exercise area, I know this is a fence around the dog exercise area. From that fence to the buffers zone, it looks like it's a little bit of distance, different distances at different places. What's an average from that?

Eddie Bourdon:

Oh, the average there would be about 20... on the west side, it's probably closer to 30 feet from the boundary line.

David Weiner:

Boundary line? Okay.

Eddie Bourdon:

Yeah.

Eddie Bourdon:

See we're doing-

David Weiner:

It doesn't say on here. I can't tell that's why I was just asking.

Eddie Bourdon:

We're doing the fencing on the interior. There is one thing that the Irwin's mentioned in their letter that I want point out. The chain length fencing that comes down the west side, and then across the south side, that's been there for decades. That fencing is not on the property line. It is inside the property. Apparently, people have been cutting through because he talked about access to the park. There's no access from this property to the park. But apparently people cut through now into the park, along the back of those properties to the west. We will be more than happy to cut that off by extending fencing to their fence or to anybody else's fence. But that's the only... There's no access and will be no access to the park from this site or to anybody else's property. The one gentleman, where they're putting up additional landscaping and we're putting a fence up for them, he would like a gate, which we are providing a gate. But we're not providing access to anybody else's property or to the park.

Jack Wall:

Any other questions?

Dee Oliver:

I have one. Mr. Bourdon, tell me about the hours because I don't see it and I could have easily missed it. The hours of the kennel and the dog exercise area. I see the hours to the restaurant, which to me, personally, is excessive at 6:30 AM to 11:00 PM, seven days a week. I don't know how you can possibly operate a restaurant in this day and age.

Eddie Bourdon:

You can't get enough employees to operate a restaurant.

Dee Oliver:

I don't know how they're... I mean.

Eddie Bourdon:

Well, there are restaurants out there that operate that long, and others, pre-pandemic.

Dee Oliver:

But the kennels specifically.

Eddie Bourdon:

The kennel is 8:00 AM. It's condition 7C. 8:00 AM. Well, outdoor 8:00 AM to 8:00 PM. Indoor, it's to 10 o'clock. 8:00 AM to 10.

Dee Oliver:

So the dogs can be outside, and is there a limit on how many dogs there are in the kennel and the exercise area? Typically, when we see them, there are rules on dog-

Eddie Bourdon:

Yeah, when you're in the Ag district and you have to have a conditional use permit. You don't see em, when you're in the B2.

Dee Oliver:

You don't have to have here, but I'm just curious.

Eddie Bourdon:

Yeah, no, no, it's a very good question. We don't anticipate that there would be, on average, 40 50 dogs at most. I mean, you could have some day when you have 60 or 70. And to begin with, it may be, 20 or 30.

Dee Oliver:

That's a lot of dogs outside all day long.

Eddie Bourdon:

They're not outside all day long. No, no, no, no, no, no, no, no. All that brown area, that's where they're kept inside. It depends on the weather, depends on the number of dogs, and the people that work there. You take the dogs out to exercise. That's the recreation dog exercise area. They're not out in that area all day long. There may be 20 or 30 dogs in the exercise area, and another 20 inside. And then they switch off. They're not sitting out there. And again, it's weather... it's not covered. So it's only in nice weather that they get to go out and exercise. Otherwise, they're inside. Like a typical-

Dee Oliver:

How many dogs does the interior of the kennel hold?

Eddie Bourdon:

I do not have the ability to give you an answer on that.

Dee Oliver:

Okay. Well, I can tell you the one that is on Virginia Beach Boulevard, just east of Greatneck road. I understand, and it's not very large, but I understand they're they have well in excess of a hundred dogs in there a day. And they're on a very small piece of property, very small compared to this. But this area has plenty of room for the dogs to exercise. But they're not out there all day long and they're not out there when the weather's bad. And they're inside part of the time and outside part of the time.

Jack Wall:

I've got a couple questions. Does anybody else? I've got a couple questions. So the lights, B2 business, it could be done built by right, whatever. But describe a little bit more about the lights because that was of concern. And I would think that is, would be, a concern with residents there. Do you have anything you can convey a little bit more?

Eddie Bourdon:

Well, the main thing is the dog exercise area, which is adjoining homes, and it's really the only area that is has exterior lighting, will not be lit past dark because it can't be used past dark. So there's no reason to spend a lot. I mean, we may have some low lights, that are just so if you

can see somebody walking through the area, but you're not going to spend the money on a bunch of large lights for that. And the lighting ordinance, we can't have any spillover and there's really no reason to be lighting that up. The other thing though, you also have a serious, and I'm not going to disagree with the idea that it's overgrown. But to some degree that overgrown area actually protects them, in terms of visual. They're worried about lights or worried about seeing people or people seeing them. The areas that will have lighting. But again, typical conditions are to reduce lighting that's in the staff evaluation. The picnic area, and once again, a lot of your lighting is going to be low, ground, pedestal lights, you don't need stuff that's high... And we're not playing sports outside. And then you're going to have the parking area, that'll need some lighting as well.

Jack Wall:

Okay. That's fine. I know you've discussed the fencing a little bit, but let me circle back because I may not have picked up on it when I was reading through here. The fence to Middle Oaks Park is a chain link fence, and it's going to remain that way.

Eddie Bourdon:

The fence is embedded in all that wild, natural area back there. So really it's counter productive if you're trying to screen to go in and wipe that out to take that fence out and put up a new one there. And that fence is actually, that's there now, is inside the property line. Not as much as it is on the west side. What we are proposing to do, we would be fencing in interior with a solid fence that would leave the landscaping or the area that's natural in its natural state and not disturb it. Because we don't think that's both from... Again, and this is not acknowledging or agreeing that all the trumped up big noise type things. Leaving that intact is the best, I think, way to make sure there is the minimum amount of whatever impact from light or noise might ever accrue from this use.

Jack Wall:

Okay.

Eddie Bourdon:

So we're trying not to disturb that area, although we certainly will work with the neighbors and have said so, when my clients met with the neighbors, to make sure that they have fencing. That those that don't and whatever can be done to add to the landscaping to help screen, if there's an area that's lacking and put landscaping in that. And that's in the report as well.

Jack Wall:

All right, thank you.

George Alcaraz:

If I may ask and go back to the brewery/restaurant. 4,430 square feet. How much of that is the brewery or restaurant? You can zoom back in.

Eddie Bourdon:

I'm not a hundred percent sure what the breakdown is.

Dee Oliver:

Yeah. It's going Two separate things. Two separate things.

Eddie Bourdon:

The brewery will occupy 1500 square feet.

George Alcaraz:

So you said just the three barrels?

Eddie Bourdon:

Three to five barrels.

George Alcaraz:

So with these tanks, maybe one or two would-

Eddie Bourdon:

You're over my head now, George.

George Alcaraz:

I'm trying to see how much it's taking in that 4,300 square feet. Are you just-

Eddie Bourdon:

Well, 1,500. So that leaves just under 3000 for the restaurant.

George Alcaraz:

The actual mechanisms of what you're seeing. So it's actually visual to see. It's pretty cool to see, but I was just... I hear everything, what everyone else saying, by right. I was just seeing how much impact the brewery has on this whole project. And you're saying 1,500 square feet.

Eddie Bourdon:

1500 square feet.

George Alcaraz:

Thank you.

Eddie Bourdon:

In that 1,500 feet, unlike some other breweries, we're not storing any materials outside, it's all inside. Including the spent hops and greens too. So we have to store them there, hopefully for a very short period of time, until some of the agricultural operations will scoop them up.

George Alcaraz:

Thank you.

Jack Wall:

Any other questions.

Eddie Bourdon:

Thank you all very much.

Jack Wall:

Okay. I'm going to open the floor for discussion.

Robyn Klein:

I'll start.

Jack Wall:

Okay.

Robyn Klein:

So I'm a dog owner. I frequent doggie day cares. They are surprisingly quiet from the outside when all the dogs are inside. Based on what I heard today, the issue is that the area zoned commercial, not what's going to go in the property, and that pretty much anything that would go in there, the community would not be a fan of. The brewery, I look at as the same... George bought that property and opened another restaurant there. You're selling alcohol, it's a restaurant. The fact that they're brewing, I think is a technicality. And I appreciate the residents concerns. And I hope that what they are afraid of does not come to fruition, but I do intend to support the application.

Jack Wall:

Okay. Thanks. Mr. Redman.

David Redmond:

Well, she's right. I agree with Robin. I think we're way overthinking this. This is about a conditional use permit for a brewing operation that's the size of a Jimmy John's restaurant. Okay. 1500 feet. That's it. The property's 3.34 acres, 145,000 square foot property. 1500 square feet of it would be used to brew beer. So that doesn't sound to me like a real big impact. The restaurant part, who cares? It's no different from an Applebees. I don't care what their hours are. I don't care how many dogs are going to be in the doggy daycare. Those things are all by right. It's not zoned commercial. It's zoned B2, which is the least restrictive, most business oriented, of the commercial zoning designations, and it has been for decades. So all this is about is a tiny beer production facility where we wouldn't see it at all.

David Redmond:

The rest of it is just a restaurant. They'll be serving pancakes and it'll be serving eggs Benedict. And they'll be serving croque monsieur, or whatever they have on their menu. But turning this into, it seems to be a mountain out of a mole hill kind of application. It is solely about 1500 feet brewing capacity. If you've ever been near them, they don't smell. They're not noisy. I mean, it's no different than any small kind of business operation. So I don't know why in the world, we wouldn't support this. I will say I've seen a number of these kinds of operations throughout the city and throughout the United States. They are uniformly well liked and appreciated by the adjacent neighborhoods, including here in Virginia Beach.

Robyn Klein:

Isn't Back Bay one of them?

David Redmond:

Back Bay is one.

Robyn Klein:

Similar.

David Redmond:

Back Bay is one that's very well appreciated by the neighborhood.

Robyn Klein:

Very popular.

David Redmond:

The one that I go to, since the name went out, Commonwealth, you see people walking there all the time with their dogs, with their strollers, with their babies. I see more grandparents pushing a



stroller. They're the most family oriented places. The idea that the sky is going to fall because we grant a conditional use permit for 1500 square feet of brewing is just silly, in my view, it's just not going to happen. I'll bet, in the end, more people are going to appreciate this operation in this neighborhood than anybody realizes, and by a very, very wide margins. So I'll certainly support it.

Jack Wall:

Okay. All right, thanks. Mr. Weiner.

David Weiner:

One thing I want to point out, and I think this goes back about 5, 6, 7 years ago. I can't remember how long ago. We had an application I know everybody remembers Piney Groove church with the lights in the parking lot. I have 100% faith in our staff that knows that this is not going to be like... Since that happened, we've never had that problem ever again with lights in a parking lot near residential neighborhood. They know what they're doing. The LED lights are pointed down. They're not going to be pointed in anybody's backyard anymore. I have a hundred percent confidence in that. Really and truly that's the only thing that came about.

David Weiner:

But in that. Really, and truly, that's the only thing that came about. But I am kind of concerned at people in neighborhoods, people that started businesses in neighborhoods and people that live in the neighborhoods, go talk to these people. If you have a problem, they're just human beings like you are, okay? Go talk to them. They're not going to yell at you and throw you out, they'll sit down and discuss things with you, believe me. I'm sure they want to be there, they want to make money and they want you to be happy in your neighborhood, so please take time to go talk to them. So I'm going to support this also.

Jack Wall:

Mr. Bradley?

Mr. Bradley:

This is an area I drive by two or three times a week, it's an interesting property in the sense of that, that zoning's there anyway, and like I said, it's probably been there forever. And I do remember when it was a tool rental facility and then a garden center. But in the end, I think Mr. Redmond has summarized it appropriately, what's being asked of us as this commission, is a 1,500 square-foot facility to manufacture beer, which is done in numerous places in our city, so it's been approved by planning commission and city councils before.

Mr. Bradley:

When we say by right, and I appreciate the residents coming out, by right they could have done the restaurant and never ask... I mean, not ask anybody, they've got to through a site plan review and some of those things, but they could've done all these things to sup the manufacture of the beer. But by them kind of putting this all together, it has allowed for the planning staff to work with them to put some conditions on this, that I think will be more amenable to the surrounding community, than it would have been without it.

Mr. Bradley:

So with that said, I'll be supporting it.

Jack Wall:

Anybody else? Mr. Horsley.

Mr. Horsley:

Since everybody's explained this pretty eloquently, I think it's ready for a motion, I'm prepared to make a motion.

Jack Wall:

Go for it. Okay.

Mr. Horsley:

I make a motion we approve the application.

Jack Wall:

Okay.

Miss Klein:

I'll second.

Jack Wall:

Okay, we have a motion for approval by Mr. Horsley, and a second by Miss Klein.

Madame Clerk:

Thank you. The vote is open. Our recorded vote of 10 in favor, zero against. Agenda item number six, has been recommended for approval.

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

**CONDITIONS**

1. The property shall be redeveloped in substantial conformity with the preliminary site plan entitled “Pups and Pints Redevelopment Concept Plan”, (Concept Plan) revised November 29, 2021, prepared by AES Consulting Engineers, a copy of which is on file with the Department of Planning and has been exhibited to the Virginia Beach City Council.
2. When redeveloped, the elevations and building materials shall be in substantial conformity with the exhibit entitled “Pups and Pints – Preliminary Design Development Drawings” dated November 26, 2021, prepared by Riddick Fiedler Stern, PC, a copy of which is on file with the Department of Planning and has been exhibited to the Virginia Beach City Council.
3. The use of amplified sound outdoor shall be prohibited.
4. A Certificate of Occupancy shall be obtained prior to operation of the Craft Brewery.
5. Parking above the maximum number of parking spaces shall only be permitted with approval by the Planning Director pursuant to Section 203(b)(9) of the Zoning Ordinance.
6. Vehicular parking for activities on this site, including but not limited to the doggie daycare and eating & drinking establishment, shall be on-site only and not within the public rights-of-way.
7. The hours of operation shall be as follows:
  - a. The brewery shall be limited to the hours of 6:30 a.m. to 11:00 p.m., daily.
  - b. Outdoor activities associated with the brewery shall be limited to the hours of 10:00 a.m. to 8:00 p.m. or dusk, whichever is later.
  - c. Outdoor activities associated with the kennel shall be limited to the hours of 8:00 a.m. to 8:00 p.m.

8. Live entertainment will only be allowed inside the establishment when all the doors and windows are closed. No outdoor live entertainment will be permitted.
9. The occupancy load for the Craft Brewery shall be established by the Certificate of Occupancy as approved by the Permits and Inspections Division of the Department of Planning.
10. Any conditions associated with the license issued by the Virginia Alcoholic Beverage Control Board shall be deemed to be incorporated as conditions with this Conditional Use Permit.
11. All light poles shall be no taller than 14 feet in height and all lighting shall be shielded to be contained on site.
12. The existing pole sign shall be removed prior to the issuance of a Certificate of Occupancy for the Craft Brewery. Any new freestanding sign shall be a monument style sign, the plans for which shall be submitted to the Planning Department for review and approval for compliance with the Zoning Ordinance. If the new freestanding sign is to be located where depicted on the Concept Plan, submittal and approval of an Encroachment Application is required.
13. Any onsite signage shall meet the requirements of the City Zoning Ordinance, unless otherwise approved by the Board of Zoning Appeals, and there shall be no neon, other than individual channel letters lighted with internal neon and as approved by the Zoning Administrator, or electronic display signs or accents, installed on any wall area of the exterior of the building, in or on the windows, or on the doors. There shall be no window signage permitted. The building signage shall not be a "box sign" and the proposed sign package shall be submitted to the Zoning Administrator.
14. Except as permitted by Section 4.1 of the City Code for Special Events, Assembly Uses on the property shall be prohibited unless a Conditional Use Permit is obtained.

*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  
January 12, 2022 Public Meeting  
Agenda Item # 7**

**Metro Towing Company, Inc.** [Applicant]  
**Intracoastal Assets, LLC** [Property Owner]

**Conditional Use Permit** [Bulk Storage Yard]

**1194 Bells Road**

**RECOMMENDED FOR APPROVAL – CONSENT**

George Alcaraz:

Thank you, Mr. Bradley. All right, we'll move on to the next agenda. Item number seven, Metro Towing Company. It's a Conditional Use Permit for bulk storage yard at 1194 Bells Road in the Beach District. Is there a representative for this item? Come forward. Hi, can you state your name for the record, please?

Steven Sullivan:

Steven Sullivan.

George Alcaraz:

Thank you. Are you accepting all the conditions?

Steven Sullivan:

Yes, sir.

George Alcaraz:

Okay.

Steven Sullivan:

Yep.

George Alcaraz:

All right, thank you.

Steven Sullivan:

Okay.

George Alcaraz:

Is there any opposition to this being on the consent agenda? All right. Hearing none. I asked Mr. Weiner to please speak on this.

David Weiner:

Thank you, Mr. Alcaraz. This is a conditional use permit for bulk storage yard. The applicant is requesting a conditional use permit for bulk storage yard on the Northwest corner of South Birdneck and Bells Road to store vehicles for towing business, Metro Towing Company. The tow lot will occupy the eastern half of the three quarter acre parcel. The remaining western half is occupied by a contractor storage yard for the storage and destruction of vehicles and materials that was approved in 1985.

David Weiner:

The applicant estimates that there're up to 30 vehicles to be stored on the site. As the current use, the contract to the storage yard has existed on the site since 1975. It does not meet the current regulations by bulk storage yard and lacks the fencing and landscaping requirements. The application will serve to bring the property into conformance with the current standard, as well as the authorized use of portion for the site for the towed vehicles. We recommend approval and put this on the consent agenda.

George Alcaraz:

Thank you, Mr. Weiner.

David Weiner:

Sure.

Madam Clerk:

By recorded vote of 10 in favor and zero against agenda items one, two, three, four and five, seven, 10, 11, 13, and 14 have been recommended for approval. Agenda items number 15 and 16 by recorded vote of nine in favor, zero against, with one abstention are recommended for approval.

Jack Wall:

Okay, thank you. That's the conclusion of the consent agenda.

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

**CONDITIONS**

1. This portion of the site shall be developed and maintained substantially in conformance with the submitted exhibit entitled, "Landscape Plan: Metro Towing", prepared by Diane E. Smith – Di-namic Landscape Designs, dated November 11, 2021, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development. This is a deviation to the required landscape screening along the western boundary of the proposed use.
2. Any onsite signage shall meet the requirements of the City Zoning Ordinance. There shall be no signs that contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving devices on the site or on the vehicles. There shall be no signs which are painted, pasted, or attached to the windows, utility poles, trees, or fences, or in an unauthorized manner to walls or other signs.
3. All outdoor lights shall be shielded to direct light and glare onto the premises, said lighting and glare shall be deflected, shaded, and focused away from all adjoining property. Any outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet.
4. There shall be no motor vehicle repair work on-site.
5. There shall be no outside storage of equipment, parts, or materials.
6. The loading and unloading of vehicles within the rights-of-way shall be prohibited.

*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  
January 12, 2022 Public Meeting  
Agenda Items # 8 & 9**

**Dragas Associates, Inc.** [Applicant]  
**Hawkins Mill, LC, Hawkins Mill at Haygood Condominium Association, Inc.**  
[Property Owner]

**Conditional Rezoning** [R-10 Residential District to Conditional A-24 Apartment District  
(0.69 acres)]

**Modification of Proffers**

**5000 & 5024 Haygood Road**

**RECOMMENDED FOR APPROVAL – HEARD**

Jack Wall:

Okay, thank you. Thank you. Madam Clerk, you can go ahead and proceed to the next application.

Madame Clerk:

Our next agenda items are agenda items number eight and nine, Dragas Associates Inc. An application for a conditional rezoning, R10 residential district, to conditional A24 apartment district on 0.69 acres, and a modification of proffers on property located at 5000 and 5024 Haygood Road in the Bayside district.

Eddie Bourdon:

Thank you, Mr. Chairman, members of the commission. Again, Eddie Bourdon, Virginia Beach attorney representing Dragas Associates. My clients are here this afternoon on this application, excuse me, for a modification of conditions and a conditional rezoning, all in the same proffer agreement, to add this 0.69 acre piece into the existing Hawkins Mill condominium, that is under construction.

Eddie Bourdon:

I want to point out that, this application required 100% approval by all of the existing owners of condominiums on the property, which we have. I want to also point out, that the Aragona Civic League, and we know they're very engaged, was not against this or supported this in its original approval, and likewise has no opposition to this addition.

Eddie Bourdon:

This property as well as the two remaining properties, that are not going to be a part of this, were the same family, same folks that the rest of the property was purchased from. They, the two remaining, as well as the property that decided they would sell, have always supported this application, and the community's named after their family. So there's no opposition from the Civic League, there's no opposition from any of the owners, and there is no opposition from the two remaining parcels at front on Haygood Road.

Eddie Bourdon:

The staff has done an excellent job, WA did an excellent job of explaining what the application involves. Mr. Tajan's staff have looked through this recommended approval, I think it's... It's just, we told the folks who own these three who sold us the rest of the property, my clients said that they would buy the properties if they chose to sell at any point before we finished the project, and one decided that they did want to.

Eddie Bourdon:

The buffering is the same. And one thing I'll point out that wasn't pointed out this morning, there's a 20-foot strip that you can actually see on the... If you put back what you had up there. If you look at the right of those two composites, you see a strip of land that's along the boundary between what we're adding and the two pieces that are remaining. That was a flag stem to the rest of the property, so by this piece coming into the development, that other 20-feet is able to be utilized, that the Condo Association owned. So it eliminates that 20-foot strip that was just unusable at the time, just to make that clear.

Eddie Bourdon:

So obviously it's a proffered application, so there aren't conditions to agree to there in the proffers. Be happy to answer any questions any of you may have.

Jack Wall:

Yeah, thank you. Are there any questions for Mr. Bourdon.

Eddie Bourdon:

Thank you very much.

Jack Wall:

Madam Clerk?

Madam Clerk:

Mr. Chairman, we have two speakers, one in person and one virtual. I'm calling the in-person speaker first. Lou Rizario.

Lou Rizario:

Good afternoon, I'm Lou Rizario. Can I point to some stuff on this map that we're concerned of in my neighborhood?

Jack Wall:

Please do.

Lou Rizario:

Got it. Okay.

Jack Wall:

There's a pointer.

Miss Klein:

It hasn't been working.

Jack Wall:

It's not working, it just doesn't.

Lou Rizario:

I live-

Jack Wall:

There you go.

Miss Klein:

There.

Lou Rizario:

... here.

Jack Wall:

Okay.

Lou Rizario:

I've been through residents here, a lot of people that live here that I spoke to, I even made a petition for them to sign but it was so cold, I couldn't keep on walking. But nobody was aware of this. This entrance here poses a hazard coming from Wesleyan. The speed limit is 45 miles an hour. At the entrance of Southmoor, there's a drive-through that you can come in and slow down, but here there's nowhere to slow down and it's a turn. This whole turn here, traffic flows at 35 miles an hour, and there's no entrance to this entrance.

Lou Rizario:

They need to widen this area, so people can come in because this is the only entrance to a 100 or more residents. There's no entrance through here, which is Haygood, for 100-plus residents. High school over here, middle school over here, elementary school over here, it's a lot of traffic right now. I made a video and put it online so you can get an aerial view of this, because this is going to create more accidents here and at the light at Southmoor, than it is anywhere else because you have six schools in this area.

Lou Rizario:

I don't oppose to this but you need to make another entrance to this facility.

Jack Wall:

Okay.

Lou Rizario:

You need to fix the entrance to that entrance right there.

Jack Wall:

Okay, I appreciate that, can you come back up to the podium, please. Are there any questions for the speaker? I do have one. So you live on the back side, and you've noticed just a lot of traffic, have you noticed any additional traffic?

Lou Rizario:

All the traffic... Oh, there you go, that's better. There you go. Here's your traffic jam here, there's a high school there, there's another school here, here and here. Two to four

o'clock, this gets packed, you can't even drive. This entrance right here, eventually if you don't fix this, you're going to have to put a light there. So now you have a light here, a light here, and a light there. In the mornings, you have accidents here left and right, because people just fly through here. So you have two or three accidents a week there.

Jack Wall:

Okay. All right, and I think the lights still matter, because he's pretty much ended me asking questions. Okay. Are there any additional questions? Okay, thank you. I think we're ready for the next speaker.

Madam Clerk:

Okay, our final speaker is Linda Baldwin, who is virtual. Mrs. Baldwin, if you would wait two to three seconds, and then please state your name and begin your comments.

Linda Baldwin:

Hi, my name is Linda Baldwin. My property backs up to Hawkins Mill. We have already had a lot of basically fallout from this construction that has been going on for the last two years, they have built that property up several feet above our existing neighborhood. All of their rainwater washes off onto our property. My property in particular, has a storm drainage in my back yard, and everything runs off into my property and floods my back yard. I am concerned that adding 16 more units and adding to the density of the population in that area, is just going to add to the destruction that is being done to our neighborhood.

Linda Baldwin:

As far as the last speaker, I really don't think that we need an entrance put into that neighborhood on Haygood Road. Because of these schools that are around here, getting out of our neighborhood on Sammy Street is almost impossible at times, because of the amount of traffic that flows through here. And I feel like another entrance into that neighborhood, is going to pose big problems and possibly people being killed in car accidents.

Linda Baldwin:

We are in a blind curve. As soon as you pull out of the end of my street, you're in a blind curve and you cannot see what's coming. Another entrance into that neighborhood, is going to pose more problems than helping anything out.

Jack Wall:

Okay, thank you. Are there any questions for Mrs. Baldwin? I do have a question, what street do you live on, or what street does she live on?

Linda Baldwin:

I live on Sammy Street, 5124. My property backs up directly to the already built homes that are back there.

Jack Wall:

I didn't bring my glasses.

Eddie Bourdon:

She's right there.

Jack Wall:

Yeah.

Eddie Bourdon:

Sammy Street.

Jack Wall:

There it is. Okay. Okay, thank you.

Madam Clerk:

No more speakers.

Jack Wall:

Okay, thank you. Mr. Bourdon.

Eddie Bourdon:

Thank you, Mr. Chairman for asking Mrs. Baldwin that question, because that was one of the things that I wanted to try to get, would be her address.

Eddie Bourdon:

So my clients will get in touch with Mrs. Baldwin, or if she's listening, I would request that she please contact the Dragas Associates, so that we can have some conversation regarding her belief that we are draining water onto her property, because that is not supposed to happen and I'm pretty certain is not happening. But there may be something we're unaware of.

Eddie Bourdon:

As all of you I believe, or most of you are aware under our storm water policies, and this one was on the old policies, what this little addition will be on the new policies, you have to... a lot of properties, you have to build up the property because it's flat, so that the water drains internal not external. So I'm fairly certain that if there's an issue, and I'm sure Mr. Tajan and his folks can look into it, we're not allowed to put water onto her property, and I'm pretty confident that we're not. But we'll look into it.

Eddie Bourdon:

There are some properties on the back of Sammy Street, there's a little cul-de-sac in the front part, she's obviously on Sammy Street so she's on the back part of a budding property. Excuse me.

Eddie Bourdon:

When we originally proposed this community, there was a street... I mean, access, street access proposed off of Haygood Road as well as the one off of Wesleyan, and as we went through the process a few years ago, it was Mrs. Baldwin's position, and I mean I don't know if she was involved, but the Civic League's position and all the community league's position at the time, that they did not want the access on Haygood Road, they wanted the only access to be from Wesleyan Drive and that's what council ultimately approved. The district council representative, that's what he believed was best based on the community's feelings at the time. So that's the way it's developed.

Eddie Bourdon:

Certainly, the handful of additional units isn't going to change anything as far as that's concerned. If traffic engineering, I don't think Ric is here at this point, if they have some questions or concerns, then that's something that obviously my clients are very good corporate citizens in Virginia Beach and Hampton Roads, will be happy to look at anything that traffic engineering, but I'm pretty certain there isn't going to be anything in that regard.

Eddie Bourdon:

I'll be happy to answer any questions.

Jack Wall:

Are there any questions for Mr. Bourdon?

Eddie Bourdon:

Thank you all.

Jack Wall:

Yeah, thank you. Okay, I'm going to open it up for discussion. Do we have any, anybody want to start it off to lead? Mr. Redmond.

Mr. Redmond:

So I'm up and down this street four times a week, and lived there in this neighborhood most of my life. This little corner was always intended to be a part of this project, so this shouldn't be a surprise to anybody. It's not a high density product at all if you go over there. As I mentioned this morning, this applicant does a really good job of landscaping and berming, and really kind of creating a sense of place as opposed to just dropping some handful of grass seed and sand, and they're done. And I think it really benefits... I think that neighborhood has benefited from it.

Mr. Redmond:

I can't for the life of me, see why this should be on our consent agenda in my view, so I'm going to be happy to support it and I'll make a motion, unless anybody else has something else to say.

Jack Wall:

Anybody else? I've got a few things. So okay, traffic yeah, it's a busy area, it is. The gentleman pointed out quite a few activities that are in the area, the schools, it's a major transportation route. There are no doubts that it's busy. I'm not sure that this application really affects that turn lane. If there's no turn lane there, maybe there should have been and I don't know, but it's just in general a very busy area.



Jack Wall:

In terms of the storm water for Mrs. Baldwin, I think Mr. Bourdon mentioned that if she could get in touch with the property owner, the Dragas Company, I think they've got a strong history of addressing issues just in general with their properties. So not necessarily anything negative, but in fact it's very positive, proactive. They've been well-known for some of their... being very proactive with addressing issues with anything that has arisen with their properties. So I would encourage Mrs. Baldwin to reach out to them and not relent on that front.

Jack Wall:

But it seems like it's appropriate, and so I'm going to support it.

Jack Wall:

Mr. Redmond?

Mr. Redmond:

Mr. Chairman, I move approval of the application.

Jack Wall:

Okay, we have a motion by Mr. Redmond, do I have second?

David Weiner:

I do not second.

Jack Wall:

Do you have-

David Weiner:

I'm not going to second.

Miss Klein:

You're not?

Mr. Horsley:

I'll second.

Jack Wall:

Okay. All right, with that, are there any abstentions?

David Weiner:

Yes. I am not going to... Yes, Mr. Chairman, thank you. Pursuant the State Local Government Conflicts of Interest Act, I make the following declaration; I'm executing this written disclosure regarding the Planning Commission's decision on voting items eight/nine, Dragas Associates. I do not have a financial interest in this transaction, but the applicant is a client of mine at Batchelder & Collins, therefore I abstain from voting in items eight/nine.

Jack Wall:

Okay, thank you. Okay, we have a motion by Mr. Redmond, a second by Mr. Horsley.

Madame Clerk:

Thank you, the vote is open.

Madame Clerk:

By recorded vote of nine in favor, zero against with one abstention. Agenda items number eight and nine, have been recommended for approval.

Jack Wall:

Okay, thank you.

	AYE 9	NAY 0	ABSTAIN 1	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Cuellar	Aye			
Graham				ABSENT
Horsley	AYE			
Klein	AYE			
Oliver	AYE			
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 the Combined Properties are developed, it shall be as a residential condominium community, substantially in accordance with the “HAWKINS MILL Conceptual Site Plan” dated “July 1, 2021”, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development (the “Concept Plan”).

### **Proffer 2:**

When the Combined Properties are developed, it will feature a heavily landscaped streetscape frontage on Haygood Road and Wesleyan Drive, a monument style community identification sign, community pool and cabana, two (2) community water features with aerated fountains, and vegetated buffers adjacent to abutting properties as depicted and described on the Concept Plan.

### **Proffer 3:**

The total number of dwelling units permitted on the Combined Properties shall not exceed one hundred four (104) and the total number of residential buildings shall not exceed twenty-six (26). Each dwelling unit shall contain a minimum of one thousand six hundred (1,600) square feet of living area.

### **Proffer 4:**

The architectural design and exterior building materials of the residential buildings will be substantially as depicted and described on the Hawkins Mill “Architectural Elevation Luxury Vilas” dated July 1, 2021, which has been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning and Community Development (the “Elevations”).

### **Proffer 5:**

When the Combined Properties are developed, the Grantors shall record a Declaration submitting the Combined Properties to the Condominium Act of the Commonwealth of Virginia. The Condominium Unit Owners’ Association shall be responsible for maintaining

all open spaces, common areas, amenities, landscaping and other improvements on the Combined Properties as depicted on the Concept Plan. Membership, by all residential unit owners, in the Condominium Association shall be mandatory.

**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  
January 12, 2022 Public Meeting  
Agenda Item # 10**

**Aswini Kumar Pradhan & Pusalata Pradhan [Applicant & Property Owners]**

**Modification of Proffers**

**Along Horse Pasture Road, between 1521 Taylor Farm Road and 2617 Horse Pasture Road**

**RECOMMENDED FOR APPROVAL – CONSENT**

George Alcaraz:

All right. We'll move on to the next item, which is item number 10. Excuse me for pronouncing this wrong, if I do. I have a feeling I will. Aswini Kumar Pradhan, Pusalata Pradhan for modification of proffers along Horse Pasture Road, between 1521 Taylor Farm Road and 2617 Horse Pasture Road on the Rose Hall District. Is there a representative for this item?

Bobby Tajan:

He's here in the Webex.

George Alcaraz:

Virtual?

Clerk - Pam Sandloop:

Okay, calling John Sendal as the applicant for this agenda item number seven, Mr. Sendal, if you would wait two to three seconds and then state your name for the record, and let us know if you agree with the conditions as applied to your application.

John Sendal:

Hi, my name is John Sendal and we do accept the conditions. Thank you.

Jack Wall:

Hey, Madam Clerk for the record, are there...

Clerk - Pam Sandloop:

There are no other speakers for this.

Jack Wall:

It's proffers.

Clerk - Pam Sandloop:

Oh, for number seven? I'm so sorry.

George Alcaraz:

We've done number seven.

Jack Wall:

This is number 10.

Clerk - Pam Sandloop:

Mr. Sendal, please excuse me, for clarification's sake, you're-

Bobby Tajan:

They are for the proffers review.

Clerk - Pam Sandloop:

Oh, okay. Thank you.

Jack Wall:

Okay.

George Alcaraz:

All right. Thank you. Is there any opposition for this item to be on the consent agenda?

All right. Hearing none. Ms. Klein, may you speak on this please?

Robyn Klein:

The applicant seeks a modification of proffers to amend subsection D of proffer one for only this property to allow the construction of a 16,714 square foot office warehouse building. The request was deferred at the November 10th, 2021 Planning Commission hearing at the applicant's request in order to revise the proposal to address comments

received from concerned neighbors. Since the deferral, the applicant submitted revised proffers and conceptual exhibit for review. The revised exhibit shows the building setback of the eastern side yard increases to 30 feet compared to the 15-foot setback that was originally proposed. Staff updated the report accordingly, and based on their recommendations, we placed the item on the consent agenda.

Madam Clerk:

By recorded vote of 10 in favor and zero against agenda items one, two, three, four and five, seven, 10, 11, 13, and 14 have been recommended for approval. Agenda items number 15 and 16 by recorded vote of nine in favor, zero against, with one abstention are recommended for approval.

Jack Wall:

Okay, thank you. That's the conclusion of the consent agenda.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Cuellar	Aye			
Graham				ABSENT
Horsley	AYE			
Klein	AYE			
Oliver	AYE			
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:**

Proffer numbered “1(d)” is amended to read:

- d) A minimum fifteen-foot (15') side yard building setback shall be required on the western side of Lot 23C and a minimum side yard building setback of thirty-foot (30') shall be required on the eastern side of Lot 23C despite a rear property line abutting Dam Neck Road.

**Proffer 2:**

All of the terms, conditions, covenants, and agreement set forth in the Proffer, save and except proffer numbered "1(d)" which is amended herein, are ratified, affirmed and remain binding upon the Property and upon all parties and persons claiming under, by or through the Grantor.

**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.

**2004 Proffers**

- 1. Proffer numbered "2" is amended to read:  
The parcels shall be subject to the following mandatory site development guidelines:
  - a) A fifty-foot (50') landscape setback from Dam Neck Road shall be maintained by the Property Owners Association and no improvements shall be located within the landscape setback.
  - b) A twenty-foot (20) landscape setback from London Bridge road shall be maintained by the Property Owners Association and no improvements shall be located within the landscape setback.
  - c) A minimum fifty-foot (50') building setback shall be required from London Bridge Road.
  - d) A minimum thirty-foot (30') side yard building setback shall be required on those lots with a rear property line which abuts Dam Neck Road.
  - e) A minimum fifteen foot (15') side yard building setback shall be required on those lots which do not have a property line abutting Dam Neck Road, provided a ten foot (10') wide Category II Landscape Buffer is maintained along the entire length of the side property line from which the fifteen foot (15') setback is measured.
  - f) No freestanding signage shall be permitted adjacent to either Dam Neck Road or London Bridge Road and all signage shall comply with the "SIGN CRITERIA FOR TAYLOR FARM CORPORATE PARK", dated March 15, 2002 which are included in the Deed Restrictions described in Proffer number 3.



- g) No onsite vehicular parking, outdoor storage, loading docks or loading areas shall be permitted between Dam Neck Road and any building on a parcel adjacent to Dam Neck Road.
- h) No building shall exceed forty-five feet (45') in height and the primary exterior surface of all buildings shall be either brick, split face block, painted block, concrete panel, stone, wood, EIFS, or metal and shall be an earth-tone color or colors. The exterior surface of any building on parcels numbered 8 through 14 on the site plan, which are visible from Dam Neck Road shall be either brick, split face block or stone." The following are proffers submitted by the applicant as part of a Conditional Zoning Agreement (CZA).

## 2002 Proffers

1. When the Property is developed, it shall be developed into no more than fourteen (14) parcels substantially as shown on the exhibit entitled "TAYLOR FARM CORPORATE PARK SITE PLAN Virginia Beach, Virginia", dated 03/11/02 and prepared by Spectra Group, which has been exhibited to the Virginia Beach City WOMACK – CHAPPEL Agenda Item # 19 Page 3 Council and is on file with the Virginia Beach Department of Planning (hereinafter "Site Plan").
2. The parcels shall be subject to the following mandatory site development guidelines:
  - a) A fifty-foot (50') Landscape setback from Dam Neck Road shall be maintained by the Property Owners Association and no improvements shall be located within the Landscape setback.
  - b) A twenty-foot (20') Landscape setback from London Bridge Road shall be maintained by the Property Owners Association and no improvements shall be located within the Landscape setback.
  - c) A minimum fifty-foot (50') building setback shall be required from London Bridge Road
  - d) A minimum thirty-foot (30') side yard building setback and rear yard building setback (on non-through lots) shall be required.
  - e) No freestanding signage shall be permitted adjacent to either Dam Neck Road or London Bridge Road and all signage shall comply with the "SIGN CRITERIA FOR TAYLOR FARM CORPORATE PARK" dated March 15, 2002 which are included in the Deed Restrictions described in Proffer #3.
  - f) No onsite vehicular parking, outdoor storage, loading docks or loading areas shall be permitted between Dam Neck Road and any building on any parcel adjacent to Dam Neck Road.
  - g) No building shall exceed forty-five feet (45') in height and the primary exterior surface of all buildings shall be either brick, split face block, painted block, concrete

panel, stone, wood, EIFS or metal and shall be an earth-tone color or colors. The exterior surface of any building on parcels numbered 8 through 14 on the site plan, which is visible from Dam Neck Road shall be either brick, split face block or stone.

3. When the property is subdivided it shall be subject to a recorded Declaration of Protective Covenants, Conditions and Restrictions (“Deed Restrictions”) administered by a mandatory membership Property Owners Association. In addition to the requirements set forth herein, the Deed Restrictions shall include Articles requiring mandatory assessments for maintenance of the landscape buffers and entrance features as well as Architectural Controls. The Deed Restrictions have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning.
4. Further conditions may be required by the Grantee during detailed Site Plan and/or Subdivision review and administration of applicable City Codes by all cognizant City agencies and departments to meet all applicable City Code requirements.

**Virginia Beach Planning Commission  
January 12, 2022 Public Meeting  
Agenda Item # 11**

**MitchBTattoos, LLC dba Greyscale Tattoo Gallery [Applicant]  
Southern Star Commons, LLC [Property Owner]**

**Conditional Use Permit [Tattoo Parlor]**

**265 Jersey Avenue, Suite 106**

RECOMMENDED FOR APPROVAL – CONSENT

George Alcaraz:

Thank you, Ms. Klein. The next consent item is item number 11, MitchBTattoos, LLC, doing business as Greyscale Tattoo Gallery at the Southern Star Commons, LLC. Conditional Use Permit for a tattoo parlor at 265 Jersey Avenue, Suite 106 in the Bayside District. Is the representative present?

Mitchell Baer:

Yes, sir. My name is Mitchell Baer.

April Baer:

April Baer.

George Alcaraz:

All right. Do you accept all the conditions?

Mitchell Baer:

Yes, sir.

George Alcaraz:

Okay. Thank you. You may sit down.

Mitchell Baer:

Thank you.

George Alcaraz:

Having said that, Mr. Redmond, if you could read this one.

David Redmond:

Thank you, Mr. Alcaraz. This is an application of MitchBTattoos, LLC, doing business as Greyscale Tattoo Gallery. This is in a property on Witchduck Road as you can see, near its intersection with Virginia Beach Boulevard. The applicant is requesting to operate a tattoo parlor within an existing shopping center space of 1,789 square feet. The property is zoned B-2 Community Business District, and it's located within the Pembroke Strategic Growth Area. Three tattoo artists will ultimately work in the space. Each one will see no more than one client at a time. So the clientele that would be there would be restricted to three patrons at any time. There won't be any significant changes to the site other than to the signage where that For Lease sign that you see will be replaced with the name of the business consistent with just about anybody else's trade address.

David Redmond:

The center itself is a little tight on parking. The reason it's tight on parking is because some time ago, the property owner and the city reached an agreement to reduce the size of that property to accommodate the widening of Witchduck Road, which has been an enormous benefit to Witchduck Road, if you haven't been there in some time, so that was certainly very helpful. This is a fairly common kind of application, it has a number of other considerations that are outside our purview, like health department considerations. The staff felt it was appropriate in this spot. We are unaware of any opposition to the application; the Commission therefore places it on the consent. Thank you, Mr. Alcaraz.

George Alcaraz:

All right. Mr. Redmond, I did forget to ask, is there any opposition here today for this to be on consent? Okay. Thank you.

Madam Clerk:

By recorded vote of 10 in favor and zero against agenda items one, two, three, four and five, seven, 10, 11, 13, and 14 have been recommended for approval. Agenda items number 15 and 16 by recorded vote of nine in favor, zero against, with one abstention are recommended for approval.

Jack Wall:

Okay, thank you. That's the conclusion of the consent agenda.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Cuellar	Aye			
Graham				ABSENT
Horsley	AYE			
Klein	AYE			
Oliver	AYE			

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. 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.
  
3. 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 Planning Department for the 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  
January 12, 2022 Public Meeting  
Agenda Item # 12**

**Anderton Enterprises, Inc.** [Applicant]  
**Clemson JBS, LLC** [Property Owner]

**Conditional Use Permit** [Automobile Repair Garage]

**4912 Rutherford Road, Suite 104**

**RECOMMENDED FOR APPROVAL – HEARD**

Madam Clerk:

Our next agenda item is agenda item number 12, Anderton Enterprises, an application for a conditional use permit automobile repair garage, on property located at 4912 Rutherford Road, Suite 104, in the Bayside district.

Eddie Bourdon:

Thank you, Miss Sandloop. Mr. Chairman, members of the commission again, Eddie Bourdon Virginia Beach attorney, representing Anderton Enterprises Inc. The president of the company, Mark Anderton, is in attendance this afternoon. This is a unique application, all the years I've been doing this, and it's all because of where we're going in technology. And I want to thank Michaela, she did a nice job with this writeup and the discussion this morning. But it is technically under our 1973 Zoning Ordinance, considered to be an auto repair facility.

Eddie Bourdon:

Because we now have these vehicles that have the driver assist, that actually take over and stop your car, drive your car, that's all technological and way above my pay grade, always will be because I don't even have a computer. But to calibrate these when you inspect them and to make sure that they're working properly so they don't hit somebody, or do something to cause an accident, you have to have a climate controlled white room with the temperature at a specific slight range as I understand it, in order to do that work. You cannot do this work in your run of the mill repair garage.

Eddie Bourdon:

You can't have the interferences and whatever, it's got to be a pretty sterile environment, for lack of a better way to characterize it. Not like a hospital sterile. So my clients own two very well-established and successful auto repair, auto care, first landing auto care facilities nearby, and this is where we are going with motor vehicles. So they're getting out in front of it, and they have leased this space as an ancillary auxiliary space that will not be advertised, there won't be any signage, nothing of the sort, and that's in our application, where their technician will bring

the vehicle here, put it in the, so it's flex space through the door, and that's where the calibration and work will take place one car at a time.

Eddie Bourdon:

The public doesn't come there, the owner of the car doesn't even know where it's going, and that's where it's done. And we under our lease, only have two parking spaces. So we don't expect to actually ever use more than maybe one of them. Now, when they're putting the equipment in the building, there may be a few cars there to do that work, but as far as the operations concerned, there aren't going to be any people there other than the technician who comes to do the work, and there may be on other person there, that's it.

Eddie Bourdon:

No cars are stored outside at any point in time. There may be a car left inside overnight if they're in the middle of something, there's a problem, et cetera. But other than that, there's no cars parked outside. This is not about changing fluids, spark plugs, no brakes, brake pads, tires, windshield, windshield wipers, no washing of cars, no stereo installation, nothing of the sort. This is simply for those systems that have to have this very controlled, unique environment in order to be able to calibrate, and do whatever is necessary to makes you're that they are working properly and continue to work properly at an inspection period.

Eddie Bourdon:

It's a satellite facility solely, and it will not be advertised. There'll be a sign on the door that says Anderton Enterprises with an emergency phone number, that's it, okay? It's not like Midas Muffler down the street, there's not going to be anything like that here. No-one's going to know that it's any different than any other use in that flex space, and probably maybe less, certainly from an outdoor standpoint, impactful.

Eddie Bourdon:

All of the conditions as recommended by staff by the Planning Department, are all acceptable to us. Let me say, there are three or four conditions in there about signage, that's fine, keep them in there, but we're telling you we said from day one, we're not putting up any signage. And we don't control the lights and we're not putting up any lights, and the number of outdoor parking spaces that we are allocated in our lease is two. And as I said, we don't anticipate ever using them after hours, and most of the time they won't be used at all, or there might be one car there in a parking space. And that's it.

Eddie Bourdon:

I'll be happy to answer any questions.

Jack Wall:

Okay, are there any questions for Mr. Bourdon.

Eddie Bourdon:

Thank you.

Madame Clerk:

Mr. Chair, we have one speaker, Richard De Petris.

Richard De Petris:

Good afternoon, my name is Richard De Petris, nice to meet you all. I live right across the street from the said operation they want to put in over here. What they're trying to do is, they're putting an ADACS system in over there, okay, which is called Advanced Diagnostic Systems for advanced driving cars. This type of system requires specific tooling, specific workers, specific training to be done in that area there.

Richard De Petris:

We have a... Typically, we're talking about glass repair, 95% of this type of cars, this repair is done in glass repair shops. The sensor is in the windshield, so I don't know why they're going to say they're doing this work without doing that, because this work is typically done in glass shops. So if they have that much work to do, they don't run a glass shop, they run an automotive repair garage. So I don't know whether they're going to be able to generate this type of work to fulfill the rent requirements for this place, but we feel very strongly that they're just going to use it as an excuse to go in there.

Richard De Petris:

If you look at the way they have this worded, we're very concerned about this. "To operate auto repair facility *with* vehicles with advanced driver system alignments and calibrations." Not *only*. So if they pull a car in and it has that, they can do whatever they want on it and say, "Well, it's got advanced driver assistance programs on it," you can do brake jobs, you can do whatever you want and it would meet that requirement.

Richard De Petris:

I have a petition from every single neighbor that lives on the street, that is 100% against this. Now, if we can guarantee that all they're going to be doing is doing these advanced ADACS systems, then I don't have a problem with that. But the way this is worded, working on vehicles with this, tells me that basically they can pull the car in and say, "Hey, my car has got ADACS, I'm working on a car with that system, I can do anything I want." It should read only those systems. So we have concerns about that.

Richard De Petris:



Also, those type of tests are, there's dynamic and static testing with those type of things. Dynamic is when you actually test drive the car, so there will be test driving up and down the street, which my street you will not be able to do that because there's no markings. Those type of cars have to have marked road markers, to be able to do that. Static would be in the shop only. He's right, you have to have a specialized shop just for that.

Richard De Petris:

We're concerned about electric cars with NICAD batteries that are flammable. The building is made out of drywall, and sheet metal. So we're concerned if there's a fire, my house is 30 yards away. I mean, that building has been set up for a warehouse and office space. So we're highly concerned about that also.

Richard De Petris:

We have children on the street. And one more quick thing I'm sure, we've had to put up with a lot, the neighbors in that area, with existing buildings there, with people running in the street, exercise gyms, Two Men and a Truck. It's just been a nightmare, so...

Jack Wall:

All right, yeah, for sure.

Richard De Petris:

Two minutes doesn't give me enough time to exactly express what needs to be said, but that's just about it. If we can guarantee they would just do that, you know.

Jack Wall:

Okay. Are there any... Please stay up there for a second. Are there any questions? We don't have any questions?

Jack Wall:

I've got a few things. Yeah, you're very well... Do you work in the industry, or are you-

Richard De Petris:

I've been around cars my whole life. I own a restoration shop in Virginia Beach for 14 years. I worked for the Navy as an aircraft machinist.

David Weiner:

Can you come up to the mic.

Jack Wall:

Yeah.

Mr. De Petris:

Oh, I'm sorry. I worked the for Navy as an aircraft machinist, I had a restoration shop in Virginia Beach for 14 years. I've done a lot of car work and I'm pretty much up on computer operated systems. Like I said, that's a very specific type of work, and it does take a very specific type of thing. And according to them, they don't have any training, they don't have the systems, they don't have anything to do with it. We're afraid that it's just an excuse to get going there. Like he told me, "We need more space."

Jack Wall:

Okay. One question I have... I've got a couple of questions for you. So how do you like the new, because this is a fairly new facility.

Richard De Petris:

They just built it. And we certainly didn't expect would be putting an auto repair service in there. And if a guy was in a restoring cars or something, I don't have a problem with that. That's not the problem here. The building looks like crap. It's a sheet metal building and when you're coming down Pleasure House Road, you look at it, it looks terrible. I mean, the sister building next to it is made out of brick. But that's not so much on my concern, my concern is if they're going to be doing this type of work, do that only.

Richard De Petris:

That's fine. But not use that excuse to slip in the back door and then start doing overflow work from their shop.

Jack Wall:

All right. Appreciate it. Thank you very much.

Richard De Petris:

Thank you.

David Weiner:

I have a question. No, wait. Sorry, just have one more question. Sorry. I know you talked about traffic being behind it with the kids and stuff, but if they were office warehouses, you're probably going to have more traffic than you would with this type of business.

Richard De Petris:

Well, they'll be test driving cars.

David Weiner:

But they're still... Okay, maybe once, twice a day, but you're not going to have people coming in and out, 8:00 to 5:00 working at an office warehouse. So, you know that's-

Richard De Petris:

Yeah. That's just a small concern. My concern is they're turning into a full bore automotive repair facility, which means they're not going to do that with the door shut. There's no air conditioning in the building. The building was never designed for that. Right now, if you go over, they poured the asphalt in my driveway. The asphalt's so bad. You go like this, it's running off in the street into the sewer.

Richard De Petris:

So the landlord doesn't really care. So if he just wanted to do that, I don't have a specific problem with setting that computerized system up only. But the way that's working on cars with those type of systems leads me to believe you can do anything you want to them as long as I had that system on him.

David Weiner:

Okay, okay.

Richard De Petris:

Okay. Thank you some much for your time.

David Weiner:

All right. Thank you.

Jack Wall:

Mr. Bourdon?

Eddie Bourdon:

Thank you, Mr.[De Petris. I may be mispronouncing his name, I apologize. We have no aversion, whatsoever to its only for that type of work, only. I'm not sure which condition you want to modify, but that is exactly the case. We're not... My clients run a very successful and well, a good reputation in a part of town that is not the easiest in terms of Shore Drive and Thoroughgood Road. So, I mean, they have a very knowledgeable clientele and people who care about their community and their neighborhood, and certainly that would include Rutherford Road.

Eddie Bourdon:

So we have absolutely no aversion to that, that's exactly what this is, it's for that purpose only. And not anything else. And another conditions, which you all have all read. I didn't go through and repeat them about no storage of equipment outside, etcetera, etcetera, are all... Make sure it will be nothing else but that. But I think it's a fine suggestion. Don't have any problems.

Dee Oliver:

No. Mr. Bourdon, would it be a burden to change the word with to only?

Eddie Bourdon:

No.

Dee Oliver:

Okay. Can we do that?

Eddie Bourdon:

Yep.

Dee Oliver:

All right.

Eddie Bourdon:

Yes, ma'am.

Eddie Bourdon:

Actually, I was looking at the conditions trying to figure out-

Dee Oliver:

I don't know where it is.

Eddie Bourdon:

Well, that was what I was... That's why I didn't want to be glib about it. I'm not sure exactly.

David Weiner:

It's not in the conditions.

Jack Wall:

It's no, yeah.

Eddie Bourdon:

It's not, yeah.

David Weiner:

It's up top under here under background in summary proposal-

Eddie Bourdon:

Right.

David Weiner:

... third garage with the occupied suite office warehouse building will have a total of 1,710 square feet auto repair business, will provide light auto repairs, consistent alignments and calibrations on vehicles equipped with the ADAS system. And then after, it does say there will be no fluid services, oil changes, or tire mountings.

Eddie Bourdon:

But it's only to do the calibrations and alignments on vehicles equipped with Advanced Driver Assistance Systems, ADAS systems. Because I don't want to tell the staff, or you all had ...

Robert J. Tajan:

We can add it to condition number five, where it talks about the operations for the use where it currently says, no motor vehicle repair works shall take place outside of the building. All repair shall take place inside the building with the bay door closed and repair shall only be for vehicles in need of alignments and calibrations equipped with Advanced Driver Assistance Systems.

Dee Oliver:

Great.

Jack Wall:

Okay. Sounds good.

Dee Oliver:

Perfect.

Jack Wall:

Okay. Thank you. And are there additional questions for Mr. Bourdon? Okay. I'm going to open it up for discussion.

Donald Horsley:

Redmond.

Jack Wall:

Mr. Redmond.

David Redmond:

And with that, I would move approval of the application with the change to condition number five, as Mr. Tajan stated, restricting the work only to vehicles with those certain navigation's rules.

David Weiner:

I second.

Carolyn Smith:

So could I jump in? I think you're still not resolving his issue.

Dee Oliver:

We're not.

Carolyn Smith:

Because he's... What he... I'm sorry. He's saying that any vehicle with that system could be worked on and get an oil change in that garage. What he's asking is that the only repair work that's done is on those systems. Right? So I think you should say the work shall be limited to just repair of-

David Redmond:

No.

Carolyn Smith:

... advanced, whatever.

David Redmond:

I think we've addressed it myself. Fine. There's a condition after it or before it that says, there are not going to be any fluids. There are not going to be this. I mean, I think this is kind of

overworking this as it is. And I think we kind of addressed it in my view. How big is this suite, Mr. Bourdon, that they're going into?

Eddie Bourdon:

1,700 square feet.

David Redmond:

Yeah. It's not that much you can do in 1,700 feet anyway, for crying out loud, you mean storing and tires and brakes and racks and all, putting lifts in the ground and all that stuff. No. So, in any event, I think we're kind of... I think we addressed it in my view with that addition in that condition. Yeah. I thought the other conditions, frankly, were sufficient, but if it helps, let's do that. And with that I-

Jack Wall:

Okay. And I agree with Mr. Redman that this is a very low-key operation. They have two parking spaces that they can use that are associated with this building or with this business. The speaker had a good point that it may turn into more maybe it's in a more expanded operation. But I think with the added condition repair should only be for the ADAS, vehicles with the ADAS system should be sufficient. So the added condition to number five.

Jack Wall:

Okay. So we have a motion to approve agenda item number 12 with amended modified condition number five. Do I have a second? Second. Okay. A second by Mr. Weiner.

Madame Clerk:

Vote is open. Mr. Redmond.

Madame Clerk:

By recorded vote of 10 in favor, zero against agenda item number 12 has been recommended for approval.

Eddie Bourdon:

Thank you all very much.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			

Coston	AYE			
Cuellar	Aye			
Graham				ABSENT
Horsley	AYE			
Klein	AYE			
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

**CONDITIONS**

1. The Category VI landscaping requirement which includes a solid privacy fence, minimum of six feet in height, with evergreen shrubs planted on the outside of the fence will not be installed. This is a deviation to the City Zoning Ordinance.
2. The landscaping on site shall be installed in conformance with the approved Landscape Plan entitled "Landscape Plan", prepared by Gallup Surveyors & Engineers, date July 10, 2019, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning & Community Development.
3. No motor vehicles in a state of obvious disrepair shall be stored outside of the building. All such vehicles shall only be permitted to be stored within the building.
4. There shall be no outside storage of equipment, parts, tires, or materials.
5. No motor vehicle repair work shall take place outside of the building. All repairs shall take place inside the building with the bay door closed. Work shall be limited to repairs of alignments and calibrations of vehicles equipped with and for Advanced Drive Assistance Systems (ADAS).
6. No motor vehicles shall be parked within any portion of the public right-of-way.
7. Vehicles associated with the operation, employees or otherwise, shall not exceed more than four (4) at any given time.
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. There shall be no signs that contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving devices on the site or on the vehicles. There



shall be no signs which are painted, pasted, or attached to the windows, utility poles, trees, or fences, or in an unauthorized manner to walls or other signs.

10. There shall be no portable or nonstructural signs or electronic display signs on the site.

11. All outdoor lights shall be shielded to direct light and glare onto the premises, said lighting and glare shall be deflected, shaded, and focused away from all adjoining property. Any outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet.

*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  
January 12, 2022 Public Meeting  
Agenda Item # 13**

**Envision Studio, Inc.** [Applicant]  
**Woodway Knob Hill, LLC** [Property Owner]

**Conditional Use Permit** [Tattoo Parlor]

**6361 Indian River Road, Suite 107**

RECOMMENDED FOR APPROVAL – CONSENT

George Alcaraz:

I'll go on to item number 12. I'm sorry, 13. Envision Studio Incorporated, Woodway Knob, LLC. Conditional use permit for a tattoo parlor. It's 6361 Indian River Road, Suite 107 in the Centerville District. Is there a representative for this item? Hi. If you could each state your name.

Kristin Kennedy:

Kristin Kennedy.

John Barry:

John Barry.

George Alcaraz:

Thank you. Are you accepting the conditions that's been brought to you?

John Barry:

We are.

Kristin Kennedy:

Yes.

George Alcaraz:

Okay. Thank you.

John Barry:

Thank you.

George Alcaraz:

Ms. Klein, if you could. Let me ask for a question because I keep forgetting it. Is there any opposition for this application? Ms. Klein, you may go ahead.

Robyn Klein:

Okay. The applicant is requesting a Conditional Use Permit for a tattoo parlor. The operation will occur within an existing 2,250 square foot unit in the Kings Creek Shopping Center. The site is located along Indian River Road and is zoned B-2 Community Business District. The typical hours of operation will be 10:00 AM to 7:00 PM, Monday through Sunday. There are currently two employees, but the applicant will rent out booth space to up to six tattoo artists. No exterior changes are proposed to the building and there are no other tattoo parlors within 600 feet of this location. Staff found that the application is consistent with the Comprehensive Plan Land Use Policies for the Military Highway Corridor suburban focus area, recommends approval of this application, and we placed it on the consent agenda.

George Alcaraz:

Thank you, Ms. Klein.

Madam Clerk:

By recorded vote of 10 in favor and zero against agenda items one, two, three, four and five, seven, 10, 11, 13, and 14 have been recommended for approval. Agenda items number 15 and 16 by recorded vote of nine in favor, zero against, with one abstention are recommended for approval.

Jack Wall:

Okay, thank you. That's the conclusion of the consent agenda.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Cuellar	Aye			
Graham				ABSENT
Horsley	AYE			
Klein	AYE			
Oliver	AYE			
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 for consistency with the provisions of Chapter 23 of the City Code.

2. 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.
3. 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. Window signage shall not be permitted. A separate sign permit shall be obtained from the Planning Department for the 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  
January 12, 2022 Public Meeting  
Agenda Item # 14**

**Meirong Newlon** [Applicant]  
**Landstown Commons Owner, LLC** [Property Owner]

**Conditional Use Permit** [Tattoo Parlor]

**3312 Princess Anne Road**

RECOMMENDED FOR APPROVAL – CONSENT

George Alcaraz:

The next item on the consent agenda is number 14, Meirong Newlon at Landstown Commons for a tattoo parlor at 3312 Princess Anne Road, Princess Anne District. Representative, please come forward. Is it virtual?

Dee Oliver:

Is it virtual?

Clerk - Pam Sandloop:

What's that? I'm sorry.

Jack Wall:

I don't know.

David Weiner:

Yeah, she is.

Jack Wall:

Okay.

George Alcaraz:

Okay.

Clerk - Pam Sandloop:

Okay. Calling Michael Newlon, the applicant or representative for agenda item number 14, Mr. Newlon, if you will wait two to three seconds, please state your name and indicate if the conditions are acceptable as applied to your application.

Michael Newlon:

Yes. Good afternoon. I'm Michael Newlon. I represent the VB Nail Spa and we accept the conditions.

George Alcaraz:

Thank you. Is there any opposition for this to be on the consent agenda? All right, Mr. Bradley?

David Bradley:

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 the existing salon in the Landstown Commons Shopping Center, the property is zoned B-2 Community Business.

David Bradley:

The proposed tattoo parlor will have one employee. The typical hours of operation will be 8:00 AM to 8:00 PM, Monday through Friday. No exterior changes to the building or to the existing signage are proposed. There are no other tattoo parlors within 600 feet of this location. Planning staff has recommended this for approval and hearing no opposition, the planning commission is recommending putting it on the consent agenda.

George Alcaraz:

Thank you. All right.

Madam Clerk:

By recorded vote of 10 in favor and zero against agenda items one, two, three, four and five, seven, 10, 11, 13, and 14 have been recommended for approval. Agenda items number 15 and 16 by recorded vote of nine in favor, zero against, with one abstention are recommended for approval.

Jack Wall:

Okay, thank you. That's the conclusion of the consent agenda.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Cuellar	Aye			
Graham				ABSENT
Horsley	AYE			
Klein	AYE			
Oliver	AYE			

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. This Conditional Use Permit shall be limited to Suite 111 within the Phenix Salon Suites.
4. 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.
5. 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.

*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  
January 12, 2022 Public Meeting  
Agenda Item # 15**

**Todd Sweigart** [Applicant & Property Owner]

**Conditional Use Permit** [Short Term Rental]

**505 19<sup>th</sup> Street**

RECOMMENDED FOR APPROVAL – CONSENT

George Alcaraz:

The Planning Commission also places the following applications for Conditional Use Permit for Short-Term Rental on the consent agenda as they meet the applicable requirements for Section 241.2. The Zoning Ordinance staff and Planning Commission supports the applications and there are no speakers signed up to the comments.

Jack Wall:

For?

George Alcaraz:

For comments.

Jack Wall:

Right. 15 and 16.

George Alcaraz:

For 15 and 16. 15 is Todd Sweigart for a Short-Term Rental at 505 19th Street in the Beach District.

Jack Wall:

Yeah, that's fine.

George Alcaraz:

Okay. And number... What's the last one, 16?

David Weiner:

16, yeah.

George Alcaraz:



And 16 is Ralph Brian Sloop for Conditional Use Permit for a Short-Term Rental at 313 15th street on the Beach District.

Madam Clerk:

By recorded vote of 10 in favor and zero against agenda items one, two, three, four and five, seven, 10, 11, 13, and 14 have been recommended for approval. Agenda items number 15 and 16 by recorded vote of nine in favor, zero against, with one abstention are recommended for approval.

Jack Wall:

Okay, thank you. That's the conclusion of the consent agenda.

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

**CONDITIONS**

1. The following conditions shall only apply to the dwelling unit addressed as 505 19<sup>th</sup> 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. 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.

19.

*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  
January 12, 2022 Public Meeting  
Agenda Item # 16**

**Ralph Brian Sloop** [Applicant & Property Owner]

**Conditional Use Permit** [Short Term Rental]

**313 15<sup>th</sup> Street**

RECOMMENDED FOR APPROVAL – CONSENT

George Alcaraz:

The Planning Commission also places the following applications for Conditional Use Permit for Short-Term Rental on the consent agenda as they meet the applicable requirements for Section 241.2. The Zoning Ordinance staff and Planning Commission supports the applications and there are no speakers signed up to the comments.

Jack Wall:

For?

George Alcaraz:

For comments.

Jack Wall:

Right. 15 and 16.

George Alcaraz:

For 15 and 16. 15 is Todd Sweigart for a Short-Term Rental at 505 19th Street in the Beach District.

Jack Wall:

Yeah, that's fine.

George Alcaraz:

Okay. And number... What's the last one, 16?

David Weiner:

16, yeah.

George Alcaraz:

And 16 is Ralph Brian Sloop for Conditional Use Permit for a Short-Term Rental at 313 15th street on the Beach District.

Madam Clerk:

By recorded vote of 10 in favor and zero against agenda items one, two, three, four and five, seven, 10, 11, 13, and 14 have been recommended for approval. Agenda items number 15 and 16 by recorded vote of nine in favor, zero against, with one abstention are recommended for approval.

Jack Wall:

Okay, thank you. That's the conclusion of the consent agenda.

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

**CONDITIONS**

1. The following conditions shall only apply to the dwelling unit addressed as 313 15th 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. While this Conditional Use Permit is active, parking passes issued for the subject dwelling unit(s) through the Residential Parking Permit Program (RPPP) shall be limited to two residential passes only. Guest and temporary passes through the RPPP shall not be permitted.
5. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Condition 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 Department of Planning and Community Development 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 registration form; 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 Rental.
13. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
14. The Short Term Rental shall have no more than one (1) rental contract during any consecutive seven (7) day period.
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 (\$1,000,000.00) 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  
January 12, 2022 Public Meeting  
Agenda Item # 17**

**Suzanne Ling** [Applicant & Property Owner]

**Conditional Use Permit** [Short Term Rental]

**4005 Atlantic Avenue, Unit 114**

**RECOMMENDED FOR APPROVAL – HEARD**

Madam Clerk:

Our next agenda item is agenda item number 17, Suzanne Ling, an application for a Conditional Use Permit Short-term Rental on property located at 4005 Atlantic Avenue, Unit 114 in the Beach District. Ms. Ling is a virtual attendant today. So Ms. Ling, if you would wait two to three seconds, please state your name. And if you are in favor of the conditions as recommended for your application.

Suzanne Ling:

Hi. This is Suzanne Ling. I just... you'll have to just bear with me for my inexperience in this matter and obtaining permits. But I just want to make sure that the conditions that I am agreeing to are the most up to date and enforced, because I do take this very seriously. And it seems like there's some overlap in the Ordinance and confusion as to particularly the section 241.2.

Suzanne Ling:

And what I'm referencing is these two Ordinances, one dated July 13th, 2021 and that's Ordinance number 3668. And then on September 7th, 2021, Ordinance number 3674, which seems to contradict and is the latest ordinance.

Jack Wall:

Okay. Ms. Ling, appreciate your input. So does anybody on staff? Mr. Tajan.

Robert J. Tajan:

Thank you, Chairman Wall. Ms. Ling, it's my understanding that you have concerns about the requirement where you're based on the City Council approved Ordinance that you are limited to only one rental per seven-day period. That is the correspondence I also received that you had sent council member tower recently.

Robert J. Tajan:

Based on the Ordinance you are in the Oceanfront Resort, Short-term Rental Overlay District, which does limit and have that limitation of one rental per seven-day period. That same



condition was the condition that was imposed by City Council on 95% of the short-term rentals that came through the process since 2019.

Robert J. Tajan:

So although it was codified and written down, regardless of what time you would've applied for, that condition would've been either imposed on you by the City Council at their direction to staff or through the current ordinance. If you go ahead and pause two to three seconds and you can go ahead and reply to that.

Suzanne Ling:

Okay. But the current ordinance is dated September 7th, 2021, which allows two contracts per seven days.

Jack Wall:

Mr. Tajan, please.

Robert J. Tajan:

No, ma'am. What code section applies to you is section 2303 of the Zoning Ordinance. I wouldn't necessarily refer to just the individual ordinance you're reading. It does provide a lack of context to the regulations that are in place. Again, just to reiterate, you are in a Short-term Rental Overlay District, which has the requirements that are separate from 241.2.

Robert J. Tajan:

It specifically calls out that there are certain sections of section 241.2 that are overridden by those requirements in section 2303. And so... And it is, it does limit that rent that you have one rental per seven-day period.

Suzanne Ling:

What is... The 3674 is amending 24.2. And that was the latest ordinance pertaining to short-term rentals. So why wouldn't we go with that when it... And then there's nothing referring to 2303 in this Ordinance, 3674 dated in September.

Robert J. Tajan:

Thank you. Thank you, Mr. Wall. Ma'am, again, it's... I think you're only looking at one portion of the Ordinances that were adopted by City Council. Again, Section 2303 is what applies to your property, section 241.2 does not apply to your property. Your property is in a Short-term Rental Overlay District, which then points you to section 2303 of the Zoning Ordinance, which then says you're only permitted to have one rental per seven-day period. Like I said, reading the Ordinance individually is a little bit out of context, not looking at what your zoning classification is.

Suzanne Ling:

Okay. Just one other question. So when you referenced the ordinance and looking at the application process 241.2, it's also citing 3674. And I guess it's just very confusing to people new to this process to have all of these different pieces, but still contradicting each other. I'm just having a hard time understanding that, why wouldn't I... When you look at the application process, 241.2, and then referencing 3674 in the latest document online, and then that is the latest ordinance to go along with it. I just... Can you maybe shed a little bit more light on this a little bit more?

Suzanne Ling:

And then I do have some other remarks on, I don't know if you're familiar with the actual property and the units that are already short-term rentals and it's not a vacation home in a residential area. It's a condo unit with several short-term units already in the building. And we have hotels on all around us and building more. So I think this is a little bit, in addition to the ordinance issue, a unique situation and also is a studio. So people were not normally going to spend more than three or four days. And that's why I would like to request more than just up to two rental contracts for seven days.

Jack Wall:

Okay. Thank you. Ms. Ling, this is Jack Wall with the Chairman of the Planning Commission. So we appreciate your input and we understand that... I don't have the ordinance in front of me or we can really bounce that off, but we'll take a look at that.

Jack Wall:

Mr. Tajan has stated that it's... You may be taking something out of context. And so it's... We're prepared to approve your application with one rental per seven-day period as it stands, because that's just the standard conditions that have been for the past few years. And now it's, it is in the ordinance. And in terms of your specific location, Oceans 2, we've had numerous applications come before us.

Jack Wall:

And all of those of late, all the ones within, I believe the past two years, it's been one rental per seven-day period. And so there's nothing out of the ordinary or unfair with that or with anything with Oceans 2. So we're hoping that you in an agreement with this, with the condition number 13. And that's... Yeah, we're going to discuss it a little bit further. But hoping that this matter can be resolved.

Suzanne Ling:

From my understanding...

Robert J. Tajan:

Ms. Ling, I'm sorry, your comments got cutoff. And please pause two to three seconds and start your comments over again.

Suzanne Ling:

Sorry about that. From my understanding, Randy Talbor and Jerri Lynn Talbor, they have just received last summer and they're... All of the current short-term, or I guess at least three, they own four units. They all have two rentals per seven days.

Jack Wall:

Ms. Ling, I can't speak on that. I don't, if... I find that very unlikely.

Robert J. Tajan:

No. It's true.

Jack Wall:

Oh, it is true.

Robert J. Tajan:

Yeah. That as I knew it. There was-

Dee Oliver:

It was before the ordinance changed.

Jack Wall:

Before the ordinance changed. Okay. So that was before the ordinance changed.

Robert J. Tajan:

And as 95... When I said a 95%, remember there was a long debate with the Planning Commission and the City Council with the concern of how many rentals per week before that condition was added.

Jack Wall:

Okay.

Dee Oliver:

We put it in there.

Robert J. Tajan:

So I will say that there are probably some applicants that do have two days in this area, but as noted by City Council's previous actions, they've directed us and to maintain the one rental per week in this... In the Overlay District.

Jack Wall:

Okay now.

David Weiner:

Yes. Ms. Ling, I have a question for you. Personally, I am ready to move forward with an approval on your application for what item 13 or condition 13 states, one rental per seven-day period. Are you in agreement with that to move forward?

Suzanne Ling:

Yes. I guess, I don't really have another choice.

David Weiner:

You can work, go up to your City Council and work and talk with them about this, but to get this through us to City Council. I'm 90% sure that's what we're going to agree on.

Jack Wall:

Okay. I'm going to close it for questions and just going to open it up for discussion. But before I do that, I just want to make a note that, for the record, Mr. Redmond has left the Planning Commission.

Madam Clerk:

So noted. Thank you.

Jack Wall:

So I'm going to open up for discussion. Anybody?

Dee Oliver:

I'm going to make a motion to go ahead and approve. What's this application? Item number 17.

Ms. Klein:

I'll second.

Jack Wall:

All right. We have a motion by Ms. Oliver and a second by Ms. Klein.

Madame Clerk:

Vote is open.

Madam Clerk:

By recorded vote of nine in favor, zero against agenda item number 17 has been recommended for approval.

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

### CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 4005 Atlantic Avenue Unit 114, 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 during any consecutive seven (7) day period.
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.*

**Virginia Beach Planning Commission  
January 12, 2022 Public Meeting  
Agenda Item # 18**

**James D. White Revocable Living Trust** [Applicant & Property Owner]

**Conditional Use Permit** [Short-Term Rental]

**407 18<sup>th</sup> Street, Unit A**

**RECOMMENDED FOR APPROVAL – HEARD**

Madam Clerk:

Okay, our last agenda item is Agenda Item #18, James D White Revocable Living Trust, an application for a Conditional Use Permit, Short Term Rental, on property located at 407 18<sup>th</sup> Street, Unit A, in the Beach District. Mr White is virtual – Mr. White, if you would pause for 2-3 seconds, and then state your name and then if you are in agreement with the conditions as applied to your application.

Mr. White:

Jim White. Yes, I am.

Jack Wall:

Okay, are there any questions for Mr. White?

George Alcaraz:

I do. May he stay online? For when I ask a question?

Bobby Tajan:

We are trying to cue the TV crew to unmute us.

Jack Wall:

Okay, Mr. Alcaraz, if you can go ahead.

George Alcaraz:

Yeah, I just wanted to talk with the applicant, or he hear what my concerns are. I did receive a call, two calls, on the same. It was an attorney representing three entities. Those entities own nine properties adjacent to this property. Their concern was the parking. I understand it was



approved before but what I want to do is just make it, put it on the record, and ask the Planning Director, that the process, or what it takes if an applicant is given conditions and he doesn't make, or continue to monitor those conditions that they are met when he has guests. If for instance, the parking isn't utilized as he says 335 Virginia Beach Boulevard #2 and #3 parking, and it's abused by the words of the neighbors. Where does that leave the Planning Director as far as any process to void the Conditional Use Permit?

Bobby Tajan:

Thank you Mr. Alcaraz. So, if an applicant or if an operator has a Conditional Use Permit for a Short Term Rental, and they chose not to operate in accordance with their Conditional Use Permit, staff can bring forward to City Council and I am trying to find the timing here, but I believe its within having to provide notification within 15 or something within that timeframe, to the applicant, will bring the forward for revocation and they will have to explain to the City Council why they choose not the follow their conditions. Of course, in order to do that we would have to have sufficient evidence to show that they are not operating appropriately, so that Council can make that decision moving forward. It can be revoked, as a former mentor of mine, it can be revoked any given Tuesday.

George Alcaraz:

Well, as long as Mr. White understands that, I would like to make a motion that we approve the application.

Jack Wall:

Anybody else have any question? Okay, I've got a motion by Mr. Alcaraz, do I have a second?

Dee Oliver:

Wait a minute. Didn't we want to hear from Mr. White? That he agrees to that?

Jack Wall:

Oh, okay. Mr. White, do you have any comment on that?

Mr. White:

This is our third AirBnB, and we definitely understand all the policies and everything that goes into this. We 100% are going to make sure that our guests are parking in the right places and following the guidelines that are presented by the City.

Dee Oliver:

Mr. White, I just want to make sure you understand, because it is so hard virtually to understand what we are saying, but that you understand that Mr. Alcaraz has gotten several phone calls on your Short Term Rental as far as parking and that back unit being blocked in from that front unit. And so that just that needs to be addressed so that you don't lose your Conditional Use Permit.

Mr. White:

Yes, absolutely. We're fully aware of that, that was sent in and we understand.

Jack Wall:

Okay, we've got a motion by Mr. Alcaraz.

Dee Oliver:

I second it.

Jack Wall:

We have a second by Ms. Oliver.

Madam Clerk:

Vote is open. By recorded vote of 9 in favor and zero against, agenda item number 18 has been recommended for approval.

	AYE 9	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Cuellar	AYE			
Graham				ABSENT
Horsley	AYE			
Klein	AYE			
Oliver	AYE			
Redmond				ABSENT
Wall	AYE			
Weiner	AYE			

## CONDITIONS:

1. The following conditions shall only apply to the dwelling unit addressed as 407 18<sup>th</sup> Street Unit A, 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. Two (2) 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.
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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.*