

Jack Wall:

I call to order the June 8, 2022, Planning Commission public hearing. My name is Jack Wall, and I am the Chairman of the Virginia Beach Planning Commission. Commissioners Cuellar, Horsley, and Redmond will not be in attendance today. Before we get started, I have asked Commissioner Coston to lead us in prayer followed by the Pledge of Allegiance by Commissioner Klein.

John Coston:

Dear Father in Heaven, we thank you for this glorious day which you have made. God, we thank you for this opportunity, God, to serve the citizens of Virginia Beach. We ask, dear God, that you would look on us and bless us with your guidance and your wisdom, oh God, that we may make prudent decisions. God, we ask that you would look on all those who have assembled here today. Bless us and keep us in the spirit of fellowship and love. In Jesus name we pray. Amen.

Robyn Klein:

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:

I've asked Mr. Frankenfield to introduce the members of the Planning Commission.

Barry Frankenfield:

Okay. Well thank you, Mr. Chairman. To my right is David Bradley. He represents the Princess Anne District and he is a retired budget director for the city of Virginia Beach so he keeps everything straight financially. Next to him is David Weiner, Kempsville District, and he's in construction sales, and he's the fastest speed reader we have.

Barry Frankenfield:

Next is Dee Oliver she's at large and a funeral director and I don't have anything funny to say about her. I'm afraid to say anything. And next is George Alcaraz. He's the Beach District. He has a wide variety of experience in special events, construction, and restaurants. And next to him is Jack Wall. He... Oh, did I say George represents the Beach District? I probably did. Whatever. So he represents the Beach District. Jack Wall represents the Rosemont District. He's the civil engineer. And I found out today he works with the Army Corps of Engineers and is in the Navy reserves. Next... well, not next to him, but right down the row, there is Robyn Klein, Centerville District, and we are so dismayed... This is her last meeting. She's moving to Vermont and living in the woods or something and I don't know what. But she's very excited about moving.

Barry Frankenfield:

Next to her is John Coston. He is at large, and he's a retired captain from the Virginia Beach Fire Department. And one more stop and it's Kay Wilson is our deputy city attorney. I'm Barry Frankenfield. I'm a landscape architect and my claim to fame is I'm retired Planning Director, but if you want a Planning Director that really knows what he's doing that person next to me is the Planning Director is Bobby Tajan and he will introduce his staff.

Bobby Tajan:

Thank you, Mr. Frankenfield. Clerking today we have Madison Harris and Pam Sandloop. Starting with the staff... With the rest of the Planning Administration staff as well as the other supporting Zoning Administration staff, we have Carolyn Smith, our Planning Administrator, Hoa Dao and Marchelle Coleman, we have Elizabeth Nowak, and Michaela... Why am I going to say it wrong again? See, I did it again!

Bobby Tajan:

It's McKinney and I was going to say it wrong... never mind. I don't know why I do that. With the City Attorney's office, we have Victoria Eisenberg, as well as with Comprehensive Planning, we have Hank Morrison and with Zoning, we have Levi Luckenbach. And I believe we also have Ric Lowman with Public Works Traffic Engineering. And Hannah. I can't see Hannah. And Hannah Sabo, Zoning Administrator. Sorry.

Jack Wall:

Okay. Thank you. The next order of business is, unfortunately, is what Mr. Frankenfield mentioned, which was the departure and the last meeting of Ms. Robyn Klein. She's been an incredible asset to the Planning Commission and support to the City and to the citizens of Virginia Beach in her time here. How long have you been on the Planning Commission? Almost...

Robyn Klein:

Over two years.

Jack Wall:

Over two years. And it's been very fruitful and... Very appreciative of your positive attitude, your warm demeanor, and the input, and the integrity, and character, that you bring to the position. So thank you very much.

Robyn Klein:

Thank you.

Jack Wall:

For supporting the citizens of Virginia Beach and being on this Commission. So with that, we have a gift for you. So, this is in recognition of your service to the community and to the citizens of Virginia Beach.

Robyn Klein:

Thank you.

Bobby Tajan:

And you get to take your name plaque.

Robyn Klein:

Oh yeah.

Jack Wall:

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

Madam Clerk:

Thank you, Mr. Chairman. The Virginia Beach Planning Commission takes pride in being fair and courteous to all parties in attendance. It is important that all involved understand how the commission normally conducts its meetings. It is equally important that everyone treat each other, and the members of the commission, with respect and civility. We request that if you have a cell phone to either silence it or turn it off. Following is an abbreviated explanation of the rules. The complete set of rules is located in the front of the planning commission agenda. "The order of business for this public hearing: Withdrawals and Deferrals: The chairman will ask if there are any requests to withdraw or defer an item on the agenda consideration of these requests will be made first. Consent Agenda: The second order of business is the consideration of the Consent Agenda, which are those items that the planning commission believe are unopposed and which have favorable staff recommendation.

Madam Clerk:

Regular Agenda: The commission will then proceed with the remaining items on the agenda. 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 the representative first. Following the applicant or the 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 homeowners association, in which case they will have 10 minutes.

Madam Clerk:

For WebEx speakers, once your name is called, please pause two to three seconds to begin to ensure the commissioners hear your complete remarks as one audio feed can only 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. 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.

Jack Wall:

Okay. Thank you, Madam Clerk. The next order of business is consideration of requests to withdraw or defer an item. Please come forward if you have an item to be withdrawn. I'm seeing none. Please come forward if you have an item to be deferred.

Eddie Bourdon:

Thank Mr. Chairman for the record. Eddie Bourdon Virginia Beach attorney representing case #1, the Nelson and Gray families. We'd like to request a deferral for the reasons that I explained to both Hoa and to the Chairman having to do with my calendar... The last 10 days. I just want

**Virginia Beach Planning Commission
June 8, 2022, Public Meeting
Agenda Item # 1**

Joyce Nelson, Shelley Gray Sweitzer & Suzanne Gray [Applicants & Property Owners]

Rezoning (Conditional B-2 Community Business District to AG-2 Agricultural District)

Address: 2748 West Landing Road

DEFERRED FOR 30 DAYS

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Eddie Bourdon:

Thank Mr. Chairman for the record. Eddie Bourdon Virginia Beach attorney representing case #1, the Nelson and Gray families. We'd like to request a deferral for the reasons that I explained to both Hoa and to the Chairman having to do with my calendar... The last 10 days. I just want to make sure we don't waste the Commission's time on something that winds up having to be deferred. So, I just need a month so we can get with staff on whether or not there needs to be any proffers associated with this application. Thank you.

Jack Wall:

Please come forward.

Billy Garrington:

Thank you, Mr. Chairman, ladies and gentlemen of the Planning Commission, for the record, Billy Garrington on behalf of two applicants. Agenda item #2, Winner's Property, LLC, 3700 Sentara Way. We're asking for a 30 day deferral on that and agenda item #10, U.S. Surf Company at 2017 Arctic Avenue. If you would please allow 30 day deferral for that item, also, until the July public hearing.

Jack Wall:

Okay. Thank you.

Billy Garrington:

Thank you.

Jack Wall:

Anybody else? Okay. So, does anybody have any objection to these items being deferred? Seeing none. Do I have a motion to defer agenda items #1 and #2 for 30 days and agenda item #10 indefinitely. Hold on. We have a motion.

Bobby Tajan:

I believe the applicant requested until July for item 10...

Jack Wall:

Oh, until July. Oh, so it's not indefinitely. It was a...

Planning Committee:

30 days.

Jack Wall:

For both... For number 10 as well?

Planning Committee:

Right. Okay.

John Mamoudis:

Mr. Chairman. I'm sorry, I was late in my timing.

Jack Wall:

Okay.

John Mamoudis:

Can I come to podium and reopen this question? I have... We are going to defer.

Jack Wall:

Oh, you are going to defer. Okay. So yes, sir. But so, first agenda item #1, #2 and #10 are for 30 days.

Bobby Tajan:

I think the applicant is requesting for #10 to be a 30 day deferral.

Jack Wall:

Okay. All right. And then... Yes, sir. Please, please

John Mamoudis:

Yes. Good afternoon. My name's John Mamoudis. I'm representative of Witchduck, Real Properties, which is commonly known as the Witchduck Recycling and "Mount Crushmore," of Virginia Beach, as we all know the site. We're requesting a deferral for 30 days. And we have some issues... an issue we need to resolve and keep it in timing with the application and I think it's to our benefit at this point to do that.

Jack Wall:

Okay. Thank you, sir.

John Mamoudis:

Thank you.

Jack Wall:

Appreciate it. Thank you. Okay. I hate to repeat myself, but are there any objections to these agenda items being deferred? Okay. Seeing none. Do I have a motion to defer agenda items? #1, #2, #5, and #10?

George Alcaraz:

Mr. Chairman. I need disclose something. Is that next?

Jack Wall:

Nope. Not yet.

David Weiner:

I'll move approval.

Jack Wall:

Okay. So do, do we have a second?

Robyn Klein:

I'll second.

Jack Wall:

Okay. So we have a motion by Mr. Weiner, and a second by Ms. Klein. Is there anybody that needs to abstain from these applications?

George Alcaraz:

Mr. Chairman, I'd like to disclose the following. I'm executing this written disclosure regarding the June planning commission's discussion and the vote on #10, US Surf Company at 2017 Arctic Avenue. The applicant and I are in several business relationships, but not specifically for this application. I have a financial and personal interest in the transaction in regard to our other relationships. Therefore, I will abstain from voting or discussion of this matter on June 8th for planning commission.

Jack Wall:

Okay. Thank you. I as well have to make a disclosure. I am executing this written disclosure regarding the planning commission's discussion and vote on number one, Joyce Nelson, Shelly Grays Schweitzer, and Suzanne Grays, 2748, West Landing Road. I work with the husband of Ms. Schweitzerr, but have not worked on this application. I have been informed by the city attorney's office that I have no personal financial conflict and can vote on this application. Therefore, I will disclose this interest and vote on this matter at the June 8th, 2022 Planning Commission Public Hearing. Okay. So we had a motion by Mr. Wiener, second by Ms. Klein.

Madam Clerk:

Vote is open.

Madam Clerk:

By recorded vote of 8 in favor, 0 against, agenda items #2 and #5 have been deferred for 30 days in a vote of 7 in favor, 0 against, with Commissioner Wall abstaining, agenda item #1 has

been deferred for 30 days. In a vote of 7 in favor, 0 against with an abstention by commissioner Alcaraz, agenda #10 has been deferred for 30 days.

Bobby Tajan:

To clarify for the record, Mr. Chair, we noted that you did not abstain from number one, that when you made your disclosure, so that vote was 8 to 0 for #1 as well.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Cuellar				ABSENT
Frankenfield	AYE			
Horsley				ABSENT
Klein	AYE			
Oliver	AYE			
Redmond				ABSENT
Wall	AYE			
Weiner	AYE			

**Virginia Beach Planning Commission
June 8, 2022, Public Meeting
Agenda Item # 2**

**Winner's Properties, LLC [Applicant]
Evergreen Virginia, LLC [Property Owner]**

Modification of Conditions

Address: 3700 Sentara

DEFERRED FOR 30 DAYS

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John Mamoudis:

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Jack Wall:

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Jack Wall:

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Madam Clerk:

Vote is open.

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	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Cuellar				ABSENT
Frankenfield	AYE			
Horsley				ABSENT
Klein	AYE			
Oliver	AYE			
Redmond				ABSENT
Wall	AYE			
Weiner	AYE			

**Virginia Beach Planning Commission
June 8, 2022, Public Meeting
Agenda Item # 3**

Hendricks Family Dentistry, PC [Applicant]
Clayborn Properties, LLC [Property Owner]

Change in Nonconformity

Address: 737 Little Neck Road

RECOMMENDED FOR APPROVAL – CONSENT

Jack Wall:

Okay. Thank you. So the next order business is the Consent Agenda, and I'm going to turn that over to our vice chair, Mr. Alcaraz, to run that portion of the meeting.

George Alcaraz:

Thank you, Mr. Chair. Today we have 10 items on the Consent Agenda. These items are recommended for approval by staff and the Planning Commission has concurred and there are no speakers signed up in opposition. Item #3, Hendricks Family Dentistry at 737 Little Neck Road, please come forward.

Eddie Bourdon:

Thank you, Mr. Alcaraz, Mr. Chairman. For the Commission, my name's Eddie Bourdon, Virginia Beach attorney representing the Hendricks family and the dentistry practice. Harlan Hendricks has come down... Excuse me. Clay Hendricks has come down today for this hearing. We appreciate this matter being on the consent agenda. All five conditions as recommended by staff are acceptable to us and greatly appreciate Marchelle Coleman's assistance and professionalism in handling this matter. Thank you.

George Alcaraz:

Thank you. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I've asked commissioner Barry Frankenfield to read this item.

Barry Frankenfield:

All right. Thank you. Hendrick's Family Dentistry is a change in non-conformity. This building's been here since 1966. It has been expanded one time previously. The applicant is now asking for an additional expansion of 533 square feet. We have received building elevations that are acceptable and very attractive and fit in with the neighborhood. In addition, they have met all the requirements for parking and operation and those types of things. Staff has recommended approval. The request is fairly small and modest and will not alternate... No, that's not right. Will not alter. Thank you very much for your help. Will not alter the appearance or compatibility with the neighborhood. So, we support approval. Thank you.

George Alcaraz:

Thank you, Mr. Frankenfield.

George Alcaraz:

Thank you. Mr. Chair, that was the last Consent Agenda item. The Planning Commission places, the following applications on the Consent... items number #3, #4, #6, #7, #8, #9, #11, #12, #13, and #14.

Jack Wall:

Okay, thank you Mr. Alcaraz.

Planning Committee:

Second.

Jack Wall:

Well, he didn't motion. So that's...

Planning Committee:

You didn't motion?

Jack Wall:

No, he just stated it. No, thanks for trying. Do I have a motion to approve by consent items? #3, #4, #6, #7, #8, #9, #11, #12, #13 and #14?

George Alcaraz:

I'll make a motion.

Jack Wall:

Okay.

David Weiner:

Second.

Jack Wall:

And there's a second. Okay.

Madam Clerk:

Weiner.

Jack Wall:

Hearing a second, are there any Planning Commissioners that need to abstain from voting on these items? Okay. Hearing none, the motion was made by Mr. Alcaraz, the second by Mr. Weiner, is that right?

Planning Committee:

Yep.

Jack Wall:

Okay.

Madam Clerk:

Vote is open. By vote of 8 in favor, 0 against agenda items, #3, #4, #6, #7, #8, #9, #11, #12, #13, and #14 have all been recommended for approval by consent.

	AYE 8	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Cuellar				ABSENT
Frankenfield	AYE			
Horsley				ABSENT
Klein	AYE			
Oliver	AYE			
Redmond				ABSENT
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. All conditions attached to the previous Nonconforming Use application granted on January 23, 2007, are hereby deleted and superseded by the following conditions.
2. The proposed enlargement shall be developed substantially as depicted on the conceptual site plan entitled "OFFICE EXPANSION – Dr. A. Clayborn Hendricks, D.D.S", dated October 4, 2021, prepared by Gallup Surveyors & Engineers, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
3. The exterior of the proposed building expansion shall substantially adhere in appearance, size, materials to the submitted elevations entitled "Hendricks Family Dentistry – 737 Little Neck Road", dated August 31, 2021, prepared by Hendrix & Anderson Architects, which has been exhibited to the Virginia Beach City Council is on file in the Department of Planning & Community Development.

4. The roll-out dumpster on the property shall be dumped only between the hours of 7:30 a.m. and 8:30 a.m. and after business hours between the hours of 5:30 p.m. and 8:00 p.m., when the dental office is closed for business.
5. All existing landscape screening on the property shall be maintained.

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
June 8, 2022, Public Meeting
Agenda Item # 4**

Craig M. & Kris C. Kirby [Applicants]

Street Closure

Address: 7.5 foot by 75 foot of an unimproved alley adjacent to 631 Vanderbilt Avenue

RECOMMENDED FOR APPROVAL – CONSENT

Jack Wall:

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George Alcaraz:

Thank you, Mr. Chair. Today we have 10 items on the Consent Agenda. These items are recommended for approval by staff and the Planning Commission has concurred and there are no speakers signed up in opposition.

George Alcaraz:

Thank you, Mr. Frankenfield. The next item, item #4 is Craig and Chris Kirby at 631 Vanderbilt Avenue. Representative, please come forward and state your name.

Eddie Bourdon:

Eddie Bourdon, Virginia Beach attorney representing Mr. and Mrs. Kirby. All four conditions of the Street Closure as recommended by staff are acceptable to the applicant and we appreciate being on the Consent Agenda. And if I could, Ms. Klein, we are going to miss you. Your representation of Centerville and the citizens as a whole, with the enthusiasm and good cheer, no matter whether you're for or against has been wonderful and, really, the city's blessed to have people like you willing to serve. So, thank you and enjoy Vermont.

George Alcaraz:

Thank you, Mr. Bourdon. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I've asked Commissioner Bradley to read this item for the record.

David Bradley:

The applicant is requesting to close a portion of the platted, unnamed, and unapproved, alley that is adjacent to the rear lot line as shown. The proposal includes closure of half of the 15-foot wide alley totaling 563 square feet and incorporating that land into the adjacent residential lot. The site is developed consistent with other residential lots in the neighborhood with a single-family home and a fenced in backyard. Currently, the area's proposed to be closed. The area proposed to be closed is fenced in and has been used and maintained by the applicant. Staff recommended this for approval and since there's no opposition, we've put it on our Consent Agenda for approval.

George Alcaraz:

Thank you. Mr. Chair, that was the last Consent Agenda item. The Planning Commission places, the following applications on the Consent... items number #3, #4, #6, #7, #8, #9, #11, #12, #13, and #14.

Jack Wall:

Okay, thank you Mr. Alcaraz.

Planning Committee:

Second.

Jack Wall:

Well, he didn't motion. So that's...

Planning Committee:

You didn't motion?

Jack Wall:

No, he just stated it. No, thanks for trying. Do I have a motion to approve by consent items? #3, #4, #6, #7, #8, #9, #11, #12, #13 and #14?

George Alcaraz:

I'll make a motion.

Jack Wall:

Okay.

David Weiner:

Second.

Jack Wall:

And there's a second. Okay.

Madam Clerk:

Weiner.

Jack Wall:

Hearing a second, are there any Planning Commissioners that need to abstain from voting on these items? Okay. Hearing none, the motion was made by Mr. Alcaraz, the second by Mr. Weiner, is that right?

Planning Committee:

Yep.

Jack Wall:

Okay.

Madam Clerk:

Vote is open. By vote of 8 in favor, 0 against agenda items, #3, #4, #6, #7, #8, #9, #11, #12, #13, and #14 have all been recommended for approval by consent.

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Coston	AYE			
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Frankenfield	AYE			
Horsley				ABSENT
Klein	AYE			
Oliver	AYE			
Redmond				ABSENT
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. The City Attorney's Office shall make the final determination regarding ownership of the underlying fee. The purchase price to be paid to the City shall be determined according to the "Policy Regarding Purchase of City's Interest in Streets Pursuant to Street Closures," approved by City Council. Copies of the policy are available in the Planning Department.
2. The applicant shall resubdivide the property and vacate internal lot lines to incorporate the closed area into the adjoining lot. The resubdivision plat must be submitted and approved for recordation prior to the final street closure approval. Said plat shall include the dedication of a public drainage easement over the closed portion of the alley to the City of Virginia Beach, subject to the approval of the Department of Public Works, and the City Attorney's Office, which easement shall include a right of reasonable ingress and egress.
3. The applicant shall verify that no private utilities exist within the right-of-way proposed for the closure. If private utilities do exist, easements satisfactory to the utility company, must be provided.
4. Closure of the right-of-way shall be contingent upon compliance with the above stated conditions within 365 days of approval by City Council. If the conditions noted above are not accomplished and the final plat is not approved for recordation within one year of the City Council vote to close the right-of-way this approval shall be considered null and void.

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
June 8, 2022, Public Meeting
Agenda Item # 5**

Witchduck Real Property, Inc. [Applicant & Property Owner]

Conditional Rezoning (I-2 Heavy Industrial District to Conditional A-36 Apartment District)

Address: 122 Mac Street

DEFERRED FOR 30 DAYS

Jack Wall:

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John Mamoudis:

Mr. Chairman. I'm sorry, I was late in my timing.

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Okay. All right. And then... Yes, sir. Please, please

John Mamoudis:

Yes. Good afternoon. My name's John Mamoudis. I'm representative of Witchduck, Real Properties, which is commonly known as the Witchduck Recycling and "Mount Crushmore," of Virginia Beach, as we all know the site. We're requesting a deferral for 30 days. And we have some issues... an issue we need to resolve and keep it in timing with the application and I think it's to our benefit at this point to do that.

Jack Wall:

Okay. Thank you, sir.

John Mamoudis:

Thank you.

Jack Wall:

Appreciate it. Thank you. Okay. I hate to repeat myself, but are there any objections to these agenda items being deferred? Okay. Seeing none. Do I have a motion to defer agenda items? #1, #2, #5, and #10?

George Alcaraz:

Mr. Chairman. I need disclose something. Is that next?

Jack Wall:

Nope. Not yet.

David Weiner:

I'll move approval.

Jack Wall:

Okay. So do, do we have a second?

Robyn Klein:

I'll second.

Jack Wall:

Okay. So we have a motion by Mr. Weiner, and a second by Ms. Klein. Is there anybody that needs to abstain from these applications?

George Alcaraz:

Mr. Chairman, I'd like to disclose the following. I'm executing this written disclosure regarding the June planning commission's discussion and the vote on #10, US Surf Company at 2017 Arctic Avenue. The applicant and I are in several business relationships, but not specifically for this application. I have a financial and personal interest in the transaction in regard to our other relationships. Therefore, I will abstain from voting or discussion of this matter on June 8th for planning commission.

Jack Wall:

Okay. Thank you. I as well have to make a disclosure. I am executing this written disclosure regarding the planning commission's discussion and vote on number one, Joyce Nelson, Shelly Grays Schweitzer, and Suzanne Grays, 2748, West Landing Road. I work with the husband of Ms. Schweitzerr, but have not worked on this application. I have been informed by the city attorney's office that I have no personal financial conflict and can vote on this application. Therefore, I will disclose this interest and vote on this matter at the June 8th, 2022 Planning Commission Public Hearing. Okay. So we had a motion by Mr. Wiener, second by Ms. Klein.

Madam Clerk:

Vote is open.

Madam Clerk:

By recorded vote of 8 in favor, 0 against, agenda items #2 and #5 have been deferred for 30 days in a vote of 7 in favor, 0 against, with Commissioner Wall abstaining, agenda item #1 has been deferred for 30 days. In a vote of 7 in favor, 0 against with an abstention by commissioner Alcaraz, agenda #10 has been deferred for 30 days.

Bobby Tajan:

To clarify for the record, Mr. Chair, we noted that you did not abstain from number one, that when you made your disclosure, so that vote was 8 to 0 for #1 as well.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Cuellar				ABSENT
Frankenfield	AYE			
Horsley				ABSENT
Klein	AYE			
Oliver	AYE			
Redmond				ABSENT
Wall	AYE			
Weiner	AYE			

PROFFERS

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

Proffer 1:

The Property shall be developed in substantial conformity with the conceptual site plan entitled “Breden Investment Properties, Inc. Architectural Site Plan – Scheme 05, 122 MAC ST, Virginia Beach, VA”, prepared by Humphreys & Partners Architects, L.P. dated May 17, 2022 (“Conceptual Site Plan”), which has been exhibited to the Virginia Beach City Council (“City Council”) and is on file with the Virginia Beach Department of Planning (“Planning Department”).

Proffer 2:

The architectural design and building materials of the multi-family dwelling units built on the Property shall be substantially compatible with the architectural style and materials depicted on the building elevation plans entitled “Breden Investment Properties, Inc. Elevations – 122 MAC. ST, Virginia Beach, VA”, dated April 11, 2022, prepared by Humphreys & Partners Architects, L.P., which have been exhibited to City Council and are on file with the Planning Department.

Proffer 3:

The Property shall be landscaped in substantial conformity with the conceptual landscape plan entitled "Conceptual Landscape Plan 122 MAC ST. APARTMENTS City of Virginia Beach, Virginia" prepared by AES Consulting Engineers dated May 9, 2022, which has been exhibited to City Council and is on file with the Planning Department.

Proffer 4:

GRANTOR will obtain a phase II environmental site assessment prepared in accordance with ASTM E1903-19 and will provide a copy to the Planning Department prior to site plan approval. If the phase II environmental site assessment recommends contamination remediation, upon completion of the recommended remediation, the GRANTOR will provide the Planning Department with either a copy of a "no further action" letter from the Virginia Department of Environmental Quality ("VDEQ"), or if no such letter or other form of written confirmation is available from VDEQ, an opinion by a licensed engineer confirming that the recommended contamination remediation has been completed, prior to the release of any building permits.

Proffer 5:

There shall be no more than four hundred thirty-eight (438) multi-family dwelling units on the Property.

Proffer 6:

The freestanding community identification sign shall be located at the main entrance to the Property off of Mac Street in approximately the location depicted on the Conceptual Site Plan; however, the orientation will be determined prior to sign package submittal.

Proffer 7:

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

Proffer 8:

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

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

**Virginia Beach Planning Commission
June 8, 2022, Public Meeting
Agenda Item # 6**

**Eyes on You Artistry by Breona Au'nice, LLC [Applicant]
Diamond Springs Shoppes Associates, LLP [Property Owner]**

Conditional Use Permit (Tattoo Parlor)

Address: 1270 Diamond Springs Road, Suite 113

RECOMMENDED FOR APPROVAL – CONSENT

Jack Wall:

Okay. Thank you. So the next order business is the Consent Agenda, and I'm going to turn that over to our vice chair, Mr. Alcaraz, to run that portion of the meeting.

George Alcaraz:

Thank you, Mr. Chair. Today we have 10 items on the Consent Agenda. These items are recommended for approval by staff and the Planning Commission has concurred and there are no speakers signed up in opposition.

George Alcaraz:

Thank you. The next it item #6 for Eyes on You Artistry by Breona Au'nice, LLC at 1270 Diamond Springs Road for a tattoo parlor. Please come forward and state your name. Hi.

Breona Ridgeway:

Good morning. I'm Brianna Ridgeway representing Eyes on You Artistry by Breona Au'Nice.

George Alcaraz:

Are the conditions acceptable to you?

Brianna Ridgeway:

Yes.

George Alcaraz:

All right. Thank you. You may be seated.

Brianna Ridgeway:

Thank you.

George Alcaraz:

Is there any opposition to this item being placed on the Consent Agenda? Hearing none... Sorry.

David Weiner:

Me.

George Alcaraz:

I've asked Mr. Weiner to read this item for the record.

David Weiner:

Thank you, Mr. Alcaraz. The applicant is requesting a conditional use permit to operate a tattoo parlor specifically for the application of permanent makeup known as microblading. Services are planned to typically be offered by appointment only. We recommend approval and put it on the Consent Agenda.

George Alcaraz:

Thank you. Mr. Chair, that was the last Consent Agenda item. The Planning Commission places, the following applications on the Consent... items number #3, #4, #6, #7, #8, #9, #11, #12, #13, and #14.

Jack Wall:

Okay, thank you Mr. Alcaraz.

Planning Committee:

Second.

Jack Wall:

Well, he didn't motion. So that's...

Planning Committee:

You didn't motion?

Jack Wall:

No, he just stated it. No, thanks for trying. Do I have a motion to approve by consent items? #3, #4, #6, #7, #8, #9, #11, #12, #13 and #14?

George Alcaraz:

I'll make a motion.

Jack Wall:

Okay.

David Weiner:

Second.

Jack Wall:

And there's a second. Okay.

Madam Clerk:

Weiner.

Jack Wall:

Hearing a second, are there any Planning Commissioners that need to abstain from voting on these items? Okay. Hearing none, the motion was made by Mr. Alcaraz, the second by Mr. Weiner, is that right?

Planning Committee:

Yep.

Jack Wall:

Okay.

Madam Clerk:

Vote is open. By vote of 8 in favor, 0 against agenda items, #3, #4, #6, #7, #8, #9, #11, #12, #13, and #14 have all been recommended for approval by consent.

	AYE 8	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Cuellar				ABSENT
Frankenfield	AYE			
Horsley				ABSENT
Klein	AYE			
Oliver	AYE			
Redmond				ABSENT
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. A business license for the Tattoo Parlor shall not be issued to the applicant without the approval of the Health Department to ensure consistency with the provisions of Chapter 23-51 of the City Code.
2. This Conditional Use Permit for a Tattoo Parlor shall be limited to only microblading, a tattooing technique used in the application of permanent make-up. No other form of tattooing shall be permitted.
3. The actual application of permanent make-up shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
4. All signage on the site must be in accordance with the sign regulations of the Zoning Ordinance. A separate sign permit shall be obtained from the Planning Department for the installation of any new signs.

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
June 8, 2022, Public Meeting
Agenda Item # 7**

Alexis Morales-Cruz [Applicant]
Edwin & Alexis Cruz [Property Owners]

Conditional Use Permit (Family Day-Care Home)

Address: 3049 Barberry Lane

RECOMMENDED FOR APPROVAL – CONSENT

George Alcaraz:

Thank you. Agenda item #7 for Alexis Morales Cruz for a family daycare at 3049 Barberry Lane. Please come forward and state your name.

Madam Clerk:

Commissioner Alcaraz, this applicant is joining us by WebEx.

George Alcaraz:

Thank you,

Madam Clerk:

Calling Alexis Morales Cruz. If you would please pause for two to three seconds while we unmute your audio feed and then state your name and if the conditions are acceptable as applied to your application.

Alexis Morales Cruz:

Alexis Morales Cruz. And yes, I agree.

George Alcaraz:

Thank you. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I've asked commissioner Bradley to speak on this for the record.

David Bradley:

The applicant is requesting a conditional use permit to operate a family daycare home for up to six children within her single family dwelling in the Lake Placid neighborhood. The 7,221 square foot parcel is zoned R-5D residential district. The applicant has over 12 years of experience caring for children and now she wishes to increase the number above four which requires a conditional use permit. The proposed hours of operation are 6:00 AM to 6:00 PM. Staff recommends approval. Since there's no opposition, we've placed it on our Consent Agenda.

George Alcaraz:

All right, thank you. Agenda item #8, the Hertz Corporation for motor vehicle rental at 1940 Laskin Road. Is there a representative here? Please come forward. If you could just state your name for the record.

Jimmie Williams:

Good afternoon. My name is Jimmie Williams here on behalf of the Hertz corporation.

George Alcaraz:

Do you accept the conditions?

Jimmie Williams:

I do. Yes.

George Alcaraz:

Thank you. You may be seated.

Jimmie Williams:

Thank you.

Dee Oliver:

It's me.

George Alcaraz:

Okay. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I asked Ms. Oliver to speak on this project.

Dee Oliver:

The applicant is requesting a conditional use permit for motor vehicle rentals with an existing 2,400 square foot storefront. This unit is located within the Regency Hilltop Shopping Center along Laskin Road on property zoned B-2 in the community business district. The applicant proposes to keep no more than 10 vehicles for rent at any time on the site, the display areas are located in the far west portion of the shopping center. No automotive repair is proposed and staff is recommending a condition to prohibit that activity. The rental of box trucks, moving vans, trailers, heavy duty pickup trucks, are also prohibited at this site. The hours of operation are proposed 8:00 to 6:00 AM and PM Monday through Friday and 9:00 AM to 12:00 PM on Saturdays. There'll be no significant modification to the site or the exterior of the building. For the reason stated above, staff recommends approval of this application. The applicant is agreeable to the conditions listed, and so therefore we've placed it on the Consent Agenda.

George Alcaraz:

All right, thank you. Agenda item #9, please come forward for Pembroke North Associates for a tattoo parlor at 544 Independence Boulevard. Hi. Just state your name please.

Cheryl Scott:

Cheryl Scott.

George Alcaraz:

Did you accept the conditions?

Cheryl Scott:

I do.

George Alcaraz:

All right, thank you. You may be seated. Is there any opposition to this being placed on the consent agenda? Hearing none, I've asked Mr. Klein to read this item for the record.

Robyn Klein:

The applicant is requesting a conditional use permit in order to operate a tattoo parlor, specifically for permanent makeup known as microblading, within an existing beauty salon. The unit is located within the Pembroke Park Shops shopping center along with Independence Boulevard on property zoned B-2, community business district. The planning staff finds the application acceptable and the commission agrees.

George Alcaraz:

Thank you. The next item is agenda item #11 is there a representative today here?

Madam Clerk:

Mr. Alcaraz, they're with us via WebEx.

George Alcaraz:

Thank you.

Madam Clerk:

Calling Victoria Cozial. If you would pause two to three seconds while we unmute your audio feed and then state your name and if the application... Or the conditions applied to your application are acceptable.

Victoria Cozial:

This is Victoria Cozial and they are acceptable.

George Alcaraz:

Thank you. Is there any opposition to this item being placed on the Consent Agenda? Hearing none... Mr. Weiner to read this. Yes.

David Weiner:

Thank you, Mr. Alcaraz. This is a conditional use permit for a short term rental at 901 Pacific Avenue, Unit C. It is in the O-R district. We recommend approval and put it on the Consent Agenda.

George Alcaraz:

Thank you. The next item is agenda item #12 for Long Creek LLC, short term rental at 4005 Atlantic Avenue. Please come forward. Sorry, just state your name.

Randall Tabor:

Good afternoon. My name's Randall Tabor. I'm the representative.

George Alcaraz:

Are the conditions acceptable to you?

Randall Tabor:

Yes.

George Alcaraz:

All right. Thank you. You may be seated.

Randall Tabor:

Thank you.

George Alcaraz:

Is there any opposition of this item being placed on the Consent Agenda? Hearing none, I ask Commissioner Weiner to read this item for the record.

David Weiner:

Thank you, sir. This is another conditional use permit for a short term rental at 4005 Atlantic Avenue, Unit 218. It is in the O-R district and we have put it on the Consent Agenda.

George Alcaraz:

All right, thank you. Agenda item #13 for a short term rental at 425 21st. Please come forward.

Madam Clerk:

Mr. Alcaraz, this applicant is also WebEx. Thomas Lapresti. If you would pause two to three seconds and then please state your name and if the conditions applied to your application are acceptable.

Thomas Lapresti:

Good afternoon. My name is Tom Lapresti and the conditions are acceptable.

George Alcaraz:

He said... Okay.

Madam Clerk:

He said "are."

George Alcaraz:

Thank you. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I ask again Mr. Weiner to read this item for the record.

David Weiner:

Thank you, Mr. Alcaraz. Request for conditional use permit for a short term rental at 425, 21st Street in the O-R district and we have put this on the Consent Agenda.

George Alcaraz:

Thank you. And our last Consent Agenda item is item #14 for short term rental at 515, 20th Street. Please come forward. Hi, you can just state your name for the record.

Craig Dean:

My name is Craig Dean.

George Alcaraz:

Thank you. Are the condition's acceptable to you?

Craig Dean:

Absolutely.

George Alcaraz:

Thank you. You can be seated.

Craig Dean:

Thanks.

George Alcaraz:

Is there any opposition to this item being placed on the Consent Agenda? Hearing none again, I asked Mr. Commission... I mean... Mr. Commissioner... Mr. Weiner.

David Weiner:

Thank you, Mr. Alcaraz. Again, a conditional use permit for a short term rental at 515 20th Street in the O-R district. And we have put this on the Consent Agenda.

George Alcaraz:

Thank you. Mr. Chair, that was the last Consent Agenda item. The Planning Commission places, the following applications on the Consent... items number #3, #4, #6, #7, #8, #9, #11, #12, #13, and #14.

Jack Wall:

Okay, thank you Mr. Alcaraz.

Planning Committee:

Second.

Jack Wall:

Well, he didn't motion. So that's...

Planning Committee:

You didn't motion?

Jack Wall:

No, he just stated it. No, thanks for trying. Do I have a motion to approve by consent items? #3, #4, #6, #7, #8, #9, #11, #12, #13 and #14?

George Alcaraz:

I'll make a motion.

Jack Wall:

Okay.

David Weiner:

Second.

Jack Wall:

And there's a second. Okay.

Madam Clerk:
Weiner.

Jack Wall:
Hearing a second, are there any Planning Commissioners that need to abstain from voting on these items? Okay. Hearing none, the motion was made by Mr. Alcaraz, the second by Mr. Weiner, is that right?

Planning Committee:
Yep.

Jack Wall:
Okay.

Madam Clerk:
Vote is open. By vote of 8 in favor, 0 against agenda items, #3, #4, #6, #7, #8, #9, #11, #12, #13, and #14 have all been recommended for approval by consent.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Cuellar				ABSENT
Frankenfield	AYE			
Horsley				ABSENT
Klein	AYE			
Oliver	AYE			
Redmond				ABSENT
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. The Family Day-Care Home shall only operate as an accessory use to the single-family residence.
2. The Family Day-Care Home shall be limited to a total of twelve (12) children, other than children living in the home.
3. The Family Day-Care Home shall have no more than one (1) additional employee/volunteer, who does not reside in the home, or on the premises at any time.

4. Any sign identifying the home occupation shall be non-illuminated, not more than (1) square foot in area and mounted flat against the residence.
5. The arrival and departure times shall be staggered to avoid vehicular congestion.
6. The applicant shall maintain a license with the Commonwealth of Virginia for childcare. Failure to maintain a Family Day-Care Home license will result in revocation of the Family Day-Care Home Conditional Use Permit.
7. When the Family Day-Care Home is not open for business, all play equipment associated with the daycare shall be located behind the front façade of the house.
8. The fence enclosing the outdoor play area shall remain and be maintained for the duration of the Conditional Use Permit while active.
9. The applicant shall obtain all necessary permits and inspections from the City of Virginia Beach. Prior to operation, the applicant shall obtain a Certificate of Occupancy from the Building Official's Office for use of the house as a Family Day-Care Home.

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
June 8, 2022, Public Meeting
Agenda Item # 8**

The Hertz Corporation [Applicant]
Regency Hilltop Associates [Property Owners]

Conditional Use Permit (Motor Vehicle Rentals)

Address: 1940 Laskin Road, Suite 308

RECOMMENDED FOR APPROVAL – CONSENT

George Alcaraz:

All right, thank you. Agenda item #8, the Hertz Corporation for motor vehicle rental at 1940 Laskin Road. Is there a representative here? Please come forward. If you could just state your name for the record.

Jimmie Williams:

Good afternoon. My name is Jimmie Williams here on behalf of the Hertz corporation.

George Alcaraz:

Do you accept the conditions?

Jimmie Williams:

I do. Yes.

George Alcaraz:

Thank you. You may be seated.

Jimmie Williams:

Thank you.

Dee Oliver:

It's me.

George Alcaraz:

Okay. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I asked Ms. Oliver to speak on this project.

Dee Oliver:

The applicant is requesting a conditional use permit for motor vehicle rentals with an existing 2,400 square foot storefront. This unit is located within the Regency Hilltop Shopping Center along Laskin Road on property zoned B-2 in the community business district. The applicant proposes to keep no more than 10 vehicles for rent at any time on the site, the display areas are located in the far west portion of the shopping center. No automotive repair is proposed and staff is recommending a condition to prohibit that activity. The rental of box trucks, moving vans, trailers, heavy duty pickup trucks, are also prohibited at this site. The hours of operation are proposed 8:00 to 6:00 AM and PM Monday through Friday and 9:00 AM to 12:00 PM on Saturdays. There'll be no significant modification to the site or the exterior of the building. For the reason stated above, staff recommends approval of this application. The applicant is agreeable to the conditions listed, and so therefore we've placed it on the Consent Agenda.

George Alcaraz:

All right, thank you. Agenda item #9, please come forward for Pembroke North Associates for a tattoo parlor at 544 Independence Boulevard. Hi. Just state your name please.

Cheryl Scott:

Cheryl Scott.

George Alcaraz:

Did you accept the conditions?

Cheryl Scott:

I do.

George Alcaraz:

All right, thank you. You may be seated. Is there any opposition to this being placed on the consent agenda? Hearing none, I've asked Mr. Klein to read this item for the record.

Robyn Klein:

The applicant is requesting a conditional use permit in order to operate a tattoo parlor, specifically for permanent makeup known as microblading, within an existing beauty salon. The unit is located within the Pembroke Park Shops shopping center along with Independence

Boulevard on property zoned B-2, community business district. The planning staff finds the application acceptable and the commission agrees.

George Alcaraz:

Thank you. The next item is agenda item #11 is there a representative today here?

Madam Clerk:

Mr. Alcaraz, they're with us via WebEx.

George Alcaraz:

Thank you.

Madam Clerk:

Calling Victoria Cozial. If you would pause two to three seconds while we unmute your audio feed and then state your name and if the application... Or the conditions applied to your application are acceptable.

Victoria Cozial:

This is Victoria Cozial and they are acceptable.

George Alcaraz:

Thank you. Is there any opposition to this item being placed on the Consent Agenda? Hearing none... Mr. Weiner to read this. Yes.

David Weiner:

Thank you, Mr. Alcaraz. This is a conditional use permit for a short term rental at 901 Pacific Avenue, Unit C. It is in the O-R district. We recommend approval and put it on the Consent Agenda.

George Alcaraz:

Thank you. The next item is agenda item #12 for Long Creek LLC, short term rental at 4005 Atlantic Avenue. Please come forward. Sorry, just state your name.

Randall Tabor:

Good afternoon. My name's Randall Tabor. I'm the representative.

George Alcaraz:

Are the conditions acceptable to you?

Randall Tabor:

Yes.

George Alcaraz:

All right. Thank you. You may be seated.

Randall Tabor:

Thank you.

George Alcaraz:

Is there any opposition of this item being placed on the Consent Agenda? Hearing none, I ask Commissioner Weiner to read this item for the record.

David Weiner:

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George Alcaraz:

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Thomas Lapresti:

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George Alcaraz:
He said... Okay.

Madam Clerk:
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George Alcaraz:
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David Weiner:
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Craig Dean:
My name is Craig Dean.

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Thank you. Are the condition's acceptable to you?

Craig Dean:
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George Alcaraz:
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Craig Dean:
Thanks.

George Alcaraz:

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Jack Wall:

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George Alcaraz:

I'll make a motion.

Jack Wall:

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David Weiner:
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Jack Wall:
And there's a second. Okay.

Madam Clerk:
Weiner.

Jack Wall:
Hearing a second, are there any Planning Commissioners that need to abstain from voting on these items? Okay. Hearing none, the motion was made by Mr. Alcaraz, the second by Mr. Weiner, is that right?

Planning Committee:
Yep.

Jack Wall:
Okay.

Madam Clerk:
Vote is open. By vote of 8 in favor, 0 against agenda items, #3, #4, #6, #7, #8, #9, #11, #12, #13, and #14 have all been recommended for approval by consent.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Cuellar				ABSENT
Frankenfield	AYE			
Horsley				ABSENT
Klein	AYE			
Oliver	AYE			
Redmond				ABSENT
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. The total number of vehicles displayed for rent shall be limited to a total of 10 cars, SUVs, and small and medium pickup trucks.
2. No more than 10 vehicles for the purpose of renting shall be allowed on the site at any one time. Rental cars shall be located only in the area on the site that has been designated on the exhibit entitled, "Site Plan – Regency Hilltop Shopping Center – Virginia Beach, VA 23454", prepared by S.L. Nusbaum Realty Co., which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning.
3. The rental of box trucks, moving vans, trailers, and heavy duty pickup trucks are prohibited at this site.
4. 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.
5. There shall be no signs which 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. There shall be no portable or nonstructural signs, or electronic display signs on the site.
6. Vehicles shall be parked in the designated parking spaces and no vehicles shall be parked within any portion of the public right-of-way.
7. No maintenance, auto repair, or service of motor vehicles shall be permitted on site.
8. All rental vehicles associated with this request shall not be detailed, washed, or cleaned on-site.
9. There shall be no storage of tires, merchandise, or debris of any kind outside of the building.
10. No outside storage of vehicles in a state of obvious disrepair shall be permitted on the site.
11. There shall be no outside audio speakers for any purpose.
12. 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 properties.

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
June 8, 2022, Public Meeting
Agenda Item # 9**

Cheryl Scott [Applicant]
Pembroke North Associates, LLC [Property Owners]

Conditional Use Permit (Tattoo Parlor)

Address: 544 Independence Boulevard

RECOMMENDED FOR APPROVAL – CONSENT

George Alcaraz:

All right, thank you. Agenda item #9, please come forward for Pembroke North Associates for a tattoo parlor at 544 Independence Boulevard. Hi. Just state your name please.

Cheryl Scott:

Cheryl Scott.

George Alcaraz:

Did you accept the conditions?

Cheryl Scott:

I do.

George Alcaraz:

All right, thank you. You may be seated. Is there any opposition to this being placed on the consent agenda? Hearing none, I've asked Mr. Klein to read this item for the record.

Robyn Klein:

The applicant is requesting a conditional use permit in order to operate a tattoo parlor, specifically for permanent makeup known as microblading, within an existing beauty salon. The unit is located within the Pembroke Park Shops shopping center along with Independence Boulevard on property zoned B-2, community business district. The planning staff finds the application acceptable and the commission agrees.

George Alcaraz:

Thank you. The next item is agenda item #11 is there a representative today here?

Madam Clerk:

Mr. Alcaraz, they're with us via WebEx.

George Alcaraz:

Thank you.

Madam Clerk:

Calling Victoria Cozial. If you would pause two to three seconds while we unmute your audio feed and then state your name and if the application... Or the conditions applied to your application are acceptable.

Victoria Cozial:

This is Victoria Cozial and they are acceptable.

George Alcaraz:

Thank you. Is there any opposition to this item being placed on the Consent Agenda? Hearing none... Mr. Weiner to read this. Yes.

David Weiner:

Thank you, Mr. Alcaraz. This is a conditional use permit for a short term rental at 901 Pacific Avenue, Unit C. It is in the O-R district. We recommend approval and put it on the Consent Agenda.

George Alcaraz:

Thank you. The next item is agenda item #12 for Long Creek LLC, short term rental at 4005 Atlantic Avenue. Please come forward. Sorry, just state your name.

Randall Tabor:

Good afternoon. My name's Randall Tabor. I'm the representative.

George Alcaraz:

Are the conditions acceptable to you?

Randall Tabor:

Yes.

George Alcaraz:

All right. Thank you. You may be seated.

Randall Tabor:

Thank you.

George Alcaraz:

Is there any opposition of this item being placed on the Consent Agenda? Hearing none, I ask Commissioner Weiner to read this item for the record.

David Weiner:

Thank you, sir. This is another conditional use permit for a short term rental at 4005 Atlantic Avenue, Unit 218. It is in the O-R district and we have put it on the Consent Agenda.

George Alcaraz:

All right, thank you. Agenda item #13 for a short term rental at 425 21st. Please come forward.

Madam Clerk:

Mr. Alcaraz, this applicant is also WebEx. Thomas Lapresti. If you would pause two to three seconds and then please state your name and if the conditions applied to your application are acceptable.

Thomas Lapresti:

Good afternoon. My name is Tom Lapresti and the conditions are acceptable.

George Alcaraz:

He said... Okay.

Madam Clerk:

He said "are."

George Alcaraz:

Thank you. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I ask again Mr. Weiner to read this item for the record.

David Weiner:

Thank you, Mr. Alcaraz. Request for conditional use permit for a short term rental at 425, 21st Street in the O-R district and we have put this on the Consent Agenda.

George Alcaraz:

Thank you. And our last Consent Agenda item is item #14 for short term rental at 515, 20th Street. Please come forward. Hi, you can just state your name for the record.

Craig Dean:

My name is Craig Dean.

George Alcaraz:

Thank you. Are the condition's acceptable to you?

Craig Dean:

Absolutely.

George Alcaraz:

Thank you. You can be seated.

Craig Dean:

Thanks.

George Alcaraz:

Is there any opposition to this item being placed on the Consent Agenda? Hearing none again, I asked Mr. Commission... I mean... Mr. Commissioner... Mr. Weiner.

David Weiner:

Thank you, Mr. Alcaraz. Again, a conditional use permit for a short term rental at 515 20th Street in the O-R district. And we have put this on the Consent Agenda.

George Alcaraz:

Thank you. Mr. Chair, that was the last Consent Agenda item. The Planning Commission places, the following applications on the Consent... items number #3, #4, #6, #7, #8, #9, #11, #12, #13, and #14.

Jack Wall:

Okay, thank you Mr. Alcaraz.

Planning Committee:

Second.

Jack Wall:

Well, he didn't motion. So that's...

Planning Committee:

You didn't motion?

Jack Wall:

No, he just stated it. No, thanks for trying. Do I have a motion to approve by consent items? #3, #4, #6, #7, #8, #9, #11, #12, #13 and #14?

George Alcaraz:

I'll make a motion.

Jack Wall:

Okay.

David Weiner:

Second.

Jack Wall:

And there's a second. Okay.

Madam Clerk:
Weiner.

Jack Wall:

Hearing a second, are there any Planning Commissioners that need to abstain from voting on these items? Okay. Hearing none, the motion was made by Mr. Alcaraz, the second by Mr. Weiner, is that right?

Planning Committee:
Yep.

Jack Wall:
Okay.

Madam Clerk:

Vote is open. By vote of 8 in favor, 0 against agenda items, #3, #4, #6, #7, #8, #9, #11, #12, #13, and #14 have all been recommended for approval by consent.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Cuellar				ABSENT
Frankenfield	AYE			
Horsley				ABSENT
Klein	AYE			
Oliver	AYE			
Redmond				ABSENT
Wall	AYE			
Weiner	AYE			

CONDITIONS

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

3. The actual application of permanent make-up shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
4. All signage on the site shall be in accordance with the sign regulations of the Zoning Ordinance and all signage on the door and windows of this unit shall be removed unless deemed in compliance with the Zoning Ordinance.

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
June 8, 2022, Public Meeting
Agenda Item # 11**

Victoria Koziol [Applicant & Property Owner]

Conditional Use Permit (Short Term Rental)

Address: 901 Pacific Avenue, Unit C

RECOMMENDED FOR APPROVAL – CONSENT

Jack Wall:

Okay. Thank you. So the next order business is the Consent Agenda, and I'm going to turn that over to our vice chair, Mr. Alcaraz, to run that portion of the meeting.

George Alcaraz:

Thank you, Mr. Chair. Today we have 10 items on the Consent Agenda. These items are recommended for approval by staff and the Planning Commission has concurred and there are no speakers signed up in opposition. Item #3, Hendricks Family Dentistry at 737 Little Neck Road, please come forward.

Eddie Bourdon:

Thank you, Mr. Alcaraz, Mr. Chairman. For the Commission, my name's Eddie Bourdon, Virginia Beach attorney representing the Hendricks family and the dentistry practice. Harlan Hendricks has come down... Excuse me. Clay Hendricks has come down today for this hearing. We appreciate this matter being on the consent agenda. All five conditions as recommended by staff are acceptable to us and greatly appreciate Marchelle Coleman's assistance and professionalism in handling this matter. Thank you.

George Alcaraz:

Thank you. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I've asked commissioner Barry Frankenfield to read this item.

Barry Frankenfield:

All right. Thank you. Hendrick's Family Dentistry is a change in non-conformity. This building's been here since 1966. It has been expanded one time previously. The applicant is now asking for an additional expansion of 533 square feet. We have received building elevations that are acceptable and very attractive and fit in with the neighborhood. In addition, they have met all the requirements for parking and operation and those types of things. Staff has recommended approval. The request is fairly small and modest and will not alternate... No, that's not right. Will not alter. Thank you very much for your help. Will not alter the appearance or compatibility with the neighborhood. So we support approval. Thank you.

George Alcaraz:

Thank you, Mr. Frankenfield. The next item, item #4 is Craig and Chris Kirby at 631 Vanderbilt Avenue. Representative, please come forward and state your name.

Eddie Bourdon:

Eddie Bourdon, Virginia Beach attorney representing Mr. and Mrs. Kirby. All four conditions of the Street Closure as recommended by staff are acceptable to the applicant and we appreciate being on the Consent Agenda. And if I could, Ms. Klein, we are going to miss you. Your representation of Centerville and the citizens as a whole, with the enthusiasm and good cheer, no matter whether you're for or against has been wonderful and, really, the city's blessed to have people like you willing to serve. So thank you and enjoy Vermont.

George Alcaraz:

Thank you, Mr. Bourdon. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I've asked Commissioner Bradley to read this item for the record.

David Bradley:

The applicant is requesting to close a portion of the platted, unnamed, and unapproved, alley that is adjacent to the rear lot line as shown. The proposal includes closure of half of the 15 foot wide alley totaling 563 square feet and incorporating that land into the adjacent residential lot. The site is developed consistent with other residential lots in the neighborhood with a single family home and a fenced in backyard. Currently, the area's proposed to be closed. The area proposed to be closed is fenced in and has been used and maintained by the applicant. Staff recommended this for approval and since there's no opposition, we've put it on our Consent Agenda for approval.

George Alcaraz:

Thank you. The next it item #6 for Eyes on You Artistry by Breona Au'nice, LLC at 1270 Diamond Springs Road for a tattoo parlor. Please come forward and state your name. Hi.

Breona Ridgeway:

Good morning. I'm Brianna Ridgeway representing Eyes on You Artistry by Breona Au'Nice.

George Alcaraz:

Are the conditions acceptable to you?

Brianna Ridgeway:

Yes.

George Alcaraz:

All right. Thank you. You may be seated.

Brianna Ridgeway:

Thank you.

George Alcaraz:

Is there any opposition to this item being placed on the Consent Agenda? Hearing none... Sorry.

David Weiner:

Me.

George Alcaraz:

I've asked Mr. Weiner to read this item for the record.

David Weiner:

Thank you, Mr. Alcaraz. The applicant is requesting a conditional use permit to operate a tattoo parlor specifically for the application of permanent makeup known as microblading. Services are planned to typically be offered by appointment only. We recommend approval and put it on the Consent Agenda.

George Alcaraz:

Thank you. Agenda item #7 for Alexis Morales Cruz for a family daycare at 3049 Barberry Lane. Please come forward and state your name.

Madam Clerk:

Commissioner Alcaraz, this applicant is joining us by WebEx.

George Alcaraz:

Thank you,

Madam Clerk:

Calling Alexis Morales Cruz. If you would please pause for two to three seconds while we unmute your audio feed and then state your name and if the conditions are acceptable as applied to your application.

Alexis Morales Cruz:

Alexis Morales Cruz. And yes, I agree.

George Alcaraz:

Thank you. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I've asked commissioner Bradley to speak on this for the record.

David Bradley:

The applicant is requesting a conditional use permit to operate a family daycare home for up to six children within her single family dwelling in the Lake Placid neighborhood. The 7,221 square foot parcel is zoned R-5D residential district. The applicant has over 12 years of experience caring for children and now she wishes to increase the number above four which requires a conditional use permit. The proposed hours of operation are 6:00 AM to 6:00 PM. Staff recommends approval. Since there's no opposition, we've placed it on our Consent Agenda.

George Alcaraz:

All right, thank you. Agenda item #8, the Hertz Corporation for motor vehicle rental at 1940 Laskin Road. Is there a representative here? Please come forward. If you could just state your name for the record.

Jimmie Williams:

Good afternoon. My name is Jimmie Williams here on behalf of the Hertz corporation.

George Alcaraz:

Do you accept the conditions?

Jimmie Williams:

I do. Yes.

George Alcaraz:

Thank you. You may be seated.

Jimmie Williams:

Thank you.

Dee Oliver:

It's me.

George Alcaraz:

Okay. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I asked Ms. Oliver to speak on this project.

Dee Oliver:

The applicant is requesting a conditional use permit for motor vehicle rentals with an existing 2,400 square foot storefront. This unit is located within the Regency Hilltop Shopping Center along Laskin Road on property zoned B-2 in the community business district. The applicant proposes to keep no more than 10 vehicles for rent at any time on the site, the display areas are located in the far west portion of the shopping center. No automotive repair is proposed and staff is recommending a condition to prohibit that activity. The rental of box trucks, moving vans, trailers, heavy duty pickup trucks, are also prohibited at this site. The hours of operation are proposed 8:00 to 6:00 AM and PM Monday through Friday and 9:00 AM to 12:00 PM on Saturdays. There'll be no significant modification to the site or the exterior of the building. For the reason stated above, staff recommends approval of this application. The applicant is agreeable to the conditions listed, and so therefore we've placed it on the Consent Agenda.

George Alcaraz:

All right, thank you. Agenda item #9, please come forward for Pembroke North Associates for a tattoo parlor at 544 Independence Boulevard. Hi. Just state your name please.

Cheryl Scott:

Cheryl Scott.

George Alcaraz:

Did you accept the conditions?

Cheryl Scott:

I do.

George Alcaraz:

All right, thank you. You may be seated. Is there any opposition to this being placed on the consent agenda? Hearing none, I've asked Mr. Klein to read this item for the record.

Robyn Klein:

The applicant is requesting a conditional use permit in order to operate a tattoo parlor, specifically for permanent makeup known as microblading, within an existing beauty salon. The unit is located within the Pembroke Park Shops shopping center along with Independence Boulevard on property zoned B-2, community business district. The planning staff finds the application acceptable and the commission agrees.

George Alcaraz:

Thank you. The next item is agenda item #11 is there a representative today here?

Madam Clerk:

Mr. Alcaraz, they're with us via WebEx.

George Alcaraz:

Thank you.

Madam Clerk:

Calling Victoria Cozial. If you would pause two to three seconds while we unmute your audio feed and then state your name and if the application... Or the conditions applied to your application are acceptable.

Victoria Cozial:

This is Victoria Cozial and they are acceptable.

George Alcaraz:

Thank you. Is there any opposition to this item being placed on the Consent Agenda? Hearing none... Mr. Weiner to read this. Yes.

David Weiner:

Thank you, Mr. Alcaraz. This is a conditional use permit for a short term rental at 901 Pacific Avenue, Unit C. It is in the O-R district. We recommend approval and put it on the Consent Agenda.

George Alcaraz:

Thank you. The next item is agenda item #12 for Long Creek LLC, short term rental at 4005 Atlantic Avenue. Please come forward. Sorry, just state your name.

Randall Tabor:

Good afternoon. My name's Randall Tabor. I'm the representative.

George Alcaraz:

Are the conditions acceptable to you?

Randall Tabor:

Yes.

George Alcaraz:

All right. Thank you. You may be seated.

Randall Tabor:

Thank you.

George Alcaraz:

Is there any opposition of this item being placed on the Consent Agenda? Hearing none, I ask Commissioner Weiner to read this item for the record.

David Weiner:

Thank you, sir. This is another conditional use permit for a short term rental at 4005 Atlantic Avenue, Unit 218. It is in the O-R district and we have put it on the Consent Agenda.

George Alcaraz:

All right, thank you. Agenda item #13 for a short term rental at 425 21st. Please come forward.

Madam Clerk:

Mr. Alcaraz, this applicant is also WebEx. Thomas Lapresti. If you would pause two to three seconds and then please state your name and if the conditions applied to your application are acceptable.

Thomas Lapresti:

Good afternoon. My name is Tom Lapresti and the conditions are acceptable.

George Alcaraz:

He said... Okay.

Madam Clerk:

He said "are."

George Alcaraz:

Thank you. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I ask again Mr. Weiner to read this item for the record.

David Weiner:

Thank you, Mr. Alcaraz. Request for conditional use permit for a short term rental at 425, 21st Street in the O-R district and we have put this on the Consent Agenda.

George Alcaraz:

Thank you. And our last Consent Agenda item is item #14 for short term rental at 515, 20th Street. Please come forward. Hi, you can just state your name for the record.

Craig Dean:

My name is Craig Dean.

George Alcaraz:

Thank you. Are the condition's acceptable to you?

Craig Dean:

Absolutely.

George Alcaraz:

Thank you. You can be seated.

Craig Dean:

Thanks.

George Alcaraz:

Is there any opposition to this item being placed on the Consent Agenda? Hearing none again, I asked Mr. Commission... I mean... Mr. Commissioner... Mr. Weiner.

David Weiner:

Thank you, Mr. Alcaraz. Again, a conditional use permit for a short term rental at 515 20th Street in the O-R district. And we have put this on the Consent Agenda.

George Alcaraz:

Thank you. Mr. Chair, that was the last Consent Agenda item. The Planning Commission places, the following applications on the Consent... items number #3, #4, #6, #7, #8, #9, #11, #12, #13, and #14.

Jack Wall:

Okay, thank you Mr. Alcaraz.

Planning Committee:

Second.

Jack Wall:

Well, he didn't motion. So that's...

Planning Committee:

You didn't motion?

Jack Wall:

No, he just stated it. No, thanks for trying. Do I have a motion to approve by consent items? #3, #4, #6, #7, #8, #9, #11, #12, #13 and #14?

George Alcaraz:
I'll make a motion.

Jack Wall:
Okay.

David Weiner:
Second.

Jack Wall:
And there's a second. Okay.

Madam Clerk:
Weiner.

Jack Wall:
Hearing a second, are there any Planning Commissioners that need to abstain from voting on these items? Okay. Hearing none, the motion was made by Mr. Alcaraz, the second by Mr. Weiner, is that right?

Planning Committee:
Yep.

Jack Wall:
Okay.

Madam Clerk:
Vote is open. By vote of 8 in favor, 0 against agenda items, #3, #4, #6, #7, #8, #9, #11, #12, #13, and #14 have all been recommended for approval by consent.

	AYE 8	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Cuellar				ABSENT
Frankenfield	AYE			
Horsley				ABSENT
Klein	AYE			
Oliver	AYE			
Redmond				ABSENT
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 901-C Pacific Avenue, 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. A second (2nd) parking space, at a location subject to approval by the Zoning Administrator, shall be available for use by the Short Term Rental occupants at all times.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

10. 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.
11. 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.
12. 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.
13. Accessory structures shall not be used or occupied as Short Term Rentals.
14. 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.
15. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
16. 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.
17. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
18. 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).
19. 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.

20. 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
June 8, 2022, Public Meeting
Agenda Item # 12**

Longcreek, LLC [Applicant & Property Owner]

Conditional Use Permit (Short Term Rental)

Address: 4005 Atlantic Avenue, Unit 218

RECOMMENDED FOR APPROVAL – CONSENT

Jack Wall:

Okay. Thank you. So the next order business is the Consent Agenda, and I'm going to turn that over to our vice chair, Mr. Alcaraz, to run that portion of the meeting.

George Alcaraz:

Thank you, Mr. Chair. Today we have 10 items on the Consent Agenda. These items are recommended for approval by staff and the Planning Commission has concurred and there are no speakers signed up in opposition. Item #3, Hendricks Family Dentistry at 737 Little Neck Road, please come forward.

Eddie Bourdon:

Thank you, Mr. Alcaraz, Mr. Chairman. For the Commission, my name's Eddie Bourdon, Virginia Beach attorney representing the Hendricks family and the dentistry practice. Harlan Hendricks has come down... Excuse me. Clay Hendricks has come down today for this hearing. We appreciate this matter being on the consent agenda. All five conditions as recommended by staff are acceptable to us and greatly appreciate Marchelle Coleman's assistance and professionalism in handling this matter. Thank you.

George Alcaraz:

Thank you. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I've asked commissioner Barry Frankenfield to read this item.

Barry Frankenfield:

All right. Thank you. Hendrick's Family Dentistry is a change in non-conformity. This building's been here since 1966. It has been expanded one time previously. The applicant is now asking for an additional expansion of 533 square feet. We have received building elevations that are acceptable and very attractive and fit in with the neighborhood. In addition, they have met all the requirements for parking and operation and those types of things. Staff has recommended approval. The request is fairly small and modest and will not alternate... No, that's not right. Will not alter. Thank you very much for your help. Will not alter the appearance or compatibility with the neighborhood. So we support approval. Thank you.

George Alcaraz:

Thank you, Mr. Frankenfield. The next item, item #4 is Craig and Chris Kirby at 631 Vanderbilt Avenue. Representative, please come forward and state your name.

Eddie Bourdon:

Eddie Bourdon, Virginia Beach attorney representing Mr. and Mrs. Kirby. All four conditions of the Street Closure as recommended by staff are acceptable to the applicant and we appreciate being on the Consent Agenda. And if I could, Ms. Klein, we are going to miss you. Your representation of Centerville and the citizens as a whole, with the enthusiasm and good cheer, no matter whether you're for or against has been wonderful and, really, the city's blessed to have people like you willing to serve. So thank you and enjoy Vermont.

George Alcaraz:

Thank you, Mr. Bourdon. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I've asked Commissioner Bradley to read this item for the record.

David Bradley:

The applicant is requesting to close a portion of the platted, unnamed, and unapproved, alley that is adjacent to the rear lot line as shown. The proposal includes closure of half of the 15 foot wide alley totaling 563 square feet and incorporating that land into the adjacent residential lot. The site is developed consistent with other residential lots in the neighborhood with a single family home and a fenced in backyard. Currently, the area's proposed to be closed. The area proposed to be closed is fenced in and has been used and maintained by the applicant. Staff recommended this for approval and since there's no opposition, we've put it on our Consent Agenda for approval.

George Alcaraz:

Thank you. The next it item #6 for Eyes on You Artistry by Breona Au'nice, LLC at 1270 Diamond Springs Road for a tattoo parlor. Please come forward and state your name. Hi.

Breona Ridgeway:

Good morning. I'm Brianna Ridgeway representing Eyes on You Artistry by Breona Au'Nice.

George Alcaraz:

Are the conditions acceptable to you?

Brianna Ridgeway:

Yes.

George Alcaraz:

All right. Thank you. You may be seated.

Brianna Ridgeway:

Thank you.

George Alcaraz:

Is there any opposition to this item being placed on the Consent Agenda? Hearing none... Sorry.

David Weiner:

Me.

George Alcaraz:

I've asked Mr. Weiner to read this item for the record.

David Weiner:

Thank you, Mr. Alcaraz. The applicant is requesting a conditional use permit to operate a tattoo parlor specifically for the application of permanent makeup known as microblading. Services are planned to typically be offered by appointment only. We recommend approval and put it on the Consent Agenda.

George Alcaraz:

Thank you. Agenda item #7 for Alexis Morales Cruz for a family daycare at 3049 Barberry Lane. Please come forward and state your name.

Madam Clerk:

Commissioner Alcaraz, this applicant is joining us by WebEx.

George Alcaraz:

Thank you,

Madam Clerk:

Calling Alexis Morales Cruz. If you would please pause for two to three seconds while we unmute your audio feed and then state your name and if the conditions are acceptable as applied to your application.

Alexis Morales Cruz:

Alexis Morales Cruz. And yes, I agree.

George Alcaraz:

Thank you. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I've asked commissioner Bradley to speak on this for the record.

David Bradley:

The applicant is requesting a conditional use permit to operate a family daycare home for up to six children within her single family dwelling in the Lake Placid neighborhood. The 7,221 square foot parcel is zoned R-5D residential district. The applicant has over 12 years of experience caring for children and now she wishes to increase the number above four which requires a conditional use permit. The proposed hours of operation are 6:00 AM to 6:00 PM. Staff recommends approval. Since there's no opposition, we've placed it on our Consent Agenda.

George Alcaraz:

All right, thank you. Agenda item #8, the Hertz Corporation for motor vehicle rental at 1940 Laskin Road. Is there a representative here? Please come forward. If you could just state your name for the record.

Jimmie Williams:

Good afternoon. My name is Jimmie Williams here on behalf of the Hertz corporation.

George Alcaraz:

Do you accept the conditions?

Jimmie Williams:

I do. Yes.

George Alcaraz:

Thank you. You may be seated.

Jimmie Williams:

Thank you.

Dee Oliver:

It's me.

George Alcaraz:

Okay. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I asked Ms. Oliver to speak on this project.

Dee Oliver:

The applicant is requesting a conditional use permit for motor vehicle rentals with an existing 2,400 square foot storefront. This unit is located within the Regency Hilltop Shopping Center along Laskin Road on property zoned B-2 in the community business district. The applicant proposes to keep no more than 10 vehicles for rent at any time on the site, the display areas are located in the far west portion of the shopping center. No automotive repair is proposed and staff is recommending a condition to prohibit that activity. The rental of box trucks, moving vans, trailers, heavy duty pickup trucks, are also prohibited at this site. The hours of operation are proposed 8:00 to 6:00 AM and PM Monday through Friday and 9:00 AM to 12:00 PM on Saturdays. There'll be no significant modification to the site or the exterior of the building. For the reason stated above, staff recommends approval of this application. The applicant is agreeable to the conditions listed, and so therefore we've placed it on the Consent Agenda.

George Alcaraz:

All right, thank you. Agenda item #9, please come forward for Pembroke North Associates for a tattoo parlor at 544 Independence Boulevard. Hi. Just state your name please.

Cheryl Scott:

Cheryl Scott.

George Alcaraz:

Did you accept the conditions?

Cheryl Scott:

I do.

George Alcaraz:

All right, thank you. You may be seated. Is there any opposition to this being placed on the consent agenda? Hearing none, I've asked Mr. Klein to read this item for the record.

Robyn Klein:

The applicant is requesting a conditional use permit in order to operate a tattoo parlor, specifically for permanent makeup known as microblading, within an existing beauty salon. The unit is located within the Pembroke Park Shops shopping center along with Independence Boulevard on property zoned B-2, community business district. The planning staff finds the application acceptable and the commission agrees.

George Alcaraz:

Thank you. The next item is agenda item #11 is there a representative today here?

Madam Clerk:

Mr. Alcaraz, they're with us via WebEx.

George Alcaraz:

Thank you.

Madam Clerk:

Calling Victoria Cozial. If you would pause two to three seconds while we unmute your audio feed and then state your name and if the application... Or the conditions applied to your application are acceptable.

Victoria Cozial:

This is Victoria Cozial and they are acceptable.

George Alcaraz:

Thank you. Is there any opposition to this item being placed on the Consent Agenda? Hearing none... Mr. Weiner to read this. Yes.

David Weiner:

Thank you, Mr. Alcaraz. This is a conditional use permit for a short term rental at 901 Pacific Avenue, Unit C. It is in the O-R district. We recommend approval and put it on the Consent Agenda.

George Alcaraz:

Thank you. The next item is agenda item #12 for Long Creek LLC, short term rental at 4005 Atlantic Avenue. Please come forward. Sorry, just state your name.

Randall Tabor:

Good afternoon. My name's Randall Tabor. I'm the representative.

George Alcaraz:

Are the conditions acceptable to you?

Randall Tabor:

Yes.

George Alcaraz:

All right. Thank you. You may be seated.

Randall Tabor:

Thank you.

George Alcaraz:

Is there any opposition of this item being placed on the Consent Agenda? Hearing none, I ask Commissioner Weiner to read this item for the record.

David Weiner:

Thank you, sir. This is another conditional use permit for a short term rental at 4005 Atlantic Avenue, Unit 218. It is in the O-R district and we have put it on the Consent Agenda.

George Alcaraz:

All right, thank you. Agenda item #13 for a short term rental at 425 21st. Please come forward.

Madam Clerk:

Mr. Alcaraz, this applicant is also WebEx. Thomas Lapresti. If you would pause two to three seconds and then please state your name and if the conditions applied to your application are acceptable.

Thomas Lapresti:

Good afternoon. My name is Tom Lapresti and the conditions are acceptable.

George Alcaraz:

He said... Okay.

Madam Clerk:

He said "are."

George Alcaraz:

Thank you. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I ask again Mr. Weiner to read this item for the record.

David Weiner:

Thank you, Mr. Alcaraz. Request for conditional use permit for a short term rental at 425, 21st Street in the O-R district and we have put this on the Consent Agenda.

George Alcaraz:

Thank you. And our last Consent Agenda item is item #14 for short term rental at 515, 20th Street. Please come forward. Hi, you can just state your name for the record.

Craig Dean:

My name is Craig Dean.

George Alcaraz:

Thank you. Are the condition's acceptable to you?

Craig Dean:

Absolutely.

George Alcaraz:

Thank you. You can be seated.

Craig Dean:

Thanks.

George Alcaraz:

Is there any opposition to this item being placed on the Consent Agenda? Hearing none again, I asked Mr. Commission... I mean... Mr. Commissioner... Mr. Weiner.

David Weiner:

Thank you, Mr. Alcaraz. Again, a conditional use permit for a short term rental at 515 20th Street in the O-R district. And we have put this on the Consent Agenda.

George Alcaraz:

Thank you. Mr. Chair, that was the last Consent Agenda item. The Planning Commission places, the following applications on the Consent... items number #3, #4, #6, #7, #8, #9, #11, #12, #13, and #14.

Jack Wall:

Okay, thank you Mr. Alcaraz.

Planning Committee:

Second.

Jack Wall:

Well, he didn't motion. So that's...

Planning Committee:

You didn't motion?

Jack Wall:

No, he just stated it. No, thanks for trying. Do I have a motion to approve by consent items? #3, #4, #6, #7, #8, #9, #11, #12, #13 and #14?

George Alcaraz:
I'll make a motion.

Jack Wall:
Okay.

David Weiner:
Second.

Jack Wall:
And there's a second. Okay.

Madam Clerk:
Weiner.

Jack Wall:
Hearing a second, are there any Planning Commissioners that need to abstain from voting on these items? Okay. Hearing none, the motion was made by Mr. Alcaraz, the second by Mr. Weiner, is that right?

Planning Committee:
Yep.

Jack Wall:
Okay.

Madam Clerk:
Vote is open. By vote of 8 in favor, 0 against agenda items, #3, #4, #6, #7, #8, #9, #11, #12, #13, and #14 have all been recommended for approval by consent.

	AYE 8	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Cuellar				ABSENT
Frankenfield	AYE			
Horsley				ABSENT
Klein	AYE			
Oliver	AYE			
Redmond				ABSENT
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 4005 Atlantic Avenue, Unit 218, 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. A second (2nd) parking space, at a location subject to approval by the Zoning Administrator, shall be available for use by the Short Term Rental occupants at all times.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

10. 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.
11. 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.
12. 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.
13. Accessory structures shall not be used or occupied as Short Term Rentals.
14. 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.
15. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
16. 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.
17. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
18. 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).
19. 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.

20. 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
June 8, 2022, Public Meeting
Agenda Item # 13**

Thomas LoPresti [Applicant & Property Owner]

Conditional Use Permit (Short Term Rental)

Address: 425 21st Street

RECOMMENDED FOR APPROVAL – CONSENT

Jack Wall:

Okay. Thank you. So the next order business is the Consent Agenda, and I'm going to turn that over to our vice chair, Mr. Alcaraz, to run that portion of the meeting.

George Alcaraz:

Thank you, Mr. Chair. Today we have 10 items on the Consent Agenda. These items are recommended for approval by staff and the Planning Commission has concurred and there are no speakers signed up in opposition. Item #3, Hendricks Family Dentistry at 737 Little Neck Road, please come forward.

Eddie Bourdon:

Thank you, Mr. Alcaraz, Mr. Chairman. For the Commission, my name's Eddie Bourdon, Virginia Beach attorney representing the Hendricks family and the dentistry practice. Harlan Hendricks has come down... Excuse me. Clay Hendricks has come down today for this hearing. We appreciate this matter being on the consent agenda. All five conditions as recommended by staff are acceptable to us and greatly appreciate Marchelle Coleman's assistance and professionalism in handling this matter. Thank you.

George Alcaraz:

Thank you. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I've asked commissioner Barry Frankenfield to read this item.

Barry Frankenfield:

All right. Thank you. Hendrick's Family Dentistry is a change in non-conformity. This building's been here since 1966. It has been expanded one time previously. The applicant is now asking for an additional expansion of 533 square feet. We have received building elevations that are acceptable and very attractive and fit in with the neighborhood. In addition, they have met all the requirements for parking and operation and those types of things. Staff has recommended approval. The request is fairly small and modest and will not alternate... No, that's not right. Will not alter. Thank you very much for your help. Will not alter the appearance or compatibility with the neighborhood. So we support approval. Thank you.

George Alcaraz:

Thank you, Mr. Frankenfield. The next item, item #4 is Craig and Chris Kirby at 631 Vanderbilt Avenue. Representative, please come forward and state your name.

Eddie Bourdon:

Eddie Bourdon, Virginia Beach attorney representing Mr. and Mrs. Kirby. All four conditions of the Street Closure as recommended by staff are acceptable to the applicant and we appreciate being on the Consent Agenda. And if I could, Ms. Klein, we are going to miss you. Your representation of Centerville and the citizens as a whole, with the enthusiasm and good cheer, no matter whether you're for or against has been wonderful and, really, the city's blessed to have people like you willing to serve. So thank you and enjoy Vermont.

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David Bradley:

The applicant is requesting to close a portion of the platted, unnamed, and unapproved, alley that is adjacent to the rear lot line as shown. The proposal includes closure of half of the 15 foot wide alley totaling 563 square feet and incorporating that land into the adjacent residential lot. The site is developed consistent with other residential lots in the neighborhood with a single family home and a fenced in backyard. Currently, the area's proposed to be closed. The area proposed to be closed is fenced in and has been used and maintained by the applicant. Staff recommended this for approval and since there's no opposition, we've put it on our Consent Agenda for approval.

George Alcaraz:

Thank you. The next it item #6 for Eyes on You Artistry by Breona Au'nice, LLC at 1270 Diamond Springs Road for a tattoo parlor. Please come forward and state your name. Hi.

Breona Ridgeway:

Good morning. I'm Brianna Ridgeway representing Eyes on You Artistry by Breona Au'Nice.

George Alcaraz:

Are the conditions acceptable to you?

Brianna Ridgeway:

Yes.

George Alcaraz:

All right. Thank you. You may be seated.

Brianna Ridgeway:

Thank you.

George Alcaraz:

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David Weiner:

Me.

George Alcaraz:

I've asked Mr. Weiner to read this item for the record.

David Weiner:

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George Alcaraz:

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Madam Clerk:

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Alexis Morales Cruz:

Alexis Morales Cruz. And yes, I agree.

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Jimmie Williams:

Good afternoon. My name is Jimmie Williams here on behalf of the Hertz corporation.

George Alcaraz:

Do you accept the conditions?

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I do. Yes.

George Alcaraz:

Thank you. You may be seated.

Jimmie Williams:

Thank you.

Dee Oliver:

It's me.

George Alcaraz:

Okay. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I asked Ms. Oliver to speak on this project.

Dee Oliver:

The applicant is requesting a conditional use permit for motor vehicle rentals with an existing 2,400 square foot storefront. This unit is located within the Regency Hilltop Shopping Center along Laskin Road on property zoned B-2 in the community business district. The applicant proposes to keep no more than 10 vehicles for rent at any time on the site, the display areas are located in the far west portion of the shopping center. No automotive repair is proposed and staff is recommending a condition to prohibit that activity. The rental of box trucks, moving vans, trailers, heavy duty pickup trucks, are also prohibited at this site. The hours of operation are proposed 8:00 to 6:00 AM and PM Monday through Friday and 9:00 AM to 12:00 PM on Saturdays. There'll be no significant modification to the site or the exterior of the building. For the reason stated above, staff recommends approval of this application. The applicant is agreeable to the conditions listed, and so therefore we've placed it on the Consent Agenda.

George Alcaraz:

All right, thank you. Agenda item #9, please come forward for Pembroke North Associates for a tattoo parlor at 544 Independence Boulevard. Hi. Just state your name please.

Cheryl Scott:

Cheryl Scott.

George Alcaraz:

Did you accept the conditions?

Cheryl Scott:

I do.

George Alcaraz:

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Robyn Klein:

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Madam Clerk:

Mr. Alcaraz, they're with us via WebEx.

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Victoria Cozial:

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George Alcaraz:

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David Weiner:

Thank you, Mr. Alcaraz. This is a conditional use permit for a short term rental at 901 Pacific Avenue, Unit C. It is in the O-R district. We recommend approval and put it on the Consent Agenda.

George Alcaraz:

Thank you. The next item is agenda item #12 for Long Creek LLC, short term rental at 4005 Atlantic Avenue. Please come forward. Sorry, just state your name.

Randall Tabor:

Good afternoon. My name's Randall Tabor. I'm the representative.

George Alcaraz:

Are the conditions acceptable to you?

Randall Tabor:

Yes.

George Alcaraz:

All right. Thank you. You may be seated.

Randall Tabor:

Thank you.

George Alcaraz:

Is there any opposition of this item being placed on the Consent Agenda? Hearing none, I ask Commissioner Weiner to read this item for the record.

David Weiner:

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Madam Clerk:

Mr. Alcaraz, this applicant is also WebEx. Thomas Lapresti. If you would pause two to three seconds and then please state your name and if the conditions applied to your application are acceptable.

Thomas Lapresti:

Good afternoon. My name is Tom Lapresti and the conditions are acceptable.

George Alcaraz:

He said... Okay.

Madam Clerk:

He said "are."

George Alcaraz:

Thank you. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I ask again Mr. Weiner to read this item for the record.

David Weiner:

Thank you, Mr. Alcaraz. Request for conditional use permit for a short term rental at 425, 21st Street in the O-R district and we have put this on the Consent Agenda.

George Alcaraz:

Thank you. And our last Consent Agenda item is item #14 for short term rental at 515, 20th Street. Please come forward. Hi, you can just state your name for the record.

Craig Dean:

My name is Craig Dean.

George Alcaraz:

Thank you. Are the condition's acceptable to you?

Craig Dean:

Absolutely.

George Alcaraz:

Thank you. You can be seated.

Craig Dean:

Thanks.

George Alcaraz:

Is there any opposition to this item being placed on the Consent Agenda? Hearing none again, I asked Mr. Commission... I mean... Mr. Commissioner... Mr. Weiner.

David Weiner:

Thank you, Mr. Alcaraz. Again, a conditional use permit for a short term rental at 515 20th Street in the O-R district. And we have put this on the Consent Agenda.

George Alcaraz:

Thank you. Mr. Chair, that was the last Consent Agenda item. The Planning Commission places, the following applications on the Consent... items number #3, #4, #6, #7, #8, #9, #11, #12, #13, and #14.

Jack Wall:

Okay, thank you Mr. Alcaraz.

Planning Committee:

Second.

Jack Wall:

Well, he didn't motion. So that's...

Planning Committee:

You didn't motion?

Jack Wall:

No, he just stated it. No, thanks for trying. Do I have a motion to approve by consent items? #3, #4, #6, #7, #8, #9, #11, #12, #13 and #14?

George Alcaraz:
I'll make a motion.

Jack Wall:
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David Weiner:
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And there's a second. Okay.

Madam Clerk:
Weiner.

Jack Wall:
Hearing a second, are there any Planning Commissioners that need to abstain from voting on these items? Okay. Hearing none, the motion was made by Mr. Alcaraz, the second by Mr. Weiner, is that right?

Planning Committee:
Yep.

Jack Wall:
Okay.

Madam Clerk:
Vote is open. By vote of 8 in favor, 0 against agenda items, #3, #4, #6, #7, #8, #9, #11, #12, #13, and #14 have all been recommended for approval by consent.

	AYE 8	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Bradley	AYE			
Coston	AYE			
Cuellar				ABSENT
Frankenfield	AYE			
Horsley				ABSENT
Klein	AYE			
Oliver	AYE			
Redmond				ABSENT
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 425 21st Street and the Short Term Rental use shall only occur in the principal structure.
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7. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
8. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning Permit; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
9. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.

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

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

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

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

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

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

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

**Virginia Beach Planning Commission
June 8, 2022, Public Meeting
Agenda Item # 14**

Craig & April Dean [Applicant & Property Owner]

Conditional Use Permit (Short Term Rental)

Address: 515 20th Street

RECOMMENDED FOR APPROVAL – CONSENT

Jack Wall:

Okay. Thank you. So the next order business is the Consent Agenda, and I'm going to turn that over to our vice chair, Mr. Alcaraz, to run that portion of the meeting.

George Alcaraz:

Thank you, Mr. Chair. Today we have 10 items on the Consent Agenda. These items are recommended for approval by staff and the Planning Commission has concurred and there are no speakers signed up in opposition. Item #3, Hendricks Family Dentistry at 737 Little Neck Road, please come forward.

Eddie Bourdon:

Thank you, Mr. Alcaraz, Mr. Chairman. For the Commission, my name's Eddie Bourdon, Virginia Beach attorney representing the Hendricks family and the dentistry practice. Harlan Hendricks has come down... Excuse me. Clay Hendricks has come down today for this hearing. We appreciate this matter being on the consent agenda. All five conditions as recommended by staff are acceptable to us and greatly appreciate Marchelle Coleman's assistance and professionalism in handling this matter. Thank you.

George Alcaraz:

Thank you. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I've asked commissioner Barry Frankenfield to read this item.

Barry Frankenfield:

All right. Thank you. Hendrick's Family Dentistry is a change in non-conformity. This building's been here since 1966. It has been expanded one time previously. The applicant is now asking for an additional expansion of 533 square feet. We have received building elevations that are acceptable and very attractive and fit in with the neighborhood. In addition, they have met all the requirements for parking and operation and those types of things. Staff has recommended approval. The request is fairly small and modest and will not alternate... No, that's not right. Will not alter. Thank you very much for your help. Will not alter the appearance or compatibility with the neighborhood. So we support approval. Thank you.

George Alcaraz:

Thank you, Mr. Frankenfield. The next item, item #4 is Craig and Chris Kirby at 631 Vanderbilt Avenue. Representative, please come forward and state your name.

Eddie Bourdon:

Eddie Bourdon, Virginia Beach attorney representing Mr. and Mrs. Kirby. All four conditions of the Street Closure as recommended by staff are acceptable to the applicant and we appreciate being on the Consent Agenda. And if I could, Ms. Klein, we are going to miss you. Your representation of Centerville and the citizens as a whole, with the enthusiasm and good cheer, no matter whether you're for or against has been wonderful and, really, the city's blessed to have people like you willing to serve. So thank you and enjoy Vermont.

George Alcaraz:

Thank you, Mr. Bourdon. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I've asked Commissioner Bradley to read this item for the record.

David Bradley:

The applicant is requesting to close a portion of the platted, unnamed, and unapproved, alley that is adjacent to the rear lot line as shown. The proposal includes closure of half of the 15 foot wide alley totaling 563 square feet and incorporating that land into the adjacent residential lot. The site is developed consistent with other residential lots in the neighborhood with a single family home and a fenced in backyard. Currently, the area's proposed to be closed. The area proposed to be closed is fenced in and has been used and maintained by the applicant. Staff recommended this for approval and since there's no opposition, we've put it on our Consent Agenda for approval.

George Alcaraz:

Thank you. The next it item #6 for Eyes on You Artistry by Breona Au'nice, LLC at 1270 Diamond Springs Road for a tattoo parlor. Please come forward and state your name. Hi.

Breona Ridgeway:

Good morning. I'm Brianna Ridgeway representing Eyes on You Artistry by Breona Au'Nice.

George Alcaraz:

Are the conditions acceptable to you?

Brianna Ridgeway:

Yes.

George Alcaraz:

All right. Thank you. You may be seated.

Brianna Ridgeway:

Thank you.

George Alcaraz:

Is there any opposition to this item being placed on the Consent Agenda? Hearing none... Sorry.

David Weiner:

Me.

George Alcaraz:

I've asked Mr. Weiner to read this item for the record.

David Weiner:

Thank you, Mr. Alcaraz. The applicant is requesting a conditional use permit to operate a tattoo parlor specifically for the application of permanent makeup known as microblading. Services are planned to typically be offered by appointment only. We recommend approval and put it on the Consent Agenda.

George Alcaraz:

Thank you. Agenda item #7 for Alexis Morales Cruz for a family daycare at 3049 Barberry Lane. Please come forward and state your name.

Madam Clerk:

Commissioner Alcaraz, this applicant is joining us by WebEx.

George Alcaraz:

Thank you,

Madam Clerk:

Calling Alexis Morales Cruz. If you would please pause for two to three seconds while we unmute your audio feed and then state your name and if the conditions are acceptable as applied to your application.

Alexis Morales Cruz:

Alexis Morales Cruz. And yes, I agree.

George Alcaraz:

Thank you. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I've asked commissioner Bradley to speak on this for the record.

David Bradley:

The applicant is requesting a conditional use permit to operate a family daycare home for up to six children within her single family dwelling in the Lake Placid neighborhood. The 7,221 square foot parcel is zoned R-5D residential district. The applicant has over 12 years of experience caring for children and now she wishes to increase the number above four which requires a conditional use permit. The proposed hours of operation are 6:00 AM to 6:00 PM. Staff recommends approval. Since there's no opposition, we've placed it on our Consent Agenda.

George Alcaraz:

All right, thank you. Agenda item #8, the Hertz Corporation for motor vehicle rental at 1940 Laskin Road. Is there a representative here? Please come forward. If you could just state your name for the record.

Jimmie Williams:

Good afternoon. My name is Jimmie Williams here on behalf of the Hertz corporation.

George Alcaraz:

Do you accept the conditions?

Jimmie Williams:

I do. Yes.

George Alcaraz:

Thank you. You may be seated.

Jimmie Williams:

Thank you.

Dee Oliver:

It's me.

George Alcaraz:

Okay. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I asked Ms. Oliver to speak on this project.

Dee Oliver:

The applicant is requesting a conditional use permit for motor vehicle rentals with an existing 2,400 square foot storefront. This unit is located within the Regency Hilltop Shopping Center along Laskin Road on property zoned B-2 in the community business district. The applicant proposes to keep no more than 10 vehicles for rent at any time on the site, the display areas are located in the far west portion of the shopping center. No automotive repair is proposed and staff is recommending a condition to prohibit that activity. The rental of box trucks, moving vans, trailers, heavy duty pickup trucks, are also prohibited at this site. The hours of operation are proposed 8:00 to 6:00 AM and PM Monday through Friday and 9:00 AM to 12:00 PM on Saturdays. There'll be no significant modification to the site or the exterior of the building. For the reason stated above, staff recommends approval of this application. The applicant is agreeable to the conditions listed, and so therefore we've placed it on the Consent Agenda.

George Alcaraz:

All right, thank you. Agenda item #9, please come forward for Pembroke North Associates for a tattoo parlor at 544 Independence Boulevard. Hi. Just state your name please.

Cheryl Scott:

Cheryl Scott.

George Alcaraz:

Did you accept the conditions?

Cheryl Scott:

I do.

George Alcaraz:

All right, thank you. You may be seated. Is there any opposition to this being placed on the consent agenda? Hearing none, I've asked Mr. Klein to read this item for the record.

Robyn Klein:

The applicant is requesting a conditional use permit in order to operate a tattoo parlor, specifically for permanent makeup known as microblading, within an existing beauty salon. The unit is located within the Pembroke Park Shops shopping center along with Independence Boulevard on property zoned B-2, community business district. The planning staff finds the application acceptable and the commission agrees.

George Alcaraz:

Thank you. The next item is agenda item #11 is there a representative today here?

Madam Clerk:

Mr. Alcaraz, they're with us via WebEx.

George Alcaraz:

Thank you.

Madam Clerk:

Calling Victoria Cozial. If you would pause two to three seconds while we unmute your audio feed and then state your name and if the application... Or the conditions applied to your application are acceptable.

Victoria Cozial:

This is Victoria Cozial and they are acceptable.

George Alcaraz:

Thank you. Is there any opposition to this item being placed on the Consent Agenda? Hearing none... Mr. Weiner to read this. Yes.

David Weiner:

Thank you, Mr. Alcaraz. This is a conditional use permit for a short term rental at 901 Pacific Avenue, Unit C. It is in the O-R district. We recommend approval and put it on the Consent Agenda.

George Alcaraz:

Thank you. The next item is agenda item #12 for Long Creek LLC, short term rental at 4005 Atlantic Avenue. Please come forward. Sorry, just state your name.

Randall Tabor:

Good afternoon. My name's Randall Tabor. I'm the representative.

George Alcaraz:

Are the conditions acceptable to you?

Randall Tabor:

Yes.

George Alcaraz:

All right. Thank you. You may be seated.

Randall Tabor:

Thank you.

George Alcaraz:

Is there any opposition of this item being placed on the Consent Agenda? Hearing none, I ask Commissioner Weiner to read this item for the record.

David Weiner:

Thank you, sir. This is another conditional use permit for a short term rental at 4005 Atlantic Avenue, Unit 218. It is in the O-R district and we have put it on the Consent Agenda.

George Alcaraz:

All right, thank you. Agenda item #13 for a short term rental at 425 21st. Please come forward.

Madam Clerk:

Mr. Alcaraz, this applicant is also WebEx. Thomas Lapresti. If you would pause two to three seconds and then please state your name and if the conditions applied to your application are acceptable.

Thomas Lapresti:

Good afternoon. My name is Tom Lapresti and the conditions are acceptable.

George Alcaraz:

He said... Okay.

Madam Clerk:

He said "are."

George Alcaraz:

Thank you. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I ask again Mr. Weiner to read this item for the record.

David Weiner:

Thank you, Mr. Alcaraz. Request for conditional use permit for a short term rental at 425, 21st Street in the O-R district and we have put this on the Consent Agenda.

George Alcaraz:

Thank you. And our last Consent Agenda item is item #14 for short term rental at 515, 20th Street. Please come forward. Hi, you can just state your name for the record.

Craig Dean:

My name is Craig Dean.

George Alcaraz:

Thank you. Are the condition's acceptable to you?

Craig Dean:

Absolutely.

George Alcaraz:

Thank you. You can be seated.

Craig Dean:

Thanks.

George Alcaraz:

Is there any opposition to this item being placed on the Consent Agenda? Hearing none again, I asked Mr. Commission... I mean... Mr. Commissioner... Mr. Weiner.

David Weiner:

Thank you, Mr. Alcaraz. Again, a conditional use permit for a short term rental at 515 20th Street in the O-R district. And we have put this on the Consent Agenda.

George Alcaraz:

Thank you. Mr. Chair, that was the last Consent Agenda item. The Planning Commission places, the following applications on the Consent... items number #3, #4, #6, #7, #8, #9, #11, #12, #13, and #14.

Jack Wall:

Okay, thank you Mr. Alcaraz.

Planning Committee:

Second.

Jack Wall:

Well, he didn't motion. So that's...

Planning Committee:

You didn't motion?

Jack Wall:

No, he just stated it. No, thanks for trying. Do I have a motion to approve by consent items? #3, #4, #6, #7, #8, #9, #11, #12, #13 and #14?

George Alcaraz:
I'll make a motion.

Jack Wall:
Okay.

David Weiner:
Second.

Jack Wall:
And there's a second. Okay.

Madam Clerk:
Weiner.

Jack Wall:
Hearing a second, are there any Planning Commissioners that need to abstain from voting on these items? Okay. Hearing none, the motion was made by Mr. Alcaraz, the second by Mr. Weiner, is that right?

Planning Committee:
Yep.

Jack Wall:
Okay.

Madam Clerk:
Vote is open. By vote of 8 in favor, 0 against agenda items, #3, #4, #6, #7, #8, #9, #11, #12, #13, and #14 have all been recommended for approval by consent.

	AYE 8	NAY 0	ABS 0	ABSENT 0
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