

Virginia Beach Planning Commission
July 13, 2022 Public Hearing

Mr. Wall: My name is Jack Wall, and I'm the Chairman of the Virginia Beach Planning Commission. Commissioner David Wiener will not be in attendance today. Before we get started, I've asked Mr. Coston to lead us in prayer followed by the Pledge of Allegiance by Commissioner Horsley. Please stand.

Mr. Coston: Lord, our Father and our God, we thank you, oh God, bless thy name. We thank you for all the many blessings that you have bestowed upon us, and God, we ask right now as we come to this point of decision, this body to discuss the business of our city. God, we ask that you would look on us and bless us, that you would give us not only fellowship and love, but God that you would give us wisdom and knowledge God that we may make the right decisions. God, we thank you for all that you have done for us and we bless thy name. Amen.

Mr. Horsley: Would you please join me in the pledge?

Group Pledge: "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."

Mr. Wall: I've asked Commissioner Redmond to introduce the members of the Planning Commission.

Mr. Redmond: Well, thank you, Mr. Chairman. I'll start on this what for me is my right if you're sitting in front of us that would be your left on the dias. That is Kay Wilson. She is a Deputy City Attorney. Part of her portfolio is planning and zoning matters. Actually she has been here, I guess, all 16 years I've been here, is that right?

Ms. Wilson: 24 years.

Mr. Redmond: Very impressive in many ways. So we have a new member. This gentleman who is to the left of Kay is Michael Clemons. Michael is a political science professor at Old Dominion University. He represents the Centerville District. It's his first day on the job. So you know, let's be a little bit gentle with him. In any event seated next to Michael is Holly Cuellar. She serves at large, and she is a consultant. This gentleman next to me is

John Coston. John also serves at large and he is a retired fire captain. By the way, if I say something wrong about you, please correct me. My name is Dave Redmond. I'm a commercial real estate broker and I represent the Bayside District. That is Don Horsley. He is a farmer. He serves at large, but he resides in the Princess Anne District, and represented the Princess Ann District on this body for many many years and as you know really kind of our most senior member, I would put it that way. Jack Wall is our chairman. He represents the

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Rose Hall District and he is an engineer by trade. Seated next to Jack is George Alcaraz. He is the vice chairman of this Commission. He wears a bunch of different hats. He's a businessman, he is an events promoter. Congratulations by the way, City Council awarded some significant new investment to one of his ventures which is the East Coast Surfing Championships which serves his community very well, George has a gigantic hand in that, and I think you know, City Council's obvious confidence in that is, you know, is very impressive. He's also a restaurant owner. He's also a contractor. He does a bunch of different things. Here he is our vice chairman. Seated next to him is Dee Oliver. She is a former chairman and a former vice chairman. She serves at large and she also does a bunch of different things. She has interests in the funeral business and some other kinds of businesses. She's an author. She's got a lot of guts if you read the newspapers by the way. That empty chair is where we normally have David Weiner. David too is a former chairman and vice chairman. He represents the Kempsville District. I don't know where he is today, but obviously he wasn't able to be with us. David Bradley represents the Princess Anne District and he is a former budget director for the City of Virginia Beach. The guy in the seersucker suit of whom I am jealous because I used to have a suit like that and don't anymore, is Barry Frankenfield. He represents the Lynnhaven District. He is a former Planning Director. So he we have known him in that context as well, and he is at least semi-retired as you can tell from that tan, and then seated next to him, Mr. Tajan. Bobby Tajan is the Planning Director. He has a very capable staff and I'm going to toss the ball to him, so Bobby can introduce some of his team her here with us today.

Mr. Tajan: Thank you very much Mr. Redmond. Clerking today, we have Madison Harris and Pam Sandloop. With the Planning Administration team, we have Carolyn Smith, who is our Planning Administrator, Hoa Dao and Marchelle Coleman, Michaela McKinney, Elizabeth Nowak, as well as our DSC Administrator Carrie Bookholt, our Zoning Administrator Hannah Sabo, the City Traffic Engineer Ric Lowman, Brandon Hackney in Zoning, Levi Luckenbach as well as a new planner that we have just hired recently away from another locality, Gareck Hannigan, who is also in our Zoning shop now. So we welcome Gareck to the team. Also in the audience, we do have Tori Eisenberg with the City Attorney's Office and I may have missed somebody, but that is the staff.

Mr. Redmond: Thank you, Mr. Tajan. Thank you, Mr. Chairman. 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 differ 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 in which have favorable staff recommendation. The 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 Civic League or Homeowners Association, in which case they will have 10 minutes. For WebEx speakers, once your name is called please pause for two to three seconds to begin to ensure the Commissioners hear your complete remarks. As only one audio feed can be opened 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 today by the Planning Commission are in a 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.

Mr. Wall: Okay, thank you. The next, order of business is the consideration of requests to withdraw or defer an item. If you have an item to be withdrawn, please come forward. We got one item for withdrawal. Thank you.

Mr. Bourdon: Chairman for the record, Eddie Bourdon, Virginia Beach Attorney representing Case#9 Schweitzer Gray and Nelson which is being withdrawn, but we'll be back in a different form next month. Professor Clemons. Welcome. Thank you very much.

Mr. Wall: Do I have a motion to withdraw agenda i#9. We have a motion by Mr. Horsley and a second by Ms. Oliver. Are there any Planning Commissioners abstaining on these items to be withdrawn? I do have a declaration to make concerning this agenda item, I have on file a disclosure regarding the Planning Commission

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discussion and votes on this agenda item of Joyce Nelson, Shelley Gray Sweitzer, and Suzanne Gray at 2748 West Landing Road #9 on the July

Planning Commission agenda. I will disclose that I have no financial interest and I will be voting on this matter at today's Planning Commission Public Hearing.

Madam Clerk: Vote is open. Mr. Clemons, can we get your vote please?. By recorded vote of 10 in favor, and 0 against agenda item #9 has been withdrawn.

Mr. Wall: Okay, thank you. All right, if you have an item to be deferred, please come forward.

Mr. Beaman: Mr. Chairman for the record, Rob Beaman local land use attorney here for the applicant on items 3 and 8, we request a 30-day deferral on item three please and an indefinite deferral on item eight. Thank you.

Mr. Wall: Okay, thank you. Anything else?

Mr. Bourdon: Again, Mr. Chairman, Eddie Bourdon, Virginia Beach Attorney representing Rudolf General Booth on Case#2, requesting an indefinite deferral please.

Mr. Wall: Okay. Thank you. Does anybody have any objections to these items being deferred? Do I have a motion to defer agenda item #three for 30 days and agenda items #2 and #8 indefinitely?

Ms. Oliver: So moved.

Mr. Wall: Motion by Ms. Oliver, and a second by Mr. Horsley. Is there anyone that is abstaining from these from this vote?

Madam Clerk: Vote is open. Recorded vote of 10 in favor, 0 against agenda items #2 and #8 have been deferred indefinitely and agenda item #3 has been deferred for 30 days.

Mr. Wall: Okay, thank you. The next order of business is the consent agenda, and I'm going to turn that over to the Vice Chair to run that portion of the meeting.

Mr. Alcaraz: Thank you, Mr. Chair. Today we have 17 items on the Consent Agenda. These are applications that are recommended for approval by staff, and the Planning Commission has concurred, and there are no speakers signed up in opposition. Agenda Item #1 City of Virginia Beach, an Ordinance to amend a section of 401

**Virginia Beach Planning Commission
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Agenda Item # 1**

City of Virginia Beach

An Ordinance to amend Section 401 of the City Zoning Ordinance pertaining to small scale agricultural processing as permitted uses in Agricultural Zoning Districts

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Wall: Okay, thank you. The next order of business is the consent agenda, and I'm going to turn that over to the Vice Chair to run that portion of the meeting.

Mr. Alcaraz: Thank you, Mr. Chair. Today we have 17 items on the Consent Agenda. These are applications that are recommended for approval by staff, and the Planning Commission has concurred, and there are no speakers signed up in opposition. Agenda Item #1 City of Virginia Beach, an Ordinance to amend a section of 401 of the City's Zoning Ordinance pertaining to small scale agricultural processing as permitted uses in agricultural zoning districts. City staff is coming to speak on that.

Ms. Sabo: Ms. Good afternoon, Hannah Sabo, Zoning Administrator. This is an Ordinance to amend section 401 of the City's Zoning Ordinance pertaining to small scale agricultural processing as permitted uses in the Agricultural Zoning District, and this amendment is sponsored by Councilmember Henley. This was brought forth as a request to the Agricultural Advisory Commission back in 2021, and we've been working with them on this amendment ever since and the Agricultural Advisory Commission did vote to support this amendment at their meeting on Monday, July 11, 2022. There are a number of existing agricultural uses that are already permitted in the agricultural one and two districts including agriculture orchards, vineyards, nurseries, along with agricultural products sales up to 3500 square feet by right and then with a conditional use permit over that as well as fine farm wineries or breweries and farm distilleries. There are three uses that we're adding to the agricultural districts. The first one is small scale processing or packaging of livestock, in conjunction with a bona fide agricultural livestock operation on the same parcel not exceeding 250 head of livestock per year, does not include the processing of livestock. The second use is the small scale processing of poultry again in conjunction with a bona fide agricultural poultry operation on the same parcel not exceeding 20,000 poultry per year, and that does include the slaughter of poultry, and then the third use is the small scale processing, extracting, packaging or fabricating of agricultural product in conjunction with a bona fide agricultural operation on that same parcel. The maximum processing area is not to exceed 3500 square feet, and does not include the area for storage and that does not include the processing of livestock or poultry. And again, this is an ordinance to amend section 401 of the City's Zoning Ordinance pertaining to small scale agricultural processing as permitted use in the Agricultural Zoning District.

Mr. Alcaraz: Thank you. Mr. Chair that was the last item on the Consent Agenda, the Planning Commission places the following applications on the consent agenda, items number 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22.

Mr. Wall: Okay, thank you. First, I'm going to do motioning, we have quite a few items on the Consent Agenda. I'm going to ask for the motion and then we're going to get to the abstention I think, there are a couple. So do I have a motion to approve by consent agenda items? 1, 4 & 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22. We have motion by Mr. Alcaraz and a second by Mr. Horsley. Are there any abstentions?

Mr. Alcaraz: Yes. On #17, I have on file on the Planning Commission meeting files a disclosure regarding the July Planning Commission discussion and vote on #17 U.S. Surf Company Inc. at 2017 Arctic Avenue. I will abstain from voting or discussing this matter at the July 13, 2022 Planning Commission Public Hearing.

Mr. Wall: Okay, thank you. Anybody else?

Mr. Redmond: Mr. Chairman, I have a letter on file with the City Attorney's office abstaining from all STR applications and ordinances and short term rental applications and ordinances. In this meeting that would be agenda items #18, 19, 20, 21, and 22. It will be in support of the consent agenda, but specifically abstaining from those agenda items 18, 19, 20, 21 and 22. Thank you.

Madam Clerk: Vote is open. By recorded vote of 10 in favor and 0 against agenda items 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, and 16 have been recommended for approval by consent. Agenda Item #17, by a vote of 9 in favor and 0 against with Commissioner Alcaraz abstaining is recommended for approval by consent and agenda items 18, 19, 20, 21, and 22 by a vote of 9 in favor and 0 against with Commissioner Redmond abstaining are recommended for approval by consent.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Frankenfield	AYE			
Horsley	AYE			
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner				ABSENT

**Virginia Beach Planning Commission
 July 13, 2022, Public Meeting
 Agenda Item # 2**

Rudolf Development General Booth, LLC [Applicant & Property Owner]

Conditional Rezoning [Conditional B-2 Business District to Conditional I-1 Industrial District]

Address: Parcel directly east of 1700 General Booth Boulevard, north of Edison Road

DEFERRED INDEFINITELY

Mr. Wall: Okay, thank you. All right, if you have an item to be deferred, please come forward.

Mr. Beaman: Mr. Chairman for the record, Rob Beaman local land use attorney here for the applicant on items 3 and 8, we request a 30-day deferral on item three please and an indefinite deferral on item eight. Thank you.

Mr. Wall: Okay, thank you. Anything else?

Mr. Bourdon: Again, Mr. Chairman, Eddie Bourdon, Virginia Beach Attorney representing Rudolf General Booth on Case#2, requesting an indefinite deferral please.

Mr. Wall: Okay. Thank you. Does anybody have any objections to these items being deferred? Do I have a motion to defer agenda item #three for 30 days and agenda items #2 and #8 indefinitely?

Ms. Oliver: So moved.

Mr. Wall: Motion by Ms. Oliver, and a second by Mr. Horsley. Is there anyone that is abstaining from these from this vote?

Madam Clerk: Vote is open. Recorded vote of 10 in favor, 0 against agenda items #2 and #8 have been deferred indefinitely and agenda item #3 has been deferred for 30 days.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Frankenfield	AYE			
Horsley	AYE			
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner				ABSENT

**Virginia Beach Planning Commission
 July 13, 2022, Public Meeting
 Agenda Item # 3**

TFJG Canopy, LLC [Applicant & Property Owner]

Conditional Rezoning [A-12 Apartment District to Conditional B-4 Mixed Use District]

Address: 1413 Laskin Road

DEFERRED FOR 30 DAYS

Mr. Wall: Okay, thank you. All right, if you have an item to be deferred, please come forward.

Mr. Beaman: Mr. Chairman for the record, Rob Beaman local land use attorney here for the applicant on items 3 and 8, we request a 30-day deferral on item three please and an indefinite deferral on item eight. Thank you.

Mr. Wall: Okay, thank you. Anything else?

Mr. Bourdon: Again, Mr. Chairman, Eddie Bourdon, Virginia Beach Attorney representing Rudolf General Booth on Case#2, requesting an indefinite deferral please.

Mr. Wall: Okay. Thank you. Does anybody have any objections to these items being deferred? Do I have a motion to defer agenda item #3 for 30 days and agenda items #2 and #8 indefinitely?

Ms. Oliver: So moved.

Mr. Wall: Motion by Ms. Oliver, and a second by Mr. Horsley. Is there anyone that is abstaining from these from this vote?

Madam Clerk: Vote is open. Recorded vote of 10 in favor, 0 against agenda items #2 and #8 have been deferred indefinitely and agenda item #3 has been deferred for 30 days.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Frankenfield	AYE			
Horsley	AYE			
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner				ABSENT

**Virginia Beach Planning Commission
July 13, 2022, Public Meeting
Agenda Items # 4 & 5**

SXCW Properties II, LLC [Applicant]
Tract No. 8, LLC [Property Owner]

(4) Conditional Rezoning [AG-2 Agricultural District to Conditional B-2 Business District]

(5) Conditional Use Permit [Car Wash Facility]

Address: Parcel on the southwest corner of Sandbridge Road & Fisher Arch, east of 1973 Sandbridge Road

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Alcaraz: Thank you for that. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, moving on to items #4 and #5 together, SXCW Properties, LLC for Conditional Rezoning AG-2 Agricultural District to Conditional B-2 Business District for a carwash. Would the applicant or representative please come forward.

Mr. Garrington: Thank you. Good morning Mr. Chairman, ladies and gentlemen of the Planning Commission. For the record, Billy Garrington on behalf of the applicant. The applicant is SXCW Properties II LLC, Conditional Rezoning and a Conditional Use Permit for a car wash on Fisher Arch in the Sandbridge section of City of Virginia Beach. There are four conditions in the staff write up and four proffers. Also in the staff write up we're in total agreement with the recommendations by your staff, and we thank you for putting this on the consent agenda.

Mr. Alcaraz: Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I have asked Commissioner Dave Bradley to read it for the record.

Mr. Bradley: The applicant is requesting to rezone a 2.6 acre site along Sandbridge Road from AG-2 Agricultural District to Conditional B-2 Community Business District as well as a Conditional Use Permit to construct and operate a carwash facility. Property is on the corner of Sandbridge Road and Fisher Arch and the Comprehensive Plan is within the Transition Area. The plan depicts a 4115 square foot single bay carwash building with four parking spaces designated for employees and 20 spaces designated with vacuum stations. The proposal meets the parking requirements set forth in the Zoning Ordinance. Staff recommends this and since there were no known speakers in opposition, we decided to put it on our consent agenda.

Mr. Alcaraz: Thank you. Mr. Chair that was the last item on the Consent Agenda, the Planning Commission places the following applications on the consent agenda, items number 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22.

Mr. Wall: Okay, thank you. First, I'm going to do motioning, we have quite a few items on the Consent Agenda. I'm going to ask for the motion and then we're going to get to the abstention I think, there are a couple. So do I have a motion to approve by consent agenda items? 1, 4 & 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22. We have motion by Mr. Alcaraz and a second by Mr. Horsley. Are there any abstentions?

Mr. Alcaraz: Yes. On #17, I have on file on the Planning Commission meeting files a disclosure regarding the July Planning Commission discussion and vote on #17 U.S. Surf Company Inc. at 2017 Arctic Avenue. I will abstain from voting or discussing this matter at the July 13, 2022 Planning Commission Public Hearing.

Mr. Wall: Okay, thank you. Anybody else?

Mr. Redmond: Mr. Chairman, I have a letter on file with the City Attorney's office abstaining from all STR applications and ordinances and short term rental applications and ordinances. In this meeting that would be agenda items #18, 19, 20, 21, and 22. It will be in support of the consent agenda, but specifically abstaining from those agenda items 18, 19, 20, 21 and 22. Thank you.

Madam Clerk: Vote is open. By recorded vote of 10 in favor and 0 against agenda items 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, and 16 have been recommended for approval by consent. Agenda Item #17, by a vote of 9 in favor and 0 against with Commissioner Alcaraz abstaining is recommended for approval by consent and agenda items 18, 19, 20, 21, and 22 by a vote of 9 in favor and 0 against with Commissioner Redmond abstaining are recommended for approval by consent.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Frankenfield	AYE			
Horsley	AYE			
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner				ABSENT

CONDITIONS

1. At the time of site plan review, a Landscape Plan that reflects the plant material depicted on the exhibit entitled, "REZONING AND CONDITIONAL USE PLAN", dated 12/03/2021, prepared by Gaddy Engineering Services, LLC, which has been submitted and is on file with the Virginia Beach Department of Planning, shall be submitted for review to the Development Services Center and shall obtain approval prior to the issuance of a building permit. Landscape material shall be installed on site in compliance with the requirements of the Virginia Beach Landscape Guide. Landscaping required, depicted on the Landscape Plan, and to be installed includes, but is not limited to, the following:
 - a. Foundation landscaping along the Fisher Arch façade of the car wash building.
 - b. Street frontage landscaping, a minimum ten (10) feet in width, shall be installed along Sandbridge Road and Fisher Arch.
 - c. A variable width landscape buffer to include a variety of trees and shrubs from the list of Category III plantings shall be installed along the multi-use trail along Sandbridge Road or as determined by the Director of Planning.
2. All vacuum stations shall be screened from the rights-of-way with plant material of a size and species acceptable to the Development Service Center's Landscape Architect, all of which shall be depicted on the Landscape Plan.
3. All exterior lighting shall be low intensity and residential in character. Consistent with Section 237 of the City Zoning Ordinance, all outdoor lights shall be shielded to direct light and glare onto the car wash premises; said lighting and glare shall be deflected, shaded and focused away from all adjoining property. Outdoor lighting fixtures shall not be erected any higher than 14 feet. A Photometric Plan shall be submitted during the site plan review process to ensure that all lighting on the site will be shielded and directed downward to limit the potential for overspill beyond the property's boundary.
4. Signage for the site shall be limited to the following:
 - a. Directional signs.
 - b. One (1) monument-style freestanding sign, no more than eight (8) feet in height, set in a brick base and shall be constructed using materials and color scheme to match the building.
 - c. No striping shall be permitted on the vacuum station canopies.
 - d. All signage shall be externally lit. There shall be no neon signs, or neon accents installed on any wall area of the building, on the windows and/or doors, canopy, light poles or any other portion of the site.
5. Any onsite signage shall meet the requirements of the City Zoning Ordinance, unless otherwise approved by the Board of Zoning Appeals, and there shall be no neon, other than individual channel letters lighted with internal neon and as approved by the Zoning Administrator, or electronic display signs or accents installed on any wall area of the exterior of the building, in or on the windows, or on the doors. There shall be no window signage permitted. The building signage shall not be a "box sign" and the proposed sign package shall be submitted to the Department of Planning for review and approval.

PROFFERS

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

Proffer 1:

When the Property is developed, the entrance, streets, internal layout, landscaping and fencing shall be substantially in accordance with the “REZONING AND CONDITIONAL USE PLAN”, dated 12/03/2021, prepared by Gaddy Engineering Services, LLC, which has been submitted and is on file with the Virginia Beach Department of Planning (“Conceptual Plan”).

Proffer 2:

When the Property is developed, the project shall have the architectural design substantially as depicted on the rendering entitled “SAM’S XPRESS CAR WASH COLOR ELEVATIONS CORNER OF FISHER ARCH AND SANDBRIDGE ROAD VIRGINIA BEACH, VA,” dated 04/27/2022, prepared by Oak Line, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning (“Review Set”).

Proffer 3:

The final stormwater management plan submitted to the Development Services Center (DSC) shall be in substantial conformance with the preliminary stormwater analysis.

Proffer 4:

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

Staff Comments: The proffers provide a high level of predictability in terms of references to architectural style and elements, site layout and vehicular access, plantings, stormwater, and signage. 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
July 13, 2022, Public Meeting
Agenda Item # 6**

**Winner's Properties, LLC [Applicant]
Runnymede Corporation [Property Owner]**

Modification of Conditions

Address: 3700 & 3736 Sentara Way

RECOMMENDED FOR APPROVAL - HEARD

Madam Clerk: Thank you, Mr. Chairman. Our next agenda item is agenda item #6, Winner's Properties, LLC. It's an application for a Modification of Conditions on property located at 3700 and 3736 Sentara Way in District 3, formerly the Rose Hall District.

Mr. Wall: Okay, thank you. Please state your name for the record.

Mr. Garrington: I will Mr. Chairman, ladies and gentlemen of the Planning Commission for the record, Billy Garrington on behalf of the applicant Winner's Properties, LLC. 3700 & 3736 Sentara Way. We thank you for hearing this case again today, Mr. Chairman. We have used up an unusual amount of your time and of your staff's time on this request, and we certainly hope that today will be the last time that we that we use up some of your time, but it's sometimes you run into one like this that has a heartbeat of its own, and this one certainly has a heartbeat of its own. So to refresh your memory on this, as you recall, we were back here back in February, and the original plan was to take this entire wooded parcel here and develop that for the new Genesis Dealership had had significant opposition from the neighborhood, from the BMX Bicycles, and from the staff too. So that plan was turned down by City Council. The plan that we have now is that you would take the Genesis Dealership and put it on this existing Hyundai Dealership, which has been there for 25 years, having been built back in 1997, when it was the Auto Nation Dealership, and it is now the Checkered Flag. So that's the request that you have now, the new dealership would be placed, as you see here. Part of this wooded area that we were originally trying to develop will be redeveloped again for additional parking, but it won't be the entire wooded parcel that you see. The rest of it will be dedicated, conveyed to the City of Virginia Beach. You've got a significant buffer along the front here, 50 feet to buffer any of that parking lot on these existing homes over here, along Windsor Oaks West. I got to tell you this, since we were here in February that people from Checkered Flag had been meeting with the Civic League and the residents that live in that area, and they have made significant strides along some of the areas that were a concern, and those concerns were on-street parking, which we had a problem with, and that has been resolved and is going to be resolved even better. You had the noise from the cars that were being unloaded, noise from the burglar alarm that was on the building, you had all kinds of problems, even with the lawn care people that were coming at odd hours of the day, the dumpster that was being delivered and dumped at odd hours of the morning, so we've tried to work with that. Offloading of vehicles on the public right away that were being done, and we're addressing that and the last one was lighting. You've got some lights that filter over into the

neighborhood along the front of the Hyundai. We are in the process of taking shields and put it on the light fixtures that are there to shield that down to make sure that we don't eliminate the areas next door. So, it's not like the Checkered Flag people have not done anything since we were here in February because they have been trying to work with them. Have I made them 100% happy? I don't think there's any way we could make them 100% happy, but we have addressed the items that we can. So, if you would take just the staff write up that you have in front of you today with the 29 conditions that are in there, we're in agreement with those 29 conditions, and we would be well on our way to getting this approved, but you still have opposition from the neighbors in regards to the request even with those 29 conditions that you see there today. So, I'm here to tell you that we're in agreement with staffs write up, and Kyle Korte will expound upon that a little bit more, and then we'll hear from the opposition and see if we can rebut their opposition and tell you what we can and can't do to make this a better situation. But again, this is a dealership that's been there for 25 years, and we're going on to that existing lot with the new dealership. We're not taking all those trees down that we were before, and I'm sure your memory is very good. You had them talking about red-tailed hawks, you had them talking about foxes, you had them talking about all kinds of wildlife that we were going to displace. That whole area is not being developed anymore, like it was on our original request.

Mr. Wall: Okay, thank you. Mr. Korte is going to speak as well?

Mr. Garrington: Yes, sir.

Mr. Korte: This is Kyle Korte again; I represent the Checkered Flag dealerships and a lot of their matters pending in the area. I'll reiterate what Mr. Garrington said, simply the efforts that have been made to accommodate the staff's recommendations, the staff's conditions, and to meet with and communicate with the neighbors and address any and every concern that could be addressed on their behalf. I understand that you may hear from some folks today regarding potentially a location of that entrance way to the west of the property of the final location of that and there's a desire, I understand it, to have the entranceway remain where it is and just expand the parking lot to the left. Based upon the communications with Checkered Flag and the different folks that are in-charge of the operations, that is an untenable solution, because they need the entranceway to be as far to the west as it can be for the purposes of unloading and loading the vehicles there were, as you may recall, a source of significant disruption in the community to have that drive lane there where the cars can or the trailer can go up there and drop them off. The parking spots you see to the west are going to be the dedicated employee parking places, such that we're not disrupting customer service flow, or any of the potential customers that want to test drive vehicles. So as I understand it, and subject to being surprised shortly, I believe that is the chief objection as it sits here today from the neighbors, and Checkered Flag has made the every accommodation we could such that the drive entranceway there, as you'll see on the plan, it you know, it will just based on the location it will impact some mature trees, but the concession there was both the buffer area all the way to 50 feet to allow for the view corridor from the neighborhood, some noise buffering, and just aesthetically to the neighborhood to keep all the mature trees that can't be in place and the conditions that Mr. Down, the city staff had put in place to require other than that particular area where there will be the entrance way for the mature trees

to remain in place, which we've agreed to, and to add what landscaping would be necessary to satisfy the city's requirements as far as street landscaping. I welcome any questions or any issues that may need further explanation, if Mr. Garrington or myself didn't do a sufficient job?

Ms. Oliver: The buffer is to the left with the employee parking lot is, the drawing is short. The other side of that is Sentara Hospice House, right?

Mr. Korte: Eventually, yes, ma'am. So, what you're seeing there the part that shaded blue is going to be the new proposed parking lot, 1.3 acres there is the parcel that Checkered Flag or Checkered Flag entity is under contract to purchase is that entire parcel that's outlined there. The plan is to develop the blue portion into the parking lot that's being proposed today. That green portion will be under the plan; it is going to remain as is. The ultimate plan is to convey it to the city, and I understand there's some discussions there of how the neighborhood wants to. Do they want to remain wooded and undeveloped or within a park or city, you know, but that at the point is conveyed away, it's not ours. That 50 foot buffer you see is our property that they will be in-charge of maintaining as a buffer.

Ms. Oliver: In front on Sentara Way?

Mr. Korte: Yes ma'am, the southern portion of the parcel that abuts Sentara Way.

Ms. Oliver: So that's the part that they are addressing not to the left, not the woods that separate the hospice house from the parking lot?

Mr. Korte: As I understand it, the woods we are going to leave them completely untouched. There is no objection there. As I understand it in that plan, you see the entranceway, that entranceway will be landscaped with trees and entrance we will be moved to the far western portion almost where the green is, and so the objection is that entrance where as I understand the objection, that entrance way will require the removal of some of the trees there, and that's just, I mean, the nature, you know, unfortunately, you know, we've tried to, I heard the comparison of it, it's like cutting a pumpkin. We're trying to cut the pumpkin with a minimal amount of cuts, and that is where we are as far as having that development there.

Ms. Oliver: Got it. Thank you.

Mr. Wall: I've got a few questions. So, you've got the box outlined there. It looks like it goes up to the edge of pavement up to Sentara Way, you're not including that 50 feet as part of the dedicated write of Sentara Way, that 50 feet outside...

Mr. Korte: It's 50 feet of the buffer, right.

Mr. Wall: Okay, and up to the point of that green area, the 113 feet that's dedicated to the city?

Mr. Korte: We are in the process of sorting through that.

Mr. Wall: If this is what gets approved by City Council what assurances do we have that that's going to take place?

Mr. Korte: The assurance is in the in the application of the conditions are that that green area remains as is, and it's labeled as being conveyed to the city because that's the ultimate intention.

Mr. Wall: Part of the conditions?

Mr. Korte: That's correct. Yes, sir.

Mr. Wall: One thing that a little bit of new discussion on is the signage for the property branding or trademark, Checkered Flag itself, that it doesn't necessarily have to be lit from the ground up.

Mr. Korte: Are we are talking the flag?

Mr. Wall: Yes, we are talking about the flag, that is kind of outlined in condition #26, that everything is supposed to be shielded downward, but for some reason the flag is left out that that shielding. So, I believe there is a way though to direct that light downward.

Mr. Korte: So, here's the issue and just to orient everyone the flag is, I guess, to the northern portion of that parcel almost to the BMP.

Mr. Wall: So the flag is roughly 500 feet away from the..?

Mr. Korte: Give or take right there, and I have not measured I believe, a city staff measured it from the from the Sentara Way border. I can't represent to you the exact distance, but I can tell you it's right next to the BMP, and it's the flag if you're on that obviously is 264 at the top of the depiction there, and if you if you drive they have the Checkered Flag blowing in the wind there and there are lights that are at the 14-foot maximum level that I did not realize their lights can until I walked the site, but when you see them they shine up directing towards the flag and the condition is a saving except those two lights, all other lights are 14 feet which is under code and then directed downward, and then the Sentara if you recall when we're here, you know, I'm whenever we were last here, the lights adjacent the Sentara Road, you'll see a condition in there. There was a potential light pollution issue from those lights to the adjacent properties on the far side of Sentara, I guess to the south of the parcel, and you'll see a condition in there that requires any lights within 25 feet of Sentara way to be shielded, such that no light would go, I guess be directed to the south.

Mr. Wall: How many of these flags per se, you have quite a few Checkered Flag businesses; does each one have one of those?

Mr. Korte: Generally, they have Checkered Flags, whether every location Mr. Garrington may know. I know I've driven by right when I visit the various dealerships there are Checkered Flags there, but I can't represent to you that everyone or what number has it I certainly don't know.

Mr. Wall: I would imagine many, obviously important to their trade?

Mr. Korte: Yeah, I would hope so. I would assume but I couldn't tell you if it was at every location and same one or whatnot. Per Mr. Garrington every location has one.

Mr. Wall: Are they all lit from below or do they have lights on top of it?

Mr. Korte: I usually shut my personal interest down around 08:30 and go to bed.

Mr. Wall: Are there any other questions? Thank you for your time.

Madam Clerk: Mr. Chairman. We have five speakers, Peter Burning, followed Sandra Shinabarger.

Mr. Burning: Good afternoon, my name is Peter Burning. I live at 104 Presidential Boulevard, which is directly south on the other side of Sentara Way. I would say back in February and even back in November, myself and our neighbors were probably miles apart from what Checkered Flag wanted to do. Right now, I'd say we've moved into about, well, literally 100 feet, and that's the distance of from where their entrance is now, that was just discussed to where that new cut through the curb and through that buffer zone, right about where that white arrow is. So, they want to take the buffer zone, which is fantastic, and then basically knock its middle tooth out, and cut through there to create that entrance and maneuver space for the unloading and loading of the car carriers. Even though just down Sentara Way, that little spur between Sentara Way and Rosemont Road, Hyundai Drive, I think it's about 400 feet long of private drive provides plenty of space for loading and unloading of those car carriers, and they've done that and they've been doing that for some time. So saying that they absolutely need.

Mr. Redmond: They've done that and have been doing that for some time. I don't know what you mean by that.

Mr. Burning: Previously, they used to do the unloading of the vehicles right there on Sentara Way, right behind the houses, and there were cars parked on either side. They had created their own no parking zone there to do so. They've changed that after we brought it up. They've removed the parking from Sentara Way, and they started doing some unloading of car carriers right next to the Jack Rabbit Storage area on their private drive.

Mr. Redmond: I didn't understand what you're saying.

Mr. Burning: So there is plenty of space, they do want to do it on property, that private drive is their property so they can continue to do an on property. We just want to see that buffer, which is great to remain fully intact, because once you cut that 2627 eight foot out of it, it really makes a buffer a lot less effective towards the neighborhood, and throughout this process, they have been very helpful and coming towards and helping meet a lot of the expectations, we expect of a neighbor business that sits right next to a residential area. To address the condition 26 with the up lighting, I think you've expressed it very well. It just shoots light pollution straight up into the sky. It reverses a specific condition from 2013 to down light those flags, and yes, every Checkered Flag applies those flags, just sending unnecessary light straight up into the sky by the city, which I'm sure, you know, the Comprehensive Plan

specifically addresses light pollution, and light should be directed downward and giving them a condition straight up, I think goes straight against that.

Mr. Wall: Thank you, Mr. Burning.

Mr. Wall: So, your thoughts are that there are other opportunities to load and unload?

Mr. Burning: Yes, and they've demonstrated that can be done. It's a longer walk for the truck drivers and takes a little longer time to do the unloading, that loading with the noisy ramps, the idling trucks, that would all happen to the east next to Jack Rabbit Storage and that office park just south, completely away from the homes, completely away from any residences, and I think that's a better solution than cutting through that that buffer and doing it on their property right there.

Mr. Wall: I do have one thing, you've worked with them, these many months to get to this point. Did that come up, that access, previously or what was that?

Mr. Burning: That's a relatively new layout, and they did provide the drawings a little while ago, and the more you look at it, the more you walk the area, you realize that 50 feet isn't that much, and a lot of the most mature trees are just beyond that 50 foot that we're going to lose.

Mr. Wall: Did you look at where the right of way starts or where it ends to where those 50 feet starts at the edge of the right of way? Are you taking that from the edge of the pavement?

Mr. Burning: So, looking at this, and I actually did this yesterday. So, looking at their scale, the 50 foot starts just on the other side of the sidewalk...

Mr. Wall: Because that's where the right of way starts.

Mr. Burning: So, 50 foot in from there is pretty good and saves a whole bunch of trees, which we're very thankful for, but then if you'd knock out, you know, a wide swath of that, it really cuts that buffer into two chunks, and really makes it less efficient just for driving trucks in and out which they don't really have to do.

Mr. Wall: So, their layout is it's a fairly new layout compared to what it would look like over the past couple months, I mean.

Mr. Burning: Previously, like they've said they would take the whole wooded area, and sort of do with as I please, but I don't believe that cut was there and there was no buffer at that time.

Mr. Wall: There was no buffer.

Mr. Burning: No, it would have been cut clear. So, this is better, we think the best solution is to keep that buffer fully intact and effective, and then use that other 400 foot of drive to do the operations on their property.

Mr. Wall: Okay, Alright. Could you take your pointer and show me where you want this to occur, please?

Mr. Burning: You can't see it on there. It's just off the map. If they could get higher into the east, you would see the Jack Rabbit Storage. It's called Hyundai Way Lane, used to be Drivers World Way.

Ms. Oliver: The first slide has it on there.

Mr. Burning: So right there where you see Drivers World Way, that's a roadway that connects Rosemont to Sentara Way. It's about two lanes wide, you know, plenty of space to do the offloading there, and they've done it before I've seen. They don't always have control of the truckers when they arrive and when they do their operations. But over time, I think they would learn to use that as the best place to conduct that operation.

Madam Clerk: Sandra Shinabarger, followed by Eve Trulecky.

Mr. Wall: Please state your name for the record.

Ms. Shinabarger: I'm Sandra Shinabarger, I live on the opposite side of Rosemont Road, and I wanted to point out that when you zoom out even further, I was talking to someone at the Department of Environmental Quality, and they pointed out, when you zoom out further, this is the very last of the wooded parcel and quite a large area. We're talking about neighborhoods called Windsor Woods, Windsor Oaks, and Windsor Forest. It is also affecting further down Windsor Gate, Princess Anne Plaza, Thalia, Birchwood, Malibu, Chimney Hill, etc. So I was just hoping you would all consider the health and property values of the hundreds of taxpaying residents who live all around there while you're also considering, you know, one wealthier resident who's already selling the Genesis cars around the corner at a high end dealership.

Ms. Oliver: I'm sorry, ma'am, I didn't catch the last part of what you just said. We couldn't hear you, just the last couple of sentences.

Ms. Shinabarger: Just considering the property values and health of hundreds of residents that live all around this larger area, while at the same time considering the one wealthier resident that's already selling the Genesis cars around the corner at a high end dealership on the Boulevard. So does that make sense? Anyway, there's a lot of people that are going to be affected by this because the trees filter the fumes. I don't feel like, I just hope Commissioners wouldn't want to be remembered as a reason for smog in Virginia Beach and breathing problems like asthma. That's not a good look for relocating to Virginia Beach, and neither are heat strokes. I was hoping to show is when you zoom out, even Independence has woods in there, clover leaves out that exit ramp, and Rosemont doesn't have that. Like this is the last block of woods in this whole area, they're gone like everything's has been paved. So, I just wanted to point that out. Also, neighbors have repeatedly suggested building upwards and building upwards has repeatedly been dismissed for about eight months, even though the Hyundai company, they promote a pro-environmental stance, they have that on their website that they're known for that. So that's what I was trying to hope to show there, and also as far as preserving the buffer, there was also an issue where some trees were removed on VDOT property and according to VDOT, there was not permission to remove them, and Checkered Flag admitted to doing it and they pointed out that it was a contractor mistake, so

I have reason to believe that more mistakes would be made regarding aggressive tree removal, and wanted to clarify that the city was interested in 3.2 acres not the 1.2 acres as far as, thank you.

Mr. Wall: Are there any questions for Ms. Shinabarger?

Madam Clerk: Eve Trulecky followed by Arthur Trulecky, and then Bodn Trulecky.

Ms. Eve: My name is Eve Trulecky, and I live across from the wooded area. In previous meeting, we said how beautiful it is and protect our neighborhood from noise pollution, the wooded area that affects the health and wellbeing of humans and other organisms. Deforestation, the permanent removal of trees to make room for something else like construction, or manufacturing is wrong, this forest beyond our house wasn't planted by humans, a forest planted by humans then left to nature own devices typically takes at least 100 years to mature, produce oxygen and absorb carbon dioxide, and like we said before, forests are home for many species. My other point, the lawyer who will represent dealerships previously said, we cannot predict when drivers will deliver cars due to bad weather, long drive, or traffic. Allowing to build a new business will have more problems, such things as vibration that causes walls to crack or toxic vapor that destroys vegetation, more population, traffic noise, and night lights. When we bought our house, we thought we would live in quiet peaceful residential area, not commercial. In 2020, more than 100 countries pledged to end or reverse deforestation. The Virginia Beach City also wants to retain its tree canopies. For this the reason I'm against the approval of this Conditional Use Permit, and I request that the council motion for this approval. Thank you.

Mr. Wall: Okay, thank you. Are there any questions?

Madam Clerk: Arthur Trulecky followed Bodn Trulecky.

Mr. Arthur: Good afternoon. My name is Arthur Trulecky and I live on Presidential Boulevard. I'm against this plan, it is kind of the old switcheroo they presented us with something else, and now they're adding a driveway and it's completely wrecking the frontal view of the neighborhood. So as you pull into Presidential Boulevard, the first thing you see is the forest behind all the houses. So with that, they're going to be removing a good portion of it and there's going to be just a gap. We're going to be able to see the dealership for that, so therefore I'm against it. Additionally, I think it should be considered that we build maybe a boundary wall, if this does go through, so that way it can prevent more noise, but overall, I'm against it. So thank you. Like a sound barrier wall, they have on the interstate something.

Mr. Wall: On the south side of Sentara Way?

Mr. Arthur: No from the interstate because you can still hear everything from the interstate because I mean, we're gonna be removing a good portion of the woods there. I mean, that buffer zone that is presented right there wasn't what was originally discussed, because we want it to maintain the whole frontal view of it, and with that driveway being moved, I don't know, 150 feet, maybe it's just gonna get rid of all those mature trees up in the front.

Mr. Wall: Well, I thought the discussion was just a few minutes ago that the plan originally, it was more expansive parking lot.

Mr. Arthur: Yes, it was, but during the meetings and everything we discussed that we wanted to keep the frontal view, so in their plan that they presented us they had a buffer area where I think it was like a three foot buffer or whatever, and then the parking lot behind it. So we told them that we wanted to keep the frontal view of the trees and everything. So now they proposed this plan where they have a majority of the trees up front 50 foot, I don't know if that's 50 foot from the street or if that's 50 foot from the start of the property line, but now the added driveway is their what used to be where the red line is on the right hand side, that area is going to be now a buffer so they're going to have to replant trees right there in order to close off that street in and they are opening up that driveway all the way on the left.

Mr. Wall: So maybe this may be a question for Mr. Korte.

Madam Clerk: Final speaker, Bodn Trulecky.

Mr. Trulecky: My name is Bodn Trulecky. I'm right across the dealership. We moved there in 2001 February and the dealership was very small, and I believe so it was called Drivers World. Without any notification few years later, I find out that dealer is expanding. They were asking once to build the bench up there, but I guess that some of the neighbors said no, and we succeeded that way, but later on they start expanding the dealership without me knowing about it. What I'm after we have about seven or eight houses right across the dealership that's a residential area, and we are getting all this noise, etc. Right by, you know, the seven houses from west to east we've got commercial area there. We've got building with the offices, nobody's there. Nobody, you know would complain about the noises, vehicles coming in, and I can see that the dealer is trying to put the driveway right across my house, and basically, it's not going to look good, and it's not going to be good for all the neighbors. The neighborhood is going to go down. Basically, the proposal is to put the big parking lot from north to south with the 50 feet buffer, which is not a lot, my driveway is 38 feet together with the apron. So, what is 50 feet? Why don't you think or why don't they think about putting their parking lot closer to the interstate from the west to the east, leave 200 feet from the Sentara Way. That's all what I have, but please review all this information and help us to decide what we want to do. Do we want to keep it neighborhood nice or commercial? Thank you very much.

Mr. Wall: Okay. Thank you. Are there any questions?

Mr. Alcaraz: I've got a question. My question is, so you say you live in a residential, right? But you always knew it was business or commercial across the street? You always knew that?

Mr. Trulecky: As I said, 21 years ago, the Charlie Barker's or World of Drivers was on the right side, close to...

Mr. Alcaraz: But you always knew it is commercial across the street?

Mr. Trulecky: But in the plans of the city was no, we checked that. We checked that, are they gonna expand or not? We couldn't find anything. The city didn't tell us anything about it.

Mr. Alcaraz: You never know if it's a business property, what they're going to do in the future. They could knock every tree down and put a building without doing this use permit? They're offering something. That's where I'm confused because they're offering a buffer. They're offering ways to try and get what you want, but they could, if this doesn't go, they could build a building and all trees go, every one of them because it's a business lot across from your residential.

Mr. Trulecky: So, I'd be okay, if I open bed and breakfast in my house right across the street.

Mr. Alcaraz: But that is residential.

Mr. Trulecky: Why this is only 50 feet of street.

Mr. Alcaraz: But you are your residential lot.

Mr. Korte: I want to have one last final word too, but if you take what the last gentleman just told you, he is talking about why we don't take this parking lot and move it closer to the interstate to 264, but the problem we're doing that is that you take all these mature trees down, this blocking, the noise is coming off the interstate. So you haven't really accomplished anything by increasing the buffer up here and taking all those trees down. By leaving those trees along the interstate, it'll help block some of that noise that's coming off the interstate, and you also heard Mr. Burning say that when we were here, back in February, we were miles apart, and now we're within a driveway entrance and a light on the flagpole. That's how much we have conceded and how much we have worked together. So you got to admit that we have tried to do our best we can to be a good neighbor and get along with the people who live in the Presidential Boulevard. The thing I was pleased to hear is Mr. Burning's report the efforts of the neighborhood and Checkered Flag and coming together and trying to find a solution, because he's exactly right, we were miles apart. And, you know, Mr. Burning has taken the lead in the neighborhood, he's been very reasonable as far as meeting with us, communicating with the Checkered Flag and trying to find a resolution. And likewise, you know, I am an advocate for him, but I believe Checkered Flag has done the same thing. They've been very, very, very willing to think outside the box and listen to solutions, and one potential solution and that, you know, with Mr. Burning and myself, the communications as far as this drive aisle are relatively reasonable within the last as far as the discussions of how we could come to a place where we could all agree that it's not what we want, but it's what we could live with, had been within the last couple of days, and so the issue he raised today I had not heard before, and that is why we can't continue to offload up there next to the Jack Rabbit, and why that can't be the preferred location, and the reason for that is part of this application is the development of that new showroom, the Genesis showroom, and that would impact, you know, now there's nothing there, it's parking, but when we flip it and put that Genesis showroom there, it eliminates the possibility to use that on a day-to-day basis has a drive lane for the drop off of the vehicles, and so I just wanted to address that one item, and I'll take any other questions or clarifications.

Mr. Wall: Any other questions?

Mr. Redmond: I would just like to understand, you don't own what's call the Grassy Knoll?

Mr. Korte: Yes, sir.

Mr. Redmond: That's owned by Runnymede, I think.

Mr. Korte: It is, we're under contract.

Mr. Redmond: Now you're under contract to purchase that?

Mr. Korte: We are under contract to purchase that.

Mr. Wall: So, explain a little bit about the size of that parking lot, like you've talked about employee parking. Give us a little bit about your background about the employee parking and who is going in that additional parking area?

Mr. Korte: Historically, when this application was first brought before your body and then City Council, there were issues with employees parking on Sentara Way. The employees for one reason or another elected instead of going to eat lunch in their car on site, they would park their car on Sentara Way and go eat lunch there. We candidly didn't have any objections, in them doing that, and we'd never heard or Checkered Flag, never heard any objection from the community, but in going through the application process, part of the requirement for having a business is you have somewhere for your folks to park while they work, and we did, and we do currently, for whatever reason they weren't doing it, and so since that time is a way to, you know, that was one of the big objections with community, we're not hearing much about, we just had everyone's time, we're not hearing about a bunch of the problems we've solved, and that was one of the problems, and so on that plan right now, where you see the drive aisle where the vehicles will be dropped off, that's going to be the dedicated, "employee parking" such that we know, you know, this, we're told is a company policy, that's where you go to park your vehicle while you're working, and we're hoping it's a Checkered Flag line that we sell, but it's going to be on that corner of the of the parking lot, and the intent is to keep them off the street, so it doesn't clog the right away there.

Mr. Wall: So, the employees are all the way to the left or wherever designated within that, and then the rest of the parking is for the operation of the business, for customers?

Mr. Korte: For customers and display. So, there's a service component as well, but it'll be vehicles that are being serviced or sold at the dealership.

Mr. Wall: Well, who came up with the configuration? Like was that your engineer who was the?

Mr. Korte: MSA, initially on the previous application, we had this thing standpoint. We had this dealership was on that was the whole wooded lot was developed with that there. So in order to make this work, part of the new plan was to put this here next to the Jack Rabbit Storage, and then we wanted to take the least amount of this wooded parcels we could, and the idea of becoming we're at the point where we

don't have much more room, right now, if you drive by there, just because of the inventory shortage that you hear everyone talking about. They're there looks like there's plenty of space, but hopefully when things get back to normal, there'll be plenty of vehicles on lot. So, the number of parking spaces or we call display spots is the minimum that we can have and the reason for that as the concession to the neighborhood to allow that portion to remain wooded and not paved as a parking lot. Does that answer your concern to address your concern?

Mr. Wall: Yeah, I think just some of the residents looking at the layout and configuration in more of an east west direction; say it would push into the one acre I think is what they are well providing buffer along Sentara Way. I think that's that was their hope and their intent was to have that buffer, you know, between the parking lot and Sentara Way.

Mr. Korte: I think you heard some discussion, the initial plan when we met with the neighborhood showed this dealership being put here and then the parking lot here but didn't have any landscaping here. It was just the typical city require street frontage. So that was the portion that was added to address some of that concern as far as the aesthetics and the visuals as far as, you know, the concerns that were addressed, and that was the solution that's been proposed, which I understand is, has been well received except we have to an entrance way there at some point, you know, for the vehicles to be dropped off.

Mr. Wall: No questions?

Madam Clerk: No more speakers.

Mr. Redmond: Staff question? Do we have a traffic count for Sentara Way or is it too small to be recorded? Does anybody know? I don't know, it's a fair answer.

Ms. Smith: I don't want to look at Ric Lowman, he is back there, but if you look on page 10 of the staff report, it says present volume, no data available, but it does note the capacity.

Mr. Wall: So, I'm going to just open up a discussion with the Planning Commissioners, and I think it's fair to be able to ask questions of staff at this time. One question, I do have is about this isn't necessarily the boundary, the right of way that's along the off ramp, but it's just right of way in general, and being able to get in maintaining clear right of way, so I don't know if anybody on staff can help explain that because we have, you know, a couple of things. One is where the pond is to the north, there's right of way between the business and the off ramp itself, the pavement. It appears that Checkered Flag maintains that ramp way, you know, they go in and they mow the grass, I think, and then that should have been a good question?

Mr. Tajan: The portion, that is VDOT property, yes, they have an arrangement with VDOT.

Mr. Wall: So, there is a condition in there to maintain the right of way and it current state or not in its current state, but, you know, with not to clear the trees. What ability do they have to clear the trees that are in between the parking lot, and the interstates, you know, one person brought up as a sound barrier, you know, adjacent to 264.

But the trees themselves provide a sound barrier. So, what is, can anybody answer that what their ability is, some of that city property that's in there.

Mr. Tajan: So, Chairman Wall, it's hard to see on this plan, but there's remnant right of way, which would be north of the proposed parking lot that is owned by the City of Virginia Beach, no one could go in there without permission to the city to clear those trees, but there are remnant parcels and right of way that are owned by the city.

Mr. Wall: Okay, so there's city and then there's some VDOT right of way?

Mr. Tajan: VDOT portion is the portion that is adjacent to immediately a part of the off ramp for 264 which is the portion that they currently maintain that portion that's wooded now currently is a mixture of parcels and right of way that are owned by the city.

Mr. Wall: Okay, so that's going to be maintained in perpetuity, generally, unless somehow, they had some kind of agreement with the city, or they went in illicitly and cleared that tree. So that's a buffer that's going to be maintained. I just want to point that out that they don't have the ability to declare that like they've done over to the right, where not only do they have the pond there, they have been between the property line and taping where they're clearing, and I just have to trust that that's, accurate that they have an agreement with VDOT and I've heard under my understanding that that's common that you can ask VDOT and they will allow you to maintain the right of way, and can anybody confirm that? Are there other businesses that do that do similar and it's been mentioned me. You have in writing that they don't have an agreement to maintain, but my point is that there's a fairly large buffer currently that's going to be maintained in between the parking lot and 264. Alright, so this is open to discussion, so does anybody have anything else?

Mr. Redmond: Well, I'm certainly going to support the application. I don't think this is all that hard. If you take a building and you drop it in the middle of the parking lot, which they have up near the Jack Rabbit now, you're dropping that on top of what was, a parking asset and you're gonna have to have more parking. So now they've come up with a parking lot instead of the functional dealership, which was a matter of some concern. I can't figure out what is so unusual about parking lot, and an entranceway to the parking lot. I mean, they do have a buffer there, but the idea that there's going to be forever continuous buffer, you can't have a chopper into the parking lot. It's going to have to have access, and it seems to me simply from a site design process where they have that entrance located makes the most sense. I'll bet you the traffic count on Sentara Way is miniscule. That's why you don't have any data available on it is because they don't do counts that are that small, the traffic that's going to be going back there is going to be I think, very, very small. They answered the concerns that they could answer. They addressed the things that they could address. I mean, you know, with a lot of moving parts, I mean, they move big parts around big parking lots and buildings and some of these other smaller items that have to do with things. I think they've gone a very, very long way to try and, come up with a satisfactory solution. I don't know how you can do it any better than that? Well, you should all float over here. You should I mean, you know, you can always come up with something. What do you want Chinese food, no I want Mexican, I don't want Mexican, I don't know, you can always come up with something else, but you know, I don't know how much more you can do

than what they have done, and it's a lot. So it seems to me it's an appropriate solution to their need to expand is not unusual, it seems to me for a thriving business to auto expand. I don't know how else they can do it, then what they've proposed. As for the lighting, how in the world, it makes a difference where that flagpole is located. Whether you light it up, or you light it down, I just can't imagine. So that doesn't seem to me to be a whole lot of water, it's just doesn't hold a lot of water. It's up against the BMP, and 264 for crying out loud. So I mean, I think they've gone a long way, I certainly support the application, I hope others will too, and, you know, at the end of the day city is going to end up with 1.3 acres of open space and they wouldn't have had it. So I mean, you know, and it belongs to someone, it's not, this isn't city property, it's not a public resource. It's a private resource. You know, somebody owns that, and this company is buying it. So the notion that they're going to develop, you know, a small part of it and give the rest of it way strikes me as something that's rather positive, and you know, and not, you know, not negative, I've said too much, so thank you.

Mr. Wall: Anybody else? Okay, I've got a couple of things. So I kind of concur. I mean, I think that there are a couple of thoughts here, and I think it's private property at this point, you know, there's a thought we need to preserve this way, I would love to do that. I mean we don't necessarily have that, as something we can, we yourselves can leverage that much. Then there's the reconfiguration in order to maximize the buffer and that's a possibility, but at the same time, you know, they have a certain amount of parking spaces that they need with this business, and you know, the calculations, you know, typically what they are in the customer's showroom, or show vehicles, and they have employees, and there's been much discussion about parking on Sentara Way, and that parking is now shifted into the parking lot, and it's probably a better thing to have it off, it's going to be less busy. Now employees will be parking in the parking lot, and generally hidden by the existing material landscaping, you know, that's there'll be parking against or wherever they put them in the parking lot, and then there's the compromise, this layout and the entrance and as much as I would love to say to either defer or to you recommend an additional condition to remove that entrance it just from a traffic flow, even it's not to drop off vehicles that it just makes no sense one way or the other to have an entrance there in order to access that that point. I mean I don't necessarily like it and I feel for the people that live there, but I know one way or the other if it's going to be super negative. Ideally there wouldn't be an entrance there, ideally there wouldn't be a parking lot there, but I don't know if that's going to be the case with this application or with this site. So, I am going to support it.

Mr. Redmond: Mr. Chairman I move to approve the application.

Ms. Oliver: I second it.

Mr. Wall: We have a motion by Mr. Redmond and a second by Ms. Oliver.

Madam Clerk: Vote is open. By recorded vote of 10 in favor, 0 against agenda #6 has been recommended for approval.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Frankenfield	AYE			
Horsley	AYE			
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner				ABSENT

CONDITIONS

1. All conditions attached to the existing Conditional Use Permits and Modification of Conditions approved by the Virginia Beach City Council on February 25, 1997, December 18, 2002, May 25, 2004, and November 12, 2013, shall be null and void and replaced with the conditions listed below.
2. The site layout shall be in substantial conformance with the submitted plan entitled, "Conceptual Site Layout Plan of Checkered Flag Genesis – Virginia Beach, Virginia," dated March 24, 2022, and prepared by Orbis Landscape Architecture, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
3. The design, locations, and sizes of Building A and Expansions 2002, Building B and Expansions 2013, and Building C shall substantially adhere to the submitted Conceptual Site Layout Plan noted in Condition 2.
4. The color scheme and design of Buildings A and B shall be in keeping with the submitted color board provided with the 1997 Conditional Use Permit application. Minor deviations to the buildings' exterior are permitted subject to the Planning Director's review and ultimate approval.
5. The building materials and color scheme of the Building A Expansions 2002 shall substantially conform with the submitted elevation plan titled "Conceptual Elevations for the Auto Nation Expansion, Virginia Beach, Virginia," prepared by Lyall Design Architects, and dated July 15, 2002, provided with the 2002 Modification of Conditions application. Said elevation plan is on file in the City of Virginia Beach Department of Planning and Community Development.
6. The building materials and color scheme of the Building B Expansions 2013 shall substantially conform with the submitted elevations entitled "Volkswagen Checkered Flag, Exterior Building Elevations" prepared by Lyall Design Architects and dated 07/01/13, provided with the 2013 Modification of Conditions application, which have been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development.

7. The design, building materials and color scheme of Building C shall substantially conform with the submitted elevations entitled, "Checkered Flag Genesis at Hyundai World – Floor Plan – Prototype Exterior Renderings", dated March 24, 2022, prepared by Covington Hendrix Anderson Architects, and provided with the 2022 Modification of Conditions application, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
8. The proposed vehicular ingress/egress at the intersection of Sentara Way and the private drive known as Hyundai World Way shall meet the Public Works Design Standards Manual.
9. No statue shall be permitted in a vehicle display area at any of the vehicular ingress/egress points for the property. An exhibit drawing or photograph of any statues proposed elsewhere on the site shall be submitted to the Planning Director for review and approval prior to issuance of a building permit and commencement of construction.
10. Any shade structure shall be substantially in conformance with the submitted brochure titled "Shade Structures" provided with the 2002 Modification of Conditions application, which is on file with the Planning Department. The shade structures shall meet the following requirements:
 - The framework shall be on noncombustible construction.
 - The fabric shall be flame resistant.
 - The structures shall meet wind load requirements in the area.
 - The fabric or cover of the structure shall be red, blue or white, in color, or a combination thereof, to match the buildings.
11. No vehicle display shall be located between the existing stormwater management facility and Interstate 264 that would disrupt access and/or maintenance within the City drainage easement or disturb the existing ditch. A layout of this vehicle display with dimensions in this area shall be submitted to the Planning Director for review and approval.
12. Prior to final Site Plan approval, a Landscape Plan shall be submitted to the Department of Planning and Community Development for review and approval. The Landscape Plan shall be in substantial conformance with the submitted plan entitled, "Conceptual Site Layout Plan of Checkered Flag Genesis – Virginia Beach, Virginia", dated March 24, 2022, and prepared by Orbis Landscape Architecture, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development with the additional requirement that the existing meandering three (3) foot tall berm shall remain and all other portion of the property along rights-of-way, including I-264, shall be planted with streetscape plantings per the standards set forth in the City of Virginia Beach Landscaping Guide.
13. No trees or vegetation shall be removed by the applicant from the City or State land located between the subject site and I-264 or from the Third Street right-of-way without written permission from the City or State, as applicable.
14. The existing vegetations in the area labeled as "1.3 acre portion of GPIN 1487-42-8775 to be conveyed to City of Virginia Beach" on the submitted plan entitled, "Conceptual Site Layout Plan of Checkered Flag Genesis – Virginia Beach, Virginia," dated March 24, 2022, and prepared by Orbis Landscape Architecture shall remain and no construction shall occur

in that area.

15. All signage on the property shall be subject to the sign regulations set forth in the Zoning Ordinance. A separate sign permit shall be obtained from the Planning Department for the installation of any signage. Any freestanding sign shall be monument-style with foundation plantings installed as required by the Zoning Ordinance.
16. Hours of operation specifically related to performing auto repair and meeting customers for auto sales shall be limited to between the hours of 7:00 a.m. to 10:00 p.m.
17. All repair, service, maintenance, cleaning, and washing of vehicles shall be conducted inside the service center. Bay doors on the service center shall be closed while repair work is being conducted except for entering and exiting of vehicles.
18. All vehicles for sale shall be located on a paved surface within the designated display area identified on the plan referenced in Condition 2 above. Except for the existing two raised platforms along Rosemont Road and seven raised platforms within the interior parking lot for vehicle display as noted on the Conceptual Site Layout Plan, which may remain until such time they are removed, no vehicles shall be displayed on raised platforms, earthen berms, landscape islands, or any other structure designated to display a vehicle higher than the elevation of the main parking lot except as permitted by Condition 11.
19. All storage merchandise, or debris shall be within a fully enclosed structure. Storage of tires may be permitted within an enclosed structure without a roof cover. No outside storage of the aforementioned shall be permitted.
20. No outside storage of vehicles in a state of obvious disrepair shall be permitted on the site.
21. The use of an outdoor amplified speaker or paging system shall be prohibited.
22. 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.
23. There shall be no neon or electronic display signs, or accents installed on any wall area of the exterior of the building, in or on the windows, or on the doors. No window signage shall be permitted.
24. No motor vehicle shall be displayed for sale or rental within the first five (5) feet of any front yard or side yard abutting the right-of-way line of a street to be measured from the property line to any displayed motor vehicle on the premises.
25. A Lighting Plan shall be provided to the Department of Planning for review and approval prior to final site plan approval. All light fixtures on the site that are within 25 feet of a property line from Sentara Way shall be no taller than 14 feet in height and shall be retrofit with additional shields within 90 days of the date of City Council approval, and as required by the Zoning Ordinance.

26. Except for the two light fixtures that are directed upward on the flagpole that is located between the buildings and I-264, all light fixtures shall be shielded and directed downward to contain light on the property. All lighting shall be directed away from the nursing facility located to the west, and away from the residentially-zoned property located to the south across Sentara Way.
27. On site loading and unloading of vehicles shall be limited to the areas depicted for such purpose on the Concept Plan identified in Condition 2 above. The loading and unloading of vehicles within the public rights-of-way shall be prohibited.
28. Only one flagpole representing the dealership or car manufacturer shall be permitted on the site.
29. On-street employee parking shall be prohibited.
30. Plant and lawn clippings and other waste from this property shall be disposed of in a lawful manner and shall be prohibited from being left in the public right-of-way.

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.

Conditions of 2013 Request

A Modification of Conditions request to modify the site layout and design of the building.

1. When the building additions and parking area are developed, they shall be in substantial conformance with the Conceptual Site Layout entitled "Volkswagen Checkered Flag, Virginia Beach, Virginia" prepared by MSA, P.C. and dated 07/01/13, which have been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning ("Concept Plan").
2. When the buildings are developed, they shall be in substantial conformance with the Building Elevations entitled "Volkswagen Checkered Flag, Exterior Building Elevations" prepared by Lyall Design Architects and dated 07/01/13, which have been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning ("Elevations").
3. When the Volkswagen Checkered Flag monument sign is constructed and installed, it shall be in compliance with sign and landscaping regulations. No pylon signs shall be permitted.

4. Flagpoles shall incorporate down-lighting in lieu of up-lighting. Only one set of flags representing the dealership or car manufacturer will be permitted on the site.
5. No vehicle display shall be located between the existing stormwater management facility and Interstate 264 that would disrupt access and/or maintenance within the City drainage easement or disturb the existing ditch. A layout of this vehicle display with dimensions in the easements shall be submitted to the Planning Director for review and approval.
6. Any modifications of existing signs on the site or structures shall be required to comply with sign regulations.
7. No statue shall be permitted in the vehicle display area at the Drivers Mart Way entrance as indicated on the site plan referenced in Condition 1. An exhibit drawing or photograph of any statues proposed elsewhere on the site shall be submitted to the Planning Director for review and approval. No statue shall be installed without said review and approval.
8. No outdoor paging or speaker systems are permitted.
9. In addition to the landscaping shown on the submitted plan, a meandering berm with a height of at least three (3) feet at the top of the berm shall be required along the Sentara Way frontage. Flowerbeds, satisfactory to the Planning Director, must be incorporated into the landscaping along Sentara Way.
10. Any archways shall be a maximum of 16 feet and be permitted to allow traffic passageway, but shall not be lighted at any time. There shall be no signage on the proposed entrance archway, including promotional messages or banners, nor shall they be placed on the cars displayed at the entrance. This area shall be landscaped. All applicable setbacks must be adhered to.
11. No trees or vegetation may be removed by the applicant from the City or State land located between the subject site and I-264 or from the Third Street right-of-way without written permission from the City or State.
12. Hours of operation shall be from 9:00 a.m. to 9:00 p.m. for the sales operation. Hours for the service center shall be limited to 7:30 a.m. to 10:00 p.m. All repair, service, maintenance, cleaning and washing will be conducted inside the service center. Bay doors on the service center shall be closed while repair work is being conducted except for entering and exiting.
13. All lighting shall be directed away from the nursing facility located on the adjacent property to the west, and away from the residentially zoned property located to the south across Sentara

Conditions of 2004 Request (Not Constructed)

A Conditional Use Permit request for an automobile repair garage.

1. The proposed building shall substantially conform in size and location with the submitted site plan titled "Conceptual Use Permit Exhibit for Driver's World, Proposed Prep Facility, 3700

Sentara Way, Virginia Beach, Virginia”, prepared by MSA, P.C., and dated 2/02/04. Said plan is on file in the City of Virginia Beach Planning Department.

2. The design, building materials, and building colors of the proposed building shall substantially conform with the submitted elevation plan titled “Proposed Prep Facility for Driver’s World, Virginia Beach, Virginia”, prepared by Lyall Design Architects, and dated February 2, 2004. Said plan is on file in the City of Virginia Beach Planning Department.
3. The site shall adhere to all of the conditions attached to the existing Conditional Use Permits approved by the Virginia Beach City Council on February 25, 1997 and December 18, 2002.

Conditions of 2002 Request

A Conditional Use Permit request to expand the existing automobile service center.

1. The proposed additions shall substantially conform in size and location with the submitted site plan titled “Conceptual Site Layout, Auto Nation, 3700 Sentara Way, Virginia Beach, Virginia”, prepared by MSA, P.C., and dated 07/15/02. Said plan is on file in the City of Virginia Beach Planning Department.
2. The design, building materials, and building colors of the proposed additions shall substantially conform with the submitted elevation plan titled “Conceptual Elevations for the Auto Nation Expansion, Virginia Beach, Virginia”, prepared by Lyall Design Architects, and dated July 15, 2002. Said plan is on file in the City of Virginia Beach Planning Department.
3. The site shall adhere to all of the conditions attached to the existing Conditional Use Permit approved by the Virginia Beach Council on February 25, 1997.
4. Street frontage landscaping, in accordance with the Site Plan Ordinance, Section 5A, shall be installed along the northern property line adjacent to Interstate 264.
5. There shall be no pennants, streamers, banners, balloons, or searchlights displayed on the site at any time.
6. The proposed shade structures shall be substantially in conformance with the submitted brochure titled “Shade Structures” which is on file with the Planning Department. The shade structures shall meet the following requirements:
 - a. The framework shall be on noncombustible construction.
 - b. The fabric shall be flame resistant.
 - c. The structures shall meet wind load requirements in the area.
 - d. The fabric or cover of the structure shall be red, blue or white, in color, or a combination thereof, to match the buildings.
7. Additional landscaping shall be installed as depicted on the plan entitled, “Conceptual Site Layout/Landscape Plan, AutoNation, 3700 Sentara Way, Virginia Beach, Virginia,” dated 12/06/02. The Landscape Plan shall be revised prior to site plan review to indicate upgrade of the berms adjacent to Sentara Way.

Conditions of 1997 Request

A Conditional Use Permit request for automobile sales, service and rentals.

1. No outdoor paging or speaker systems are permitted.
2. The development shall substantially adhere to the submitted rendering, site plan, and landscape plan on file in the Planning Department. The color scheme shall be in keeping with the submitted color board. Minor deviations will be permitted only with the approval of the Planning Director.
3. In addition to the landscaping shown on the submitted landscape plan, a meandering berm with a height of at least three (3) feet at the peaks is required along the Sentara Way frontage. Flowerbeds, satisfactory to the Planning Director, must be incorporated into the landscaping along Sentara Way.
4. The sign shall be monument style with full landscaping at the base and substantially in keeping with the submitted rendering on file in the Planning Department. All sign regulations must be adhered to.
5. No signage is permitted on the proposed entrance archway, including promotional messages or banners, nor shall they be placed on the cars displayed at the entrance. The archway shall be a maximum of 16 feet and be permitted to allow traffic passageway, but shall not be lighted at any time. This area shall be landscaped. All applicable setbacks must be adhered to.
6. No trees or vegetation may be removed by the applicant from the City or State land located between the subject site and the Expressway, or from the Third Street right of way.
7. Hours of operation shall be from 9 AM to 9 PM for the sales operation. Hours for the service center shall be limited to 9 AM to 10 PM. All repair, service, maintenance, cleaning and washing will be conducted inside the service center. Bay doors on the service center shall be closed while repair work is being conducted except for entering and exiting.
8. All lighting shall be directed away from the nursing facility located on the adjacent property to the west, and away from the residentially zoned property located to the south across Sentara Way.
9. A direct access is required for construction traffic from Rosemont Road during construction of the facility. Construction traffic is prohibited on Sentara Way.
10. Any existing healthy trees located within Spruce Street and the 25-foot shall be protected and saved. New landscape material, as shown on the landscape plan, shall be added where existing vegetation does not meet the Category I requirements. There shall be a 66' buffer on Spruce Street.

**Virginia Beach Planning Commission
July 13, 2022, Public Meeting
Agenda Item # 7**

William M. & Joni P. Greene Co-Trustees of the William M. Green Revocable Trust & Co-Trustees of the Joni P. Greene Revocable Trust [Applicants & Property Owners]

Conditional Use Permit [Alternative Residential Development]

Address: 1900 Landing Road

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Alcaraz: Item# 7 William M. & Joni Greene, Co-Trustees of the William M. Greene Revocable Trust & Co-Trustees of the Joni P. Greene Revocable Trust for Alternate Residential Development at 1900 Landing Road.

Mr. Bourdon: Thank you, Mr. Vice Chairman, Chairman Wall, members of the Commission. For the record, Eddie Bourdon, Virginia Beach Attorney, representing the Greene family. Ms. Joni Greene is here today along with her adult daughter for whom will be building the house on the lot that's proposed for her family. We appreciate staff's assistance with this application. All three conditions as recommended by staff are acceptable. I appreciate being on the consent agenda.

Mr. Alcaraz: Thank you. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I've asked Commissioner Ms. Cuellar to speak on this.

Ms. Cuellar: The Greene family is the applicant on this permit and is requesting a Conditional Use Permit for Alternative Residential Development to sub-divide an existing 18.12 acre parcel into two lots for the construction of one additional dwelling. The proposed lot A will be 15.1 acres containing the existing dwelling and their proposed lot B will be 3.02 acres to be developed with the new dwelling. Both lots will meet the development standards for property zoned AG2 Agricultural District, seeing no opposition, the Commission recommends approval for the consent agenda.

Mr. Alcaraz: Thank you. Mr. Chair that was the last item on the Consent Agenda, the Planning Commission places the following applications on the consent agenda, items number 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22.

Mr. Wall: Okay, thank you. First, I'm going to do motioning, we have quite a few items on the Consent Agenda. I'm going to ask for the motion and then we're going to get to the abstention I think, there are a couple. So do I have a motion to approve by consent agenda items? 1, 4 & 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22. We have motion by Mr. Alcaraz and a second by Mr. Horsley. Are there any abstentions?

Mr. Alcaraz: Yes. On #17, I have on file on the Planning Commission meeting files a disclosure regarding the July Planning Commission discussion and vote on #17 U.S. Surf Company Inc. at 2017 Arctic Avenue. I will abstain from voting or discussing this matter at the July 13, 2022 Planning Commission Public Hearing.

Mr. Wall: Okay, thank you. Anybody else?

Mr. Redmond: Mr. Chairman, I have a letter on file with the City Attorney's office abstaining from all STR applications and ordinances and short term rental applications and ordinances. In this meeting that would be agenda items #18, 19, 20, 21, and 22. It will be in support of the consent agenda, but specifically abstaining from those agenda items 18, 19, 20, 21 and 22. Thank you.

Madam Clerk: Vote is open. By recorded vote of 10 in favor and 0 against agenda items 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, and 16 have been recommended for approval by consent. Agenda Item #17, by a vote of 9 in favor and 0 against with Commissioner Alcaraz abstaining is recommended for approval by consent and agenda items 18, 19, 20, 21, and 22 by a vote of 9 in favor and 0 against with Commissioner Redmond abstaining are recommended for approval by consent.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Frankenfield	AYE			
Horsley	AYE			
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner				ABSENT

CONDITIONS

1. When Lot B is developed, the exterior of the proposed building shall substantially adhere in appearance, size, and materials to the submitted elevations entitled "New Residence for Kristin Bird," prepared by Bauman Design, dated June 15, 2022, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
2. The 50-foot wide, vegetative buffer set forth in the Rural Area Development Guidelines of the Comprehensive Plan shall not be required.
3. A subdivision plat shall be required to be recorded prior to release of the approved final site plan.

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
 July 13, 2022, Public Meeting
 Agenda Item # 8**

OB 22, LLC [Applicant & Property Owner]

Conditional Rezoning [I-1 Light Industrial District & O-2 Office District to Conditional A-36 Apartment District]

Addresses: Parcel between 4548 & 4600 Bonney Road

DEFERRED INDEFINITELY

Mr. Wall: Okay, thank you. All right, if you have an item to be deferred, please come forward.

Mr. Beaman: Mr. Chairman for the record, Rob Beaman local land use attorney here for the applicant on items 3 and 8, we request a 30-day deferral on item three please and an indefinite deferral on item eight. Thank you.

Mr. Wall: Okay, thank you. Anything else?

Mr. Bourdon: Again, Mr. Chairman, Eddie Bourdon, Virginia Beach Attorney representing Rudolf General Booth on Case#2, requesting an indefinite deferral please.

Mr. Wall: Okay. Thank you. Does anybody have any objections to these items being deferred? Do I have a motion to defer agenda item #three for 30 days and agenda items #2 and #8 indefinitely?

Ms. Oliver: So moved.

Mr. Wall: Motion by Ms. Oliver, and a second by Mr. Horsley. Is there anyone that is abstaining from these from this vote?

Madam Clerk: Vote is open. Recorded vote of 10 in favor, 0 against agenda items #2 and #8 have been deferred indefinitely and agenda item #3 has been deferred for 30 days.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Frankenfield	AYE			
Horsley	AYE			
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner				ABSENT

**Virginia Beach Planning Commission
 July 13, 2022, Public Meeting
 Agenda Item # 9**

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

WITHDRAWN

Mr. Wall: Okay, thank you. The next, order of business is the consideration of requests to withdraw or defer an item. If you have an item to be withdrawn, please come forward. We got one item for withdrawal. Thank you.

Mr. Bourdon: Chairman for the record, Eddie Bourdon, Virginia Beach Attorney representing Case#9 Schweitzer Gray and Nelson which is being withdrawn, but we'll be back in a different form next month. Professor Clemons. Welcome. Thank you very much.

Mr. Wall: Do I have a motion to withdraw agenda item #9. We have a motion by Mr. Horsley and a second by Ms. Oliver. Are there any Planning Commissioners abstaining on these items to be withdrawn? I do have a declaration to make concerning this agenda item, I have on file a disclosure regarding the Planning Commission discussion and votes on this agenda item of Joyce Nelson, Shelley Gray Sweitzer, and Suzanne Gray at 2748 West Landing Road #9 on the July Planning Commission agenda. I will disclose that I have no financial interest and I will be voting on this matter at today's Planning Commission Public Hearing.

Madam Clerk: Vote is open. Mr. Clemons, can we get your vote please? By recorded vote of 10 in favor, and 0 against agenda item #9 has been withdrawn.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Frankenfield	AYE			
Horsley	AYE			
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner				ABSENT

**Virginia Beach Planning Commission
July 13, 2022, Public Meeting
Agenda Item # 10**

Hunter's Mill Apartments, LLC [Applicant]

Hunter's Mill Apartments, LLC & Laderberg Square, LLC [Property Owners]

Conditional Rezoning (A-18 Apartment District & B-2 Community Business District to Conditional A-18 Apartment District)

Addresses: 397 Brixton Drive, parcel west of 5444 Virginia Beach Boulevard & triangular parcel between 397 Brixton Drive & 500 Aylesbury Drive

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Alcaraz: Thank you. Next item is item#10 for Hunter's Mill Apartments, LLC, Conditional Rezoning, 397 Brixton Drive, parcel west of 5444 Virginia Beach Boulevard, please come forward.

Ms. Murphy: Good afternoon, Vice Chair, Chairman, members of the Planning Commission. For the record my name is Lisa Murphy, local land use attorney and I'm here today on behalf of the applicant and the owner. We appreciate, although it may not appear it from the staff report and from what you have in front of you, Staff has spent a tremendous amount of time working with us on this. It seems like a relatively straightforward expansion, but believe me, there's a whole lot behind the scenes that went into it. So, we appreciate being placed on the consent agenda, and I'm happy to answer any questions.

Mr. Alcaraz: All right, is there any opposition to this item being placed on the consent agenda? Hearing none, I have asked Mr. Coston to please speak on this matter.

Mr. Coston: The applicant is requesting to rezone three parcels totaling 12.12 acres from A-18 Apartment District and B-2 Community Business District to Conditional A-18 Apartment District, to construct two additional multifamily buildings within an existing family, multifamily residential community, resulting in an overall density of 17.82 units per acre. The Hunter's Mill Apartment community constructed in 1986 is located on parcel A, and it's roughly 10.76 acres and parcel B is 0.6 acres is currently developed with 15 multifamily buildings totaling 180 dwelling units. The applicant intends to purchase parcel C to expand the existing residential apartment community. Parcel C, approximately 0.9 acres will be constructed with two buildings comprised of 18 dwellings units each, increasing the number of dwelling units for the community from 180 to 216. Interior lot lines will be vacated from parcel B, and will be incorporated to the site plan to remain as open space. Staff has recommended approval of this item and Planning Commission concurs, therefore, we're placing it on the consent agenda.

Mr. Alcaraz: Thank you. Mr. Chair that was the last item on the Consent Agenda, the Planning Commission places the following applications on the consent agenda, items number 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22.

Mr. Wall: Okay, thank you. First, I'm going to do motioning, we have quite a few items on the Consent Agenda. I'm going to ask for the motion and then we're going to get to the abstention I think, there are a couple. So, do I have a motion to approve by consent agenda items? 1, 4 & 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22. We have motion by Mr. Alacaraz and a second by Mr. Horsley. Are there any abstentions?

Mr. Alcaraz: Yes. On #17, I have on file on the Planning Commission meeting files a disclosure regarding the July Planning Commission discussion and vote on #17 U.S. Surf Company Inc. at 2017 Arctic Avenue. I will abstain from voting or discussing this matter at the July 13, 2022 Planning Commission Public Hearing.

Mr. Wall: Okay, thank you. Anybody else?

Mr. Redmond: Mr. Chairman, I have a letter on file with the City Attorney's office abstaining from all STR applications and ordinances and short term rental applications and ordinances. In this meeting that would be agenda items #18, 19, 20, 21, and 22. It will be in support of the consent agenda, but specifically abstaining from those agenda items 18, 19, 20, 21 and 22. Thank you.

Madam Clerk: Vote is open. By recorded vote of 10 in favor and 0 against agenda items 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, and 16 have been recommended for approval by consent. Agenda Item #17, by a vote of 9 in favor and 0 against with Commissioner Alcaraz abstaining is recommended for approval by consent and agenda items 18, 19, 20, 21, and 22 by a vote of 9 in favor and 0 against with Commissioner Redmond abstaining are recommended for approval by consent.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Frankenfield	AYE			
Horsley	AYE			
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner				ABSENT

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 Hunter’s Mill Vacant Parcel and the Hunter’s Mill Phase II Parcel shall be developed in substantial conformity with the conceptual site plan entitled “Hunter’s Mill Expansion Preliminary Development Plan, Virginia Beach, Virginia”, prepared by AES Consulting Engineers dated May 27, 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 apartment buildings developed on the Hunter’s Mill Phase II Parcel shall be substantially compatible with the architectural style and materials depicted on the building elevation plans entitled “397 Brixton Drive, Virginia Beach, VA”, prepared by The Housing Studio, dated May 27, 2022 (“Elevations”), which have been exhibited to City Council and are on file with the Planning Department.

Proffer 3:

The Hunter’s Mill Phase II Parcel and the Hunter’s Mill Vacant Parcel will be landscaped in substantial conformity with the landscape plan entitled “Hunter’s Mill Expansion Preliminary Landscape Plan, Virginia Beach, Virginia”, prepared by AES Consulting Engineers, dated May 27, 2022 (“Landscape Plan”), which has been exhibited to City Council and is on file with the Planning Department.

Proffer 4:

The Hunter’s Mill Phase I Property and the Hunter’s Mill Phase II Parcel shall become one common zoning lot zoned Conditional A-18 Apartment District (“Zoning Lot”), as depicted on the plat entitled “Zoning Plat, Hunter’s Mill Apartments, Virginia Beach, Virginia”, prepared by AES Consulting Engineers dated May 27, 2022 (“Zoning Plat”), which has been exhibited to City Council and is on file with the Planning Department.

Proffer 5:

Prior to the issuance of final site plan approval for the development of the Hunter’s Mill Vacant Parcel and the Hunter’s Mill Phase II Parcel, Hunter’s Mill will re-subdivide the Hunter’s Mill Phase I Property to remove the existing internal lot line between the Hunter’s Mill Developed Parcel and the Hunter’s Mill Vacant Parcel.

Proffer 6:

Prior to the issuance of a building permit for the construction of improvements on the Hunter’s Mill Phase II Parcel, Hunter’s Mill will acquire the Hunter’s Mill Phase II Parcel, which is the parcel labeled “Parcel C” on the Zoning Plat. Thereafter, the Hunter’s Mill Phase II Parcel will remain under common ownership, as defined in the Zoning Ordinance of the City of Virginia Beach (“Zoning Ordinance”), with the Hunter’s Mill Phase I Property, which property consists of the parcels labeled “Parcel A” and “Parcel B” on the Zoning Plat. The Zoning Lot will be developed and operated as one multi-family apartment community, unless or until such time as the entire Zoning Lot is redeveloped and/or rezoned.

Proffer 7:

There shall be no more than thirty-six (36) multi-family dwelling units built on the Hunter's Mill Phase II Parcel for a total combined density on the Zoning Lot of two hundred sixteen (216) multi-family dwelling units.

Proffer 8:

Prior to building permit approval, Hunter's Mill will record a Declaration of Easements, Covenants and Restrictions ("Declaration") creating reciprocal rights of ingress, egress, access and to utilities, including without limitation stormwater management utility facilities, over, under, across and through the Hunter's Mill Phase I Property and the Hunter's Mill Phase II Parcel for the benefit of all tenants, licensees and invitees of the same. The Declaration will also grant the owner, tenants and invitees of the Hunter's Mill Phase II Parcel rights to use the clubhouse, swimming pool, parking spaces, drive aisles and other common areas and amenities located on the Hunter's Mill Phase I Property.

Proffer 9:

In lieu of the ten (10) foot side and rear yard setbacks otherwise required by the Zoning Ordinance in the A-18 Apartment District, the building labeled, "Building 2", on the Conceptual Site Plan, will be set back no less than five (5) feet from the rear property line adjacent to the Hunter's Mill Phase I Property, and no less than two (2) feet from eastern property line adjacent to the Hunter's Mill Phase I Property, or such other distances as are deemed acceptable by the Planning Director during the site plan review process. Off-street parking and open space requirements shall be calculated utilizing the entire Zoning Lot.

Proffer 10:

Hunter's Mill will obtain a phase I environmental site assessment and will provide a copy to the Planning Department prior to site plan submittal. If the phase I environmental site assessment requires Hunter's Mill to obtain a phase II environmental site assessment, Hunter's Mill will obtain a phase II environmental site assessment prepared in accordance with ASTM E1903 and will provide a copy to the Planning Department prior to site plan approval. If the phase II environmental site assessment recommends remediation, such remediation shall be complete prior to the release of any building permits.

Proffer 11:

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
July 13, 2022, Public Meeting
Agenda Item # 11**

Thomas Mark Goldsberry [Applicant & Property Owner]

Conditional Use Permit (Home Occupation)

Address: 1104 Treefern Place

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Alcaraz: Thank you. The next item is item#11 for Thomas Mark Goldsberry, a home occupation at 1104 Treefern Place, please come forward. State your name.

Mr. Goldsberry: Good afternoon. My name is Thomas Mark Goldsberry.

Mr. Alcaraz: Do you accept all the conditions?

Mr. Goldsberry: Yes, I do.

Mr. Alcaraz: Thank you, you may be seated.

Mr. Alcaraz: Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I've asked Ms. Oliver to please read this for the record.

Ms. Oliver: The applicant is requesting a Conditional Use Permit for home occupation, operating gunsmithing business within his attached garage of a single-family dwelling in the Birdneck Lake's neighborhood. The applicant is a retired veteran with 28 years of service and over 30 years of experiencing working with guns. He intends to restore old dilapidated and antique guns. There'll be no sales of firearms from this residence. No signs or advertisements are proposed for the property, and it is anticipated that by appointment only no more than one customer per week will be on site. There'll be no other employees that are proposed for this business. As required by federal law, the applicant will obtain a Federal Firearms license through the Bureau of Alcohol, Tobacco, Firearms and Explosives and all firearms will be secured in the home according with ATF regulations. He intends to store his firearms in locked and secured vaults. This applicant has notified his adjacent neighbors. He has had several letters of support along with the Civic League has supported this business in the in the neighborhood. The applicants agreeable to the conditions, staff finds this proposed to meet the requirements for home occupations, and therefore the commission has placed it on the consent agenda.

Mr. Alcaraz: Thank you. Mr. Chair that was the last item on the Consent Agenda, the Planning Commission places the following applications on the consent agenda, items number 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22.

Mr. Wall: Okay, thank you. First, I'm going to do motioning, we have quite a few items on the Consent Agenda. I'm going to ask for the motion and then we're going to get to the abstention I think, there are a couple. So do I have a motion to approve by consent agenda items? 1, 4 & 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22. We have motion by Mr. Alcaraz and a second by Mr. Horsley. Are there any abstentions?

Mr. Alcaraz: Yes. On #17, I have on file on the Planning Commission meeting files a disclosure regarding the July Planning Commission discussion and vote on #17 U.S. Surf Company Inc. at 2017 Arctic Avenue. I will abstain from voting or discussing this matter at the July 13, 2022 Planning Commission Public Hearing.

Mr. Wall: Okay, thank you. Anybody else?

Mr. Redmond: Mr. Chairman, I have a letter on file with the City Attorney's office abstaining from all STR applications and ordinances and short term rental applications and ordinances. In this meeting that would be agenda items #18, 19, 20, 21, and 22. It will be in support of the consent agenda, but specifically abstaining from those agenda items 18, 19, 20, 21 and 22. Thank you.

Madam Clerk: Vote is open. By recorded vote of 10 in favor and 0 against agenda items 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, and 16 have been recommended for approval by consent. Agenda Item #17, by a vote of 9 in favor and 0 against with Commissioner Alcaraz abstaining is recommended for approval by consent and agenda items 18, 19, 20, 21, and 22 by a vote of 9 in favor and 0 against with Commissioner Redmond abstaining are recommended for approval by consent.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Frankenfield	AYE			
Horsley	AYE			
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner				ABSENT

CONDITIONS

1. Any firearm or firearm parts kept on the property shall be stored in a locked, secured vault or similar container. The applicant shall contact the Police Department's Crime Prevention Office to arrange for a meeting at the property for the purpose of conducting a security assessment within one (1) month of the granting of this Conditional Use Permit. A report

shall be written by the Police Department, a copy provided to the applicant, the Planning Department, and a copy retained by the Police Department.

2. The applicant shall obtain and maintain a Federal Firearms License (FFL) through the Bureau of Alcohol, Tobacco, Firearm and Explosives (ATF) in order to conduct business.
3. All small arms ammunition, primers, smokeless propellants, and black powder propellants stored or awaiting transfer at the residence shall comply with Section 3306 of the Virginia Statewide Fire Prevention Code and NFPA 495.
4. There shall be no sign identifying the business on the exterior of any building on the property or within the yard of the property.
5. There shall be no more than five (5) hand-to-hand transactions per month at the dwelling.
6. Delivery of firearms to the property shall be received on the applicant's property only, secured by the applicant's signature.
7. The use shall not create noise, dust, vibration, smell, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than would normally be expected in the neighborhood under normal circumstances wherein no home occupation exists.
8. No more than twenty (20) percent of the floor area of the dwelling unit shall be used in conduct of the activity. In addition, all activities related to the proposed Home Occupation shall only be conducted inside the 506 square foot attached garage on the property.
9. There shall be only one (1) employee associated with this home based business.

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

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

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

Address: 122 Mac Street

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Alcaraz: Thank you. The next agenda item # 12, Witchduck Real Property, Inc. for Conditional Rezoning at 122 Mac Street. Please come forward as the representative, state your name.

Ms. Murphy: Good afternoon again, Lisa Murphy for the record, local land use attorney on behalf of Breeden Investment Properties, which is the contract purchaser, and in support of this application. We appreciate all of the kind words that you all said about the project. I know Breeden is very excited about it. It'll be a tremendous thing for the city. To the chairman's question at the informal session, the contract isn't contingent on the owner finding a new location. My understanding is he's looking for new location, but he'd have to comply with your Zoning Ordinance and find a new location that would be suitable in the city or elsewhere. So happy to answer any other questions, but we appreciate all of staffs work on this and being placed on the consent agenda.

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

Mr. Redmond: Thank you, Mr. Alcaraz. This is an application of Witchduck Real Property, Inc. for a Conditional Rezoning, from I-2 Heavy Industrial to Conditional A-36 Apartment District, at 122 Mac Street in the Bayside District, which is just off of Witchduck Road in close proximity to Interstate 264. In fact, this is a very visible site from Interstate 264, and I think many would recognize, and if they don't recognize it already. This applicant is requesting to rezone 12.26 acre parcel from I-2 Heavy Industrial to Conditional A-36 to redevelop the property with a 438 unit multifamily residential community with a resulting density of 35.72 units per acre. This property is located within the Pembroke Strategic Growth Area, but it's currently being utilized for heavy industrial activity with multiple uses consisting of an industrial warehouse, a scrap materials stockpile, bulk storage, and a recycling center. If you are familiar with this site, you will recognize it as an eyesore. It is a very old, very degraded, very unkempt, not very well kept. This use is not only this multifamily use of 438 units, is not only very necessary in Virginia Beach, it's also very welcome I think, in this particular part of the city. There's been a lot of investment; the city has made a lot of investment in Witchduck Road, the widening of that, and better integrating it with the highway and the other projects. There has been a fair amount of investment in development activity, and it's all very much to the community's benefit. This is an enormous improvement to this site. It's just a terrific

improvement to this site. The staff saw it that way and recommended approval. There is no opposition to this, and so we have deemed it to be worthy of our consent agenda, and I am glad for that. Thank you, Mr. Chairman.

Mr. Alcaraz: Thank you. Mr. Chair that was the last item on the Consent Agenda, the Planning Commission places the following applications on the consent agenda, items number 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22.

Mr. Wall: Okay, thank you. First, I'm going to do motioning, we have quite a few items on the Consent Agenda. I'm going to ask for the motion and then we're going to get to the abstention I think, there are a couple. So, do I have a motion to approve by consent agenda items? 1, 4 & 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22. We have motion by Mr. Alacaraz and a second by Mr. Horsley. Are there any abstentions?

Mr. Alcaraz: Yes. On #17, I have on file on the Planning Commission meeting files a disclosure regarding the July Planning Commission discussion and vote on #17 U.S. Surf Company Inc. at 2017 Arctic Avenue. I will abstain from voting or discussing this matter at the July 13, 2022 Planning Commission Public Hearing.

Mr. Wall: Okay, thank you. Anybody else?

Mr. Redmond: Mr. Chairman, I have a letter on file with the City Attorney's office abstaining from all STR applications and ordinances and short term rental applications and ordinances. In this meeting that would be agenda items #18, 19, 20, 21, and 22. It will be in support of the consent agenda, but specifically abstaining from those agenda items 18, 19, 20, 21 and 22. Thank you.

Madam Clerk: Vote is open. By recorded vote of 10 in favor and 0 against agenda items 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, and 16 have been recommended for approval by consent. Agenda Item #17, by a vote of 9 in favor and 0 against with Commissioner Alcaraz abstaining is recommended for approval by consent and agenda items 18, 19, 20, 21, and 22 by a vote of 9 in favor and 0 against with Commissioner Redmond abstaining are recommended for approval by consent.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Frankenfield	AYE			
Horsley	AYE			
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner				ABSENT

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 “Breedon 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 “Breedon 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:

GRANTOR will submit a Traffic Impact Study (“TIS”) to the Traffic Engineer for the Department of Public Works prior to site plan submittal. Based upon the results of the Traffic Engineer’s analysis of the TIS, GRANTOR shall, if necessary, adjust or modify its site plan to include any necessary on-site right of way dedications and/or on-site turn lane improvements. In addition, if required by the TIS, GRANTOR shall complete signal system retiming and/or other off-site improvements within existing City right of way, prior to the issuance of the first certificate of occupancy for this project.

Proffer 6:

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

Proffer 7:

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 8:

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 9:

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
July 13, 2022, Public Meeting
Agenda Item # 13**

Glorious Grooming, LLC [Applicant]
Jodha M. Goodman Estate [Property Owner]

Conditional Use Permit [Home Occupation]

Address: 140 South Gum Avenue

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Alcaraz: Thank you. Agenda Item #13 Glorious Grooming, LLC for home occupation at 140 South Gum Avenue, please come forward on who's speaking. Hi, can you state your name for the record?

Ms. Lake: My name is Erin Lake. I'm the owner and sole employee of Glorious Grooming LLC.

Mr. Alcaraz: Are the conditions acceptable to you?

Ms. Lake: Yes.

Mr. Alcaraz: Alright, thank you. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I asked Mr. Commissioner Frankenfield to please read this for the record.

Mr. Frankenfield: Thank you, sir. This applicant is requesting a Conditional Use Permit for a Home Occupation to operate a pet grooming business within a single-family dwelling in the Thalia neighborhood. The applicant is desiring to groom pets in a 170 square foot room within the family within the dwelling. It is anticipated there will be a maximum of three customers per day. Pets will be groomed by appointment. Pets will be dropped off at the residence before the appointment and picked up at the conclusion of the service. No exterior changes are proposed and no signage is proposed. The applicant will be the sole operator of the grooming business. There will be no other employees. Hours of operation will be 9 to 5, Monday through Friday. In staff's opinion and the Commission's opinion this proposal will not negatively affect the character of the neighborhood and will not adversely affect surrounding properties. Based on staff support and this information Planning Commission recommends approval.

Mr. Alcaraz: Thank you. Mr. Chair that was the last item on the Consent Agenda, the Planning Commission places the following applications on the consent agenda, items number 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22.

Mr. Wall: Okay, thank you. First, I'm going to do motioning, we have quite a few items on the Consent Agenda. I'm going to ask for the motion and then we're going to get to the abstention I think, there are a couple. So do I have a motion to approve by consent agenda items? 1, 4 & 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22.

We have motion by Mr. Alcaraz and a second by Mr. Horsley. Are there any abstentions?

Mr. Alcaraz: Yes. On #17, I have on file on the Planning Commission meeting files a disclosure regarding the July Planning Commission discussion and vote on #17 U.S. Surf Company Inc. at 2017 Arctic Avenue. I will abstain from voting or discussing this matter at the July 13, 2022 Planning Commission Public Hearing.

Mr. Wall: Okay, thank you. Anybody else?

Mr. Redmond: Mr. Chairman, I have a letter on file with the City Attorney's office abstaining from all STR applications and ordinances and short term rental applications and ordinances. In this meeting that would be agenda items #18, 19, 20, 21, and 22. It will be in support of the consent agenda, but specifically abstaining from those agenda items 18, 19, 20, 21 and 22. Thank you.

Madam Clerk: Vote is open. By recorded vote of 10 in favor and 0 against agenda items 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, and 16 have been recommended for approval by consent. Agenda Item #17, by a vote of 9 in favor and 0 against with Commissioner Alcaraz abstaining is recommended for approval by consent and agenda items 18, 19, 20, 21, and 22 by a vote of 9 in favor and 0 against with Commissioner Redmond abstaining are recommended for approval by consent.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Frankenfield	AYE			
Horsley	AYE			
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner				ABSENT

CONDITIONS

1. There shall be no sign identifying the businesses on the exterior of any building on the property or within the yard of the property.
2. In accordance with Section 234 (d) of the City Zoning Ordinance, the use shall not create noise, dust, vibration, smell, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than would normally be expected in the neighborhood under normal circumstances wherein no home occupation exists.
3. No more than twenty (20) percent of the floor area of the dwelling unit shall be used in conduct of the activity. In addition, all activities related to the proposed Home Occupation shall only be conducted inside of the of 170 square foot room on the property.

4. Hours of operation shall be limited to 9:00 a.m. to 5:00 p.m., Monday through Friday.

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
July 13, 2022, Public Meeting
Agenda Item # 14**

Katherine Ann Olivas [Applicant]
Katherine Olivas & Jessica McGowan [Property Owners]

Conditional Use Permit [Family Day-Care Home]

Address: 2717 Inglewood Lane

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Alcaraz: Thank you. The next agenda item is #14 for Katherine Ann Olivas for a Conditional Use Permit for a Family Daycare at 2717 Inglewood Lane, please come forward.

Madam Clerk: Mr. Vice Chair this applicant is WebEx. Katherine Ann Olivas, please pause for two to three seconds while we unmute your audio feed and then state your name and if the conditions of your application are acceptable.

Ms. Olivas: Yes, they are acceptable. My name is Katherine Olivas.

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

Ms. Oliver: Thank you. This applicant is requesting a Conditional Use Permit to operate a Family Daycare home for up to 12 children within her single family dwelling in the Glenwood neighborhood. The applicant has 13 years of experience caring for children and now she wishes to increase the number above from 4 to 12, which requires a Conditional Use Permit. The designated outdoor play area is located in the backyard and is enclosed with a six foot tall solid privacy fence and their proposed hours of operation are from 7 a.m. to 5:30 p.m. Monday through Friday. Staff recommended a condition that pickup and drop off times be staggered and limitation to only one home, to alleviate a potential for congestion of the right away. In staff's view the family daycare home provides a needed and valuable service and in this instance the proposal is not expected to be detrimental to any adjacent land uses, and based on these considerations staff recommended approval. The applicant is agreeable to the conditions imposed and therefore the Planning Commission has put it on the consent agenda.

Mr. Alcaraz: Thank you. Mr. Chair that was the last item on the Consent Agenda, the Planning Commission places the following applications on the consent agenda, items number 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22.

Mr. Wall: Okay, thank you. First, I'm going to do motioning, we have quite a few items on the Consent Agenda. I'm going to ask for the motion and then we're going to get to the abstention I think, there are a couple. So do I have a motion to approve by consent agenda items? 1, 4 & 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22. We have motion by Mr. Alacaraz and a second by Mr. Horsley. Are there any abstentions?

Mr. Alcaraz: Yes. On #17, I have on file on the Planning Commission meeting files a disclosure regarding the July Planning Commission discussion and vote on #17 U.S. Surf Company Inc. at 2017 Arctic Avenue. I will abstain from voting or discussing this matter at the July 13, 2022 Planning Commission Public Hearing.

Mr. Wall: Okay, thank you. Anybody else?

Mr. Redmond: Mr. Chairman, I have a letter on file with the City Attorney's office abstaining from all STR applications and ordinances and short term rental applications and ordinances. In this meeting that would be agenda items #18, 19, 20, 21, and 22. It will be in support of the consent agenda, but specifically abstaining from those agenda items 18, 19, 20, 21 and 22. Thank you.

Madam Clerk: Vote is open. By recorded vote of 10 in favor and 0 against agenda items 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, and 16 have been recommended for approval by consent. Agenda Item #17, by a vote of 9 in favor and 0 against with Commissioner Alcaraz abstaining is recommended for approval by consent and agenda items 18, 19, 20, 21, and 22 by a vote of 9 in favor and 0 against with Commissioner Redmond abstaining are recommended for approval by consent.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Frankenfield	AYE			
Horsley	AYE			
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner				ABSENT

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
July 13, 2022, Public Meeting
Agenda Item # 15**

Wroblewski Art, LLC [Applicant]
Oceana Partners, LLC [Property Owner]

Conditional Use Permit [Tattoo Parlor]

Address: 1329 Oceana Boulevard, Suite 110

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Alcaraz: Thank you. The next agenda item is #15, Wroblewski Art, LLC for Conditional Use Permit for a Tattoo Parlor at 1329 Oceana Boulevard Suite 110. Please come forward.

Mr. Wroblewski: My name is Mark Wroblewski and this is Jessica Wroblewski.

Mr. Alcaraz: Alright, do you accept the conditions?

Mr. Wroblewski: We do.

Mr. Alcaraz: Thank you. Thank you for coming. Is there any opposition to this item being placed on the Consent Agenda? All right, hearing none, I asked Commissioner Horsley to please read this for the record.

Mr. Horsley: Thank you sir. This applicant is requesting a Conditional Use Permit to operate a traditional tattoo parlor. This parlor will be operated in a shopping center along Oceana Boulevard in property that is zoned B-2 Community Business in a B-2 Community Business District. The tattoo parlor is consistent with the Comprehensive Plan's land use policies, and is consistent with the commercial nature of the surrounding business. It happens to be in the 75 decibel noise zone of the four acres, and but these restrictions don't apply to tattoo parlors. So the staff thinks that this is a compatible use with the area. It is consistent with the Comprehensive Plan. It won't increase the traffic, it has been determined that. So staff thinks it's a good application and the Commission does too, so we placed it on our consent agenda.

Mr. Alcaraz: Thank you. Mr. Chair that was the last item on the Consent Agenda, the Planning Commission places the following applications on the consent agenda, items number 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22.

Mr. Wall: Okay, thank you. First, I'm going to do motioning, we have quite a few items on the Consent Agenda. I'm going to ask for the motion and then we're going to get to the abstention I think, there are a couple. So do I have a motion to approve by consent agenda items? 1, 4 & 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22. We have motion by Mr. Alcaraz and a second by Mr. Horsley. Are there any abstentions?

Mr. Alcaraz: Yes. On #17, I have on file on the Planning Commission meeting files a disclosure regarding the July Planning Commission discussion and vote on #17 U.S. Surf Company Inc. at 2017 Arctic Avenue. I will abstain from voting or discussing this matter at the July 13, 2022 Planning Commission Public Hearing.

Mr. Wall: Okay, thank you. Anybody else?

Mr. Redmond: Mr. Chairman, I have a letter on file with the City Attorney's office abstaining from all STR applications and ordinances and short term rental applications and ordinances. In this meeting that would be agenda items #18, 19, 20, 21, and 22. It will be in support of the consent agenda, but specifically abstaining from those agenda items 18, 19, 20, 21 and 22. Thank you.

Madam Clerk: Vote is open. By recorded vote of 10 in favor and 0 against agenda items 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, and 16 have been recommended for approval by consent. Agenda Item #17, by a vote of 9 in favor and 0 against with Commissioner Alcaraz abstaining is recommended for approval by consent and agenda items 18, 19, 20, 21, and 22 by a vote of 9 in favor and 0 against with Commissioner Redmond abstaining are recommended for approval by consent.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Frankenfield	AYE			
Horsley	AYE			
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner				ABSENT

CONDITIONS

1. A business license for the Tattoo Parlor shall not be issued to the applicant without the approval of the Health Department for consistency with the provisions of Chapter 23 of the City Code.
2. The actual application of tattoos shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
3. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar sign installed on the exterior of the building or in any window, or on the doors. Window signage shall not be permitted. A separate sign permit shall be obtained from the Planning Department for the installation of any new signs.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site

plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.

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

**Virginia Beach Planning Commission
July 13, 2022, Public Meeting
Agenda Item # 16**

**365 Tattooing, LLC [Applicant]
Little Neck Towers, LLC [Property Owner]**

Conditional Use Permit [Tattoo Parlor]

Address: 3500 Virginia Beach Boulevard, Suite 610

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Alcaraz: Thank you. The next agenda item #16, for 365 Tattooing, LLC for a tattoo parlor at 3500 Virginia Beach Boulevard. Please come forward and state your name, sir.

Mr. Antonio: My name is Antonio Hamza.

Mr. Alcaraz: Do you accept the conditions?

Mr. Antonio: Yes.

Mr. Alcaraz: Thank you, sir. Is there any opposition to this item being placed on the Consent Agenda? All right, hearing none, I asked Commissioner Frankenfield to please read this for the record.

Mr. Frankenfield: Thank you. This applicant is requesting a Conditional Use Permit in order to operate a traditional tattoo parlor. The unit is located within the Little Neck Towers along Virginia Beach Boulevard. Tattooing will take place within the building by appointment only. There may be up to six to seven employees anticipated. Typical hours of operation are 10 a.m. to 6 p.m. There will be no exterior changes to the building, and no new signage. In staff's opinion and supported by the Commission the request for a Conditional Use Permit for a tattoo parlor is consistent with the Comprehensive Plan Land Use Policy, and the Rosemont Strategic Growth Area plan. The unit is within the Little Neck Towers building and will be virtually undetectable, but I hope your business does well. It'll be undetectable. So you don't even know it's there. So for all those reasons, staff and Commission recommend approval of this application.

Mr. Alcaraz: Thank you. Mr. Chair that was the last item on the Consent Agenda, the Planning Commission places the following applications on the consent agenda, items number 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22.

Mr. Wall: Okay, thank you. First, I'm going to do motioning, we have quite a few items on the Consent Agenda. I'm going to ask for the motion and then we're going to get to the abstention I think, there are a couple. So do I have a motion to approve by consent agenda items? 1, 4 & 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22. We have motion by Mr. Alcaraz and a second by Mr. Horsley. Are there any abstentions?

Mr. Alcaraz: Yes. On #17, I have on file on the Planning Commission meeting files a disclosure regarding the July Planning Commission discussion and vote on #17 U.S. Surf Company Inc. at 2017 Arctic Avenue. I will abstain from voting or discussing this matter at the July 13, 2022 Planning Commission Public Hearing.

Mr. Wall: Okay, thank you. Anybody else?

Mr. Redmond: Mr. Chairman, I have a letter on file with the City Attorney's office abstaining from all STR applications and ordinances and short term rental applications and ordinances. In this meeting that would be agenda items #18, 19, 20, 21, and 22. It will be in support of the consent agenda, but specifically abstaining from those agenda items 18, 19, 20, 21 and 22. Thank you.

Madam Clerk: Vote is open. By recorded vote of 10 in favor and 0 against agenda items 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, and 16 have been recommended for approval by consent. Agenda Item #17, by a vote of 9 in favor and 0 against with Commissioner Alcaraz abstaining is recommended for approval by consent and agenda items 18, 19, 20, 21, and 22 by a vote of 9 in favor and 0 against with Commissioner Redmond abstaining are recommended for approval by consent.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Frankenfield	AYE			
Horsley	AYE			
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner				ABSENT

CONDITIONS

1. A business license for the Tattoo Parlor shall not be issued to the applicant without the approval of the Health Department for consistency with the provisions of Chapter 23 of the City Code.
2. The actual application of tattoos shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
3. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar sign installed on the exterior of the building or in any window, or on the doors. Window signage shall not be permitted. A separate sign permit shall be obtained from the Planning Department for the installation of any new signs.
4. Prior to occupancy, all necessary permits for the property shall be obtained to address applicable building codes and the Virginia Statewide Fire Prevention Code.

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
July 13, 2022, Public Meeting
Agenda Item # 17**

U.S. Surf Company, Inc. [Applicant]
Sunsations Reality, LLC [Property Owner]

Alternative Compliance [Recurring Special Events, Outdoor Recreational Facility]

Addresses: 2017 Arctic Avenue, 317 20th Street

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Alcaraz: Thank you. The next agenda item is #17, the U.S. Surf Company Incorporated for an Alternative Compliance for Recurring Special Events, Outdoor Recreational Facility at 2017 Arctic Avenue and 317 20th Street. State your name, sir.

Mr. Korte: Good afternoon, Vice Chairman, Chairman, members of the Planning Commission. My name is Kyle Korte, Virginia Beach attorney. I represent the applicant U.S. Surf Company, and the property owner Sensations Realty, and all the conditions are acceptable.

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

Mr. Bradley: The applicant is requesting a special exemption for Alternative Compliance for Recurring Outdoor Special Events for Outdoor Recreation Facility specifically for a skate park. The skate park is currently in operation. There have been numerous special events including skate camps and contests along with many other events that have been held on the property over the years. The request is to bring the site into compliance and obtain the proper permits. The zoning lot for this proposal spans between 20 Street and 21st Street along the east side of Arctic Avenue and consists of three parcels. Staff recommends this item. They are known no speakers against it. So Planning Commission decided to put it on the consent agenda.

Mr. Alcaraz: Thank you. Mr. Chair that was the last item on the Consent Agenda, the Planning Commission places the following applications on the consent agenda, items number 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22.

Mr. Wall: Okay, thank you. First, I'm going to do motioning, we have quite a few items on the Consent Agenda. I'm going to ask for the motion and then we're going to get to the abstention I think, there are a couple. So do I have a motion to approve by consent agenda items? 1, 4 & 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22. We have motion by Mr. Alacaraz and a second by Mr. Horsley. Are there any abstentions?

Mr. Alcaraz: Yes. On #17, I have on file on the Planning Commission meeting files a disclosure regarding the July Planning Commission discussion and vote on #17 U.S. Surf Company Inc. at 2017 Arctic Avenue. I will abstain from voting or discussing this matter at the July 13, 2022 Planning Commission Public Hearing.

Mr. Wall: Okay, thank you. Anybody else?

Mr. Redmond: Mr. Chairman, I have a letter on file with the City Attorney's office abstaining from all STR applications and ordinances and short term rental applications and ordinances. In this meeting that would be agenda items #18, 19, 20, 21, and 22. It will be in support of the consent agenda, but specifically abstaining from those agenda items 18, 19, 20, 21 and 22. Thank you.

Madam Clerk: Vote is open. By recorded vote of 10 in favor and 0 against agenda items 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, and 16 have been recommended for approval by consent. Agenda Item #17, by a vote of 9 in favor and 0 against with Commissioner Alcaraz abstaining is recommended for approval by consent and agenda items 18, 19, 20, 21, and 22 by a vote of 9 in favor and 0 against with Commissioner Redmond abstaining are recommended for approval by consent.

	AYE 9	NAY 0	ABS 1	ABSENT 1
Alcaraz			ABSTAIN	
Bradley	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Frankenfield	AYE			
Horsley	AYE			
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner				ABSENT

CONDITIONS

Special Exception for Alternative Compliance (Recurring Outdoor Special Events and Outdoor Recreation Facility)

1. Foundation Landscaping shall be planted along the western property line in accordance with the Oceanfront Form-Based Code, and the existing streetscape plantings along the rights-of-way shall remain. In the event that any of this plant material is damaged or dies, it shall be replaced in a timely manner.
2. No amplified music shall be permitted outdoors between the hours of 11:00 p.m. and 10:00 a.m.
3. The operation shall not disturb the tranquility of residential areas or other areas in close proximity or otherwise interfere with the reasonable use and enjoyment of neighboring property by reason of excessive noise, traffic, lighting, or overflow parking.
4. A minimum of 10 bicycle parking spaces shall be provided on site.
5. The Virginia Beach Special Events Office shall be notified for all special events that take place on the property.

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

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

**Virginia Beach Planning Commission
July 13, 2022, Public Meeting
Agenda Item # 18**

Yousry Faragalla [Applicant & Property Owner]

Conditional Use Permit [Short Term Rental]

Addresses: 314 – A 29th Street

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Alcaraz: Thank you. The next item is agenda item #18 for Yousry Faragalla at 314-A 29th, for Short-Term Rental. Please come forward.

Madam Clerk: Mr. Vice Chair, this applicant is also WebEx. Yousry Faragalla, please pause for two to three seconds while we unmute your audio feed, and then state your name and if the conditions of your application are acceptable.

Mr. Faragalla: This is Yousry Faragalla, the owner and I accept the conditions.

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

Ms. Cuellar: The applicant is requesting a Conditional Use Permit to operate a three bedroom 2472 square foot short-term rental on the subject site. The regulations for short-term rental use and identified in section 241.2 in article 2300 of the City's Zoning Ordinance. Staff recommends for approval and the Commission recommends for approval to the consent agenda.

Mr. Alcaraz: Thank you. Mr. Chair that was the last item on the Consent Agenda, the Planning Commission places the following applications on the consent agenda, items number 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22.

Mr. Wall: Okay, thank you. First, I'm going to do motioning, we have quite a few items on the Consent Agenda. I'm going to ask for the motion and then we're going to get to the abstention I think, there are a couple. So do I have a motion to approve by consent agenda items? 1, 4 & 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22. We have motion by Mr. Alcaraz and a second by Mr. Horsley. Are there any abstentions?

Mr. Alcaraz: Yes. On #17, I have on file on the Planning Commission meeting files a disclosure regarding the July Planning Commission discussion and vote on #17 U.S. Surf Company Inc. at 2017 Arctic Avenue. I will abstain from voting or discussing this matter at the July 13, 2022 Planning Commission Public Hearing.

Mr. Wall: Okay, thank you. Anybody else?

Mr. Redmond: Mr. Chairman, I have a letter on file with the City Attorney's office abstaining from all STR applications and ordinances and short term rental applications and ordinances. In this meeting that would be agenda items #18, 19, 20, 21, and 22. It

will be in support of the consent agenda, but specifically abstaining from those agenda items 18, 19, 20, 21 and 22. Thank you.

Madam Clerk: Vote is open. By recorded vote of 10 in favor and 0 against agenda items 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, and 16 have been recommended for approval by consent. Agenda Item #17, by a vote of 9 in favor and 0 against with Commissioner Alcaraz abstaining is recommended for approval by consent and agenda items 18, 19, 20, 21, and 22 by a vote of 9 in favor and 0 against with Commissioner Redmond abstaining are recommended for approval by consent.

	AYE 9	NAY 0	ABS 1	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Frankenfield	AYE			
Horsley	AYE			
Oliver	AYE			
Redmond			ABSTAIN	
Wall	AYE			
Weiner				ABSENT

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 314 29th Street, Unit A and the Short Term Rental use shall only occur in the principal structure.
2. An annual (yearly) Short Term Rental Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.
3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. The garage space within the unit must remain a minimum of 9-feet by 18-feet, contain a minimum 8-foot wide vehicle entryway opening, and shall remain free of materials to ensure vehicular accessibility to the Short Term Rental tenants.
5. 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
July 13, 2022, Public Meeting
Agenda Item # 19**

Lori & Stuart Goldwag [Applicant & Property Owner]

Conditional Use Permit [Short Term Rental]

Addresses: 2002 Baltic Avenue

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Alcaraz: Thank you. Next item is #19, for Lori & Stuart Goldwag for a short-term rental at 2002 Baltic Avenue. Please come forward. State your name for the record please.

Ms. Goldwag: Lori Goldwag.

Mr. Alcaraz: Do you accept the conditions?

Ms. Goldwag: I do.

Mr. Alcaraz: Thank you, you may have a seat. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I've asked Commissioner Bradley again to please read this for the record.

Mr. Bradley: The applicant is requesting a Conditional Use Permit to operate a three bedroom 2472 square foot short-term rental on the subject site. The regulations for short term rental use are identified in Section 2411.2 and article 2300 of the city's zoning ordinance. Staff recommended this item. There's no known opposition and Planning Commission puts it on our consent agenda.

Mr. Alcaraz: Thank you. Mr. Chair that was the last item on the Consent Agenda, the Planning Commission places the following applications on the consent agenda, items number 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22.

Mr. Wall: Okay, thank you. First, I'm going to do motioning, we have quite a few items on the Consent Agenda. I'm going to ask for the motion and then we're going to get to the abstention I think, there are a couple. So do I have a motion to approve by consent agenda items? 1, 4 & 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22. We have motion by Mr. Alacaraz and a second by Mr. Horsley. Are there any abstentions?

Mr. Alcaraz: Yes. On #17, I have on file on the Planning Commission meeting files a disclosure regarding the July Planning Commission discussion and vote on #17 U.S. Surf Company Inc. at 2017 Arctic Avenue. I will abstain from voting or discussing this matter at the July 13, 2022 Planning Commission Public Hearing.

Mr. Wall: Okay, thank you. Anybody else?

Mr. Redmond: Mr. Chairman, I have a letter on file with the City Attorney's office abstaining from all STR applications and ordinances and short term rental applications and

ordinances. In this meeting that would be agenda items #18, 19, 20, 21, and 22. It will be in support of the consent agenda, but specifically abstaining from those agenda items 18, 19, 20, 21 and 22. Thank you.

Madam Clerk: Vote is open. By recorded vote of 10 in favor and 0 against agenda items 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, and 16 have been recommended for approval by consent. Agenda Item #17, by a vote of 9 in favor and 0 against with Commissioner Alcaraz abstaining is recommended for approval by consent and agenda items 18, 19, 20, 21, and 22 by a vote of 9 in favor and 0 against with Commissioner Redmond abstaining are recommended for approval by consent.

	AYE 9	NAY 0	ABS 1	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Frankenfield	AYE			
Horsley	AYE			
Oliver	AYE			
Redmond			ABSTAIN	
Wall	AYE			
Weiner				ABSENT

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 2002 Baltic Avenue and the Short Term Rental use shall only occur in the principal structure.
2. An annual (yearly) Short Term Rental Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.
3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. The garage space within the unit must remain a minimum of 9-feet by 18-feet, contain a minimum 8-foot wide vehicle entryway opening, and shall remain free of materials to ensure vehicular accessibility to the Short Term Rental tenants.
5. 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
July 13, 2022, Public Meeting
Agenda Item # 20**

Jennifer & Joseph Bailey [Applicant & Property Owner]

Conditional Use Permit [Short Term Rental]

Addresses:303 Atlantic Avenue, Unit 1404

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Alcaraz: Thank you. Agenda Item #20 Jennifer and Joseph Bailey, short-term rental at 303 Atlantic Avenue Unit 1404. Please come forward. State your name for the record please.

Ms. Chapman: Margie Chapman, property manager at Berkshire Hathaway. I'm here to represent Jennifer and Joseph Bailey, and we accept it.

Mr. Alcaraz: Thank you. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I've asked Commissioner Oliver to please read this.

Ms. Oliver: This applicant is requesting to operate a two-bedroom 943 square foot short-term rental in the Dolphin Run Condominium Tower located at 303 Atlantic Avenue unit 1404. It meets the requirements, the City Ordinance for short-term rental and therefore we've put it on the consent agenda.

Mr. Alcaraz: Thank you. Mr. Chair that was the last item on the Consent Agenda, the Planning Commission places the following applications on the consent agenda, items number 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22.

Mr. Wall: Okay, thank you. First, I'm going to do motioning, we have quite a few items on the Consent Agenda. I'm going to ask for the motion and then we're going to get to the abstention I think, there are a couple. So do I have a motion to approve by consent agenda items? 1, 4 & 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22. We have motion by Mr. Alcaraz and a second by Mr. Horsley. Are there any abstentions?

Mr. Alcaraz: Yes. On #17, I have on file on the Planning Commission meeting files a disclosure regarding the July Planning Commission discussion and vote on #17 U.S. Surf Company Inc. at 2017 Arctic Avenue. I will abstain from voting or discussing this matter at the July 13, 2022 Planning Commission Public Hearing.

Mr. Wall: Okay, thank you. Anybody else?

Mr. Redmond: Mr. Chairman, I have a letter on file with the City Attorney's office abstaining from all STR applications and ordinances and short term rental applications and ordinances. In this meeting that would be agenda items #18, 19, 20, 21, and 22. It will be in support of the consent agenda, but specifically abstaining from those agenda items 18, 19, 20, 21 and 22. Thank you.

Madam Clerk: Vote is open. By recorded vote of 10 in favor and 0 against agenda items 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, and 16 have been recommended for approval by consent. Agenda Item #17, by a vote of 9 in favor and 0 against with Commissioner Alcaraz abstaining is recommended for approval by consent and agenda items 18, 19, 20, 21, and 22 by a vote of 9 in favor and 0 against with Commissioner Redmond abstaining are recommended for approval by consent.

	AYE 9	NAY 0	ABS 1	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Frankenfield	AYE			
Horsley	AYE			
Oliver	AYE			
Redmond			ABSTAIN	
Wall	AYE			
Weiner				ABSENT

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 303 Atlantic Avenue, Unit 1404 and the Short Term Rental use shall only occur in the principal structure.
2. An annual (yearly) Short Term Rental 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. The dwelling unit shall comply with all required Fire and Building Code requirements.
4. 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.
5. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
6. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.
7. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental

within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.

8. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning Permit; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
9. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
10. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
11. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
12. Accessory structures shall not be used or occupied as Short Term Rentals.
13. No signage shall be on-site, except that each Short Term Rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a short term rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street.
14. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
15. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
16. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
17. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, which number shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).
18. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property annually. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in

accordance with the building code in affect at the of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one smoke alarm installed on every floor of the structure and in the areas adjacent to all sleeping rooms, and when activated, be audible in all sleeping rooms, and 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order.

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

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

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

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

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

**Virginia Beach Planning Commission
July 13, 2022, Public Meeting
Agenda Item # 21**

Nikola Georgiev [Applicant & Property Owner]

Conditional Use Permit [Short Term Rental]

Addresses:303 Atlantic Avenue, Unit 402

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Alcaraz: Thank you. The next item is item #21 for Nikola Georgiev for short term rental at 303 Atlantic Avenue Unit 402. Please come forward.

Madam Clerk: Mr. Vice Chair, he's also WebEx. Calling Nikola Georgiev, please pause two to three seconds while we unmute your audio feed, and then please state your name and if the conditions of your application are acceptable.

Mr. Georgiev: Hello, this is Nick Georgiev. I accept all the conditions.

Mr. Alcaraz: Is there any opposition this item being placed on the Consent Agenda? Hearing none, I asked Commissioner Oliver to speak on this.

Ms. Oliver: This applicant is requesting to operate a two-bedroom short term rental located in the Dolphin Run Condominium Tower at 303 Atlantic Avenue Unit 402 located in the Oceanfront Resort, short-term rental overlay district. It meets the requirements of the City Ordinance for short term rentals therefore the Commission has placed it on the consent agenda.

Mr. Alcaraz: Thank you. Mr. Chair that was the last item on the Consent Agenda, the Planning Commission places the following applications on the consent agenda, items number 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22.

Mr. Wall: Okay, thank you. First, I'm going to do motioning, we have quite a few items on the Consent Agenda. I'm going to ask for the motion and then we're going to get to the abstention I think, there are a couple. So do I have a motion to approve by consent agenda items? 1, 4 & 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22. We have motion by Mr. Alacaraz and a second by Mr. Horsley. Are there any abstentions?

Mr. Alcaraz: Yes. On #17, I have on file on the Planning Commission meeting files a disclosure regarding the July Planning Commission discussion and vote on #17 U.S. Surf Company Inc. at 2017 Arctic Avenue. I will abstain from voting or discussing this matter at the July 13, 2022 Planning Commission Public Hearing.

Mr. Wall: Okay, thank you. Anybody else?

Mr. Redmond: Mr. Chairman, I have a letter on file with the City Attorney's office abstaining from all STR applications and ordinances and short term rental applications and

ordinances. In this meeting that would be agenda items #18, 19, 20, 21, and 22. It will be in support of the consent agenda, but specifically abstaining from those agenda items 18, 19, 20, 21 and 22. Thank you.

Madam Clerk: Vote is open. By recorded vote of 10 in favor and 0 against agenda items 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, and 16 have been recommended for approval by consent. Agenda Item #17, by a vote of 9 in favor and 0 against with Commissioner Alcaraz abstaining is recommended for approval by consent and agenda items 18, 19, 20, 21, and 22 by a vote of 9 in favor and 0 against with Commissioner Redmond abstaining are recommended for approval by consent.

	AYE 9	NAY 0	ABS 1	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Frankenfield	AYE			
Horsley	AYE			
Oliver	AYE			
Redmond			ABSTAIN	
Wall	AYE			
Weiner				ABSENT

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 303 Atlantic Avenue, Unit 402 and the Short Term Rental use shall only occur in the principal structure.
2. An annual (yearly) Short Term Rental Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.
 - a) The dwelling unit shall comply with all required Fire and Building code requirements.
3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.

6. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
7. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning Permit; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
8. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
9. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
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12. No signage shall be on-site, except that each Short Term Rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a short term rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street.
13. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
14. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
15. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
16. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, which number shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).

17. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property annually. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in affect at the of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one smoke alarm installed on every floor of the structure and in the areas adjacent to all sleeping rooms, and when activated, be audible in all sleeping rooms, and 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order.

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

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

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

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

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

**Virginia Beach Planning Commission
July 13, 2022, Public Meeting
Agenda Item # 22**

Phillip A. Fletcher [Applicant & Property Owner]

Conditional Use Permit [Short Term Rental]

Addresses:303 Atlantic Avenue, Unit 1400

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Alcaraz: Thank you. And the last item for consent is item#22 for Philip A. Fletcher, for short-term rental at 303 Atlantic Avenue Unit 1400. Please come forward. State your name, sir for the record.

Mr. Fletcher: Phillip Fletcher.

Mr. Alcaraz: Thank you. Do you accept the conditions?

Mr. Fletcher: Yes, I do.

Mr. Alcaraz: All right. Thank you may be seated. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I've asked Commissioner Oliver to please read this for the record.

Ms. Oliver: This applicant is requesting to operate a three bedroom short-term rental located within the Dolphin Run Condominium Tower on Atlantic Avenue 303 Unit 1400. Located in the Oceanfront, short term rental overlay district. It meets the requirements of the City Ordinance for short term rental and therefore the Commission has placed it on the consent agenda.

Mr. Alcaraz: Thank you. Mr. Chair that was the last item on the Consent Agenda, the Planning Commission places the following applications on the consent agenda, items number 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22.

Mr. Wall: Okay, thank you. First, I'm going to do motioning, we have quite a few items on the Consent Agenda. I'm going to ask for the motion and then we're going to get to the abstention I think, there are a couple. So do I have a motion to approve by consent agenda items? 1, 4 & 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22. We have motion by Mr. Alcaraz and a second by Mr. Horsley. Are there any abstentions?

Mr. Alcaraz: Yes. On #17, I have on file on the Planning Commission meeting files a disclosure regarding the July Planning Commission discussion and vote on #17 U.S. Surf Company Inc. at 2017 Arctic Avenue. I will abstain from voting or discussing this matter at the July 13, 2022 Planning Commission Public Hearing.

Mr. Wall: Okay, thank you. Anybody else?

Mr. Redmond: Mr. Chairman, I have a letter on file with the City Attorney's office abstaining from all STR applications and ordinances and short term rental applications and ordinances. In this meeting that would be agenda items #18, 19, 20, 21, and 22. It will be in support of the consent agenda, but specifically abstaining from those agenda items 18, 19, 20, 21 and 22. Thank you.

Madam Clerk: Vote is open. By recorded vote of 10 in favor and 0 against agenda items 1, 4, 5, 7, 10, 11, 12, 13, 14, 15, and 16 have been recommended for approval by consent. Agenda Item #17, by a vote of 9 in favor and 0 against with Commissioner Alcaraz abstaining is recommended for approval by consent and agenda items 18, 19, 20, 21, and 22 by a vote of 9 in favor and 0 against with Commissioner Redmond abstaining are recommended for approval by consent.

	AYE 9	NAY 0	ABS 1	ABSENT 1
Alcaraz	AYE			
Bradley	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Frankenfield	AYE			
Horsley	AYE			
Oliver	AYE			
Redmond			ABSTAIN	
Wall	AYE			
Weiner				ABSENT

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 303 Atlantic Avenue, Unit 1400 and the Short Term Rental use shall only occur in the principal structure.
2. An annual (yearly) Short Term Rental Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.
 - a) The dwelling unit shall comply with all required Fire and Building code requirements.
3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on

the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.

6. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
7. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning Permit; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
8. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
9. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
10. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
11. Accessory structures shall not be used or occupied as Short Term Rentals.
12. No signage shall be on-site, except that each Short Term Rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a short term rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street.
13. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
14. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
15. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
16. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, which number shall not include minors under the age of 16, provided that in no case may the total number of

persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).

17. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property annually. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in affect at the of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one smoke alarm installed on every floor of the structure and in the areas adjacent to all sleeping rooms, and when activated, be audible in all sleeping rooms, and 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order.

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

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

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

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

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