

Virginia Beach Planning Commission
August 10, 2022 Public Meeting Verbatim

Mr. Alcaraz: Planning Commission Hearing, my name is George Alcatraz. I'm the Vice Chair of the Virginia Beach Planning Commission filling in for our chairman Jack Wall, who will not be here today. Before we get started, I've asked Commissioner Coston to lead us in prayer, and Mr. Horsley for pledge.

Mr. Coston: Eternal God, our Father, we thank for this glorious day, which you have made. God, we praise you because you are God, and you are God alone. God, we ask that you watch over us, guide us through and give us your wisdom today God as we discuss the issues of city business. God, we do not want to act on our own wisdom, but God we ask that you give us wisdom. God let us ever be mindful that you are our Protector. You are our wisdom, you are our peace, and we thank you in Jesus' name we pray. Amen.

[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. Alcaraz: I've asked Commissioner Redmond to introduce the members of the Planning Commission.

Mr. Redmond: Well, thank you, Mr. Vice Chairman or Mr. Chairman. I'm going to start on the right side of the dais here, I will make mistakes, so bear with me. All the way at the end, there is Kay Wilson. She is a Deputy City Attorney for many years, and I mean that in positive way. In many years, she has guided us, the Commission, and the whole city in land use matters, keeps us out of the jail house. The gentleman next to her is Michael Clemons. He serves the Centerville District, and he is a Professor of Political Science at Old Dominion University. Holly Cuellar, she serves at-large, she is a consultant, we got to come up with a better than that because that just doesn't tell enough, in any event that's what she says she is a consultant. John Coston, here to my right. He serves at-large, and he is a retired fire captain of the city. I am Dave Redmond. I serve the Bayside District, and I'm a commercial real estate broker licensed in Virginia and North Carolina. This is Don Horsley. He is a farmer. He serves at-large as well, he is our longest tenured member, he said last time we were here I think, that he served on Planning Commission on and off since 1986, which is when I graduated from college. So he has got a lot on the forum. In the middle there, acting as Chairman, he is normally our Vice Chairman, but he acting as Chairman today, is George Alcaraz. George represents the Beach District. Professionally, he wears many hats. He is an events promoter. He's a restorer, he's a contractor. He does a

whole bunch of things. Next to him, is also someone who is a Swiss Army Knife professionally, and that is Dee Oliver. She's an author. She's in the funeral home business. I think this is your ninth year Dee here, and she is a former Vice Chairman and a former Chairman of the Commission, she serves at-large. Further down there, that is David Weiner, the guy wearing the glasses. He represents the Kempsville district. He is a commercial salesman in the building industry. That is next to him is David Bradley. David represents the Princess Anne District, and he is a retired Budget Director for the City of Virginia Beach. Finally on the end, last but never the least is Barry Frankenfield. Barry is retired from city service. He was also formerly a Planning Director with Virginia Beach, and he represents the Lynnhaven District. The fellow all the way on the end is Bobby Tajan. He is our Planning Director. He has a very fine, very able, hardworking staff, and he's going to take a minute to introduce some of those folks. Mr. Tajan.

Mr. Tajan: Thank you very much Mr. Redmond. Clerking today, we have Pam Sandloop and Madison Harris. Starting with the Planning Administration team, we have Carolyn Smith our Planning Administrator, Hoa Dao and Marchelle Coleman, as well as Hannah Sabo, our Zoning Administrator. We also have Levi Luckenbach, Garek Hannigan, Michaela McKinney, Elizabeth Nowak, as well as Ric Lowman with the City Public Works and Traffic Engineering, and we have Tori Eisenberg with the City Attorney's Office, and we do have Sadie McNaughton who is interning for us and this is her last meeting with us today as she starts at William & Mary.

Mr. Redmond: Thank you, Mr. Tajan, and 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. Vice-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 cell phones be put on silent during this meeting. 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 and 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 their 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. Please note that the actions taken by the Commission today are in the form of a recommendation to the Virginia Beach City Council. The final decision to approve or disapprove an application will be made by the City Council. The Commission thanks you for your attendance, and we hope that your experience here today leaves you feeling that you have been heard and treated fairly. Thank you.

Mr. Alcaraz: Okay, thank you. The next order of business is for the consideration of request to withdraw and defer an item, all with withdrawals please come forward. You can state your name and what item you are withdrawing?

Mr. Watson: My name is **Les Watson**, I represent the applicants on items five, six and seven and we're requesting a 30-day deferral if that's the pleasure of the Commission, we're working on to find out the final details of some matters with the Navy regarding their easement on this property.

Mr. Alcaraz: Is there anyone that has an opposition to deferring to these items or speak on it?

Madam Clerk: We are having some technical difficulties and in the interest of time, I will call this as a verbal vote. After I call your name please respond with either Aye, Nay or Abstain. And just to clarify, we're voting on items five, six and seven to be deferred for 30 days, with a motion by Mr. Weiner and a second by Mr. Horsley.

Madam Clerk: Mr. Bradley

Mr. Bradley: Aye

Madam Clerk: Mr. Clemons

Mr. Clemons: Aye

Madam Clerk: Mr. Coston

Mr. Coston: Aye

Madam Clerk: Ms. Cuellar

Ms. Cuellar: Aye

**Virginia Beach Planning Commission
August 10, 2022, Public Meeting
Agenda Item # 1**

City of Virginia Beach

An Ordinance to add Sections 250, 251, 252, 253 and 254 to the City Zoning Ordinance pertaining to lighting requirements.

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Alcaraz: We're good. We're moving on to the consent, Mr. Weiner, you can take it from here.

Mr. Weiner: Today we have 15 items on the Consent Agenda. The first one is item number one, an Ordinance to add Section 250, 251, 252, 253, and 254 to the City's Zoning Ordinance pertaining to lighting requirements.

Ms. Sabo: Thank you, as referenced this ordinance adds a number of sections to the City's Zoning Ordinance pertaining to lighting requirements. It was sponsored by Councilmember Henley. The purpose of this amendment is to provide for outdoor lighting that is necessary for safety and enjoyment and commerce, as well as protecting neighbors, the environment, and drivers from non-vehicular light sources. There are a number of definitions that are added to the ordinance as part of this amendment, including a definition for full cut off, which is a type of light to which no light is emitted at or above the horizontal plane drawn at the lowest portion of the light. Another definition is foot candle which is a unit of light density that would land on a plane and that can be measured with a light meter. That is one of the units that is referenced in the ordinance. From this ordinance there's a number of different lighting types, including lighting for public monuments, safety lighting for the FAA, lighting required by the police department, and then other types of lighting for emergency conditions. Certain types of lighting are prohibited by the ordinance including lights which imitate any official highway or traffic control light or signage. Any lighting in the public right of way does require an encroachment agreement, or council approval, search lights or other high intensity lights are permitted only when used by the Federal Commonwealth or other city authorities. Lighting with types of special emission or special lighting types of colors are not permitted. Lighting sources should be color corrected types such as halogen, LEDs or metal halide. Outdoor lighting requirements include a limit on the foot candles of lighting that would be on a property line. So, we do have a maximum of point five all the way up to five foot candles depending on what the adjacent property use is. Here are some examples of foot candles in areas around Virginia Beach including on the boardwalk and at Town Center, and then on Virginia Beach Boulevard. I am now showing some examples of car dealerships. The ordinance also has height requirements for lighting fixtures, again, depending on its proximity to residential or apartment district, ranging from 14 feet, if it's within 50 feet of a residential apartment district, and then as you move farther away from a residential or apartment district, the allowed lighting fixture height does go up. Commercial parking areas within 20 feet of a single-family residential dwelling or single family residential property line are limited to bollard style lighting with full cut offs and no taller than four feet in height. Additional outdoor lighting requirements include that,

all lighting fixtures must be full cut off features as referenced in the definitions. Floodlights, however, do not need to be full cut offs if they're used in conjunction with a single family use. Additionally, wall packs on the exteriors of buildings need to be fully shielded and aimed at least 45 degrees from the horizontal either up or down. Landscape lighting must be forward throw fixtures aimed at the interior of the property, and then sports and performance arenas need to provide a glare control package. We are requiring a photometric plan for all site plans with proposed lighting and for discretionary applications except for those for single family dwellings, and then inspections with light meter readings, and again, this is an ordinance to add sections 250, 251, 252, 253, and 254 to City's Zoning Ordinance.

Mr. Weiner: Is there any opposition to this being placed on the consent agenda?

Madam Clerk: Mr. Vice Chair. There's no opposition, however, Mr. Bourdon, would like to make a comment.

Mr. Bourdon: Thank you. I will make just a quick comment, a lot of work went into this, I understand that, and I'm not in any way expressing opposition to what's being done. I do have a concern, I expressed this Ms. Sabo a couple of months ago, section 252(c)(4) prohibiting light fixtures in the public right of way. First of all, there's no definition of a light fixture or a landscape lighting, both of those terms are in here as well as lighting, but there are especially in the northern part of the city and some degree in down south, scores, if not 1,000s of landscape lighting, ground level lighting trees, and other, you know, amenities, whatever that are in the right of way in front of people's homes. We have a lot of roads that are some are 50 feet wide in right of way, some that are 60, 70, 80, 90 at the north end that have small 20 foot roads on it, especially improved roads, especially waterfront areas, etc, and there are loads and loads of people who have very attractive landscape lighting that is technically in the city right of way, and the idea that everyone's going to have to then go in for an encroachment it takes for what I consider real encroachments at least six months to get on a council agenda, and I just don't know if this is going to be able to be implemented in an effective way that isn't going to annoy a whole lot of people. If it's enforced so that I just think standards might be a better way to deal with that landscape lighting in the right of way in front of people's homes because there's a ton of it out there. Thank you.

Mr. Weiner: Thank you. Mr. Horsley. Mr. Chairman that is the end of the consent agenda. I move for approval items number 1, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

Mr. Alcaraz: Alright, thank you. I have taken that's your motion to approve those items. Thank you.

Mr. Weiner: Is there a second? Hearing second, are there any Planning Commissioners abstaining any of these consent agendas items?

Mr. Redmond: I want to make two disclosures. Number one, I should have disclosed earlier when we had application withdrawn, for some time I abstained on short-term rental applications and ordinances because I had a client in the travel industry, I no longer have that client, and so I am withdrawing the letter or at least withdrawing my

abstention from those items, and henceforth I we'll be voting on those items. Second, I would also like to mention that Agenda Item Number 10, Jenny Corporation is applying at a shopping center at Salem Crossing Shopping Center, which is leased by a colleague of mine at my place of business. I don't receive any kind of remuneration or have anything to do with that piece of business. So I may merely make that disclosure. I will be voting in favor of that, and the rest of the consent agenda. Thank you.

Mr. Alcaraz: Pursuant to the state and local government conflict of interest, I make the following declaration. I'm executing this written disclosure in hand regarding the Planning Commission's discussion on vote number 13, Ocean Developers, LLC 404 34th Street. I'm employed by the previous owner of this property, and though they're not the owners of this application, I believe that I have a financial personal interest in this transaction. As such, I've made a disclosure, and I will be abstaining from this application. Thank you.

Madam Clerk: The vote is open. By vote of 10 in favor, zero against, noting that Mr. Alcaraz has abstained from voting on agenda item 13, agenda items number 1, 4,8,9,10,11,12,13,14,15,16,17,18,19,20 have been 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				ABSENT
Weiner	AYE			

**Virginia Beach Planning Commission
August 10, 2022, Public Meeting
Agenda Item # 2**

Dam Neck Associates, LLC [Applicant & Property Owner]

Modification of Proffers

Address: 872 Dam Neck Road

RECOMMENDED FOR APPROVAL – HEARD

Mr. Alcaraz: Thank you, if you had an application that was on the Consent Agenda, your request will now be scheduled for upcoming city council meeting. Staff will contact you about the date. For those applicants on the consent agenda, thank you for your participation, and you may remain in the meeting if you'd like. At this time, we're going to go ahead and move on to the regular meeting, Madam Clerk.

Madam Clerk: Our next agenda item is agenda item number two, Dam Neck Associates, LLC. It's an application for a Modification of Proffers on property located at 872 Dam Neck Road in District 5, formerly the Princess Anne District. Would the representatives please step to the podium.

Mr. Beaman: Mr. Vice Chair, members of the Commission, for the record Rob Beaman, local real estate attorney here today on behalf of the applicant. As mentioned during the informal session this morning, the property that's subject to this application has been zoned for multifamily residential use since back in 1994, subject to a series of proffer conditions, we're not proposing to increase the density of this development at all. We're just proposing to modify the site plan and the building elevations in order to respond to current site conditions, including the need to avoid wetlands and floodplain and also the need to enlarge the storm water facilities on site to meet current codes. All the other proffers from the 1994 rezoning including those that would require the provision of onsite amenities, enhanced pedestrian, connectivities, and gateway treatments at the site entrances would remain in place, and with that, we thank you for your time and consideration and will stand by for questions.

Mr. Alcaraz: Are there any speakers?

Madam Clerk: Yes, Mr. Vice Chair, we have four that have registered. They're all WebEx. Mary Panulo to be followed by Alicia Alonso, Ms. Mary Panulo.

Ms. Panulo: I am a resident right across the road from where this proposed development is set to be built, and I'm here with the president of our HOA, Joanne Liddell, and there are a whole lot of folks in our community who are very concerned about this development for 600+ apartments in a residential area that already has a lot of traffic issues. Namely, you know, there's a lot of traffic going down to the Dam Neck base, and there's a lot of traffic and traffic accidents at Upton Drive and Old Dam Neck, which is right near the Kiddie Academy Preschool School. So, we're just trying to understand where the wisdom is in building a 614 unit apartment building, when traffic already seems to be pretty unmanageable, when schools in

the area seemed to be at full capacity, and when our understanding was because of wetlands, and because of the Navy needing this area as a drop zone, nothing was going to be developed there. So we just want to understand what the plan is primarily to uphold, you know, some sort of traffic regulation. What's the plan?

Mr. Alcaraz: If you could just state your case, and we'll tend to that at the end of this.

Ms. Liddell: My name is Joanne Liddell. I was also registered, but I'm having a difficult time. So I'm using Mary Panulo's computer, and those are also my concerns, and also the school across the street, which will be across from those apartments, they are at full capacity, and there's already a line going out to Dam Neck every day for drop off and pickup. There's a line going down Upton every day for the same thing, coming out of our complexes, we have the Academy across the street they said a light was going to be placed that was never placed. Upton Drive is the thoroughfare. Would be the road to go down to Wal-Mart, Home Depot, and all that? So that's going to increase and that's a residential neighborhood. So yeah, that's the same. We're just wondering what the plan was. We were also told that I saw a plan about a year or two ago where it was going to look like a farmers market, residential single-family homes, not a huge apartment complex. So it's just like the first phase of this plan, because if they're also going to include single family homes, that's just going to increase. It's going to increase the student population of schools. So, yeah, we'd like to have some more information as to what exactly is going on and there are wetlands there, and I know in other areas of the city, when the Army Corps of Engineers have told the city not to build on the wetlands, they still built close to the wetlands and homeowners of that property have had difficulty because the property was built close to wetlands. So yes if we could just get some idea of where this all came from as to what they were building there.

Mr. Alcaraz: Well, thank you. What we will do is during the rebuttal, the representative will answer those questions for you. Are there any questions for the speakers?

Mr. Horsley: Yeah, so I just want to make sure that the lady on the WebEx is familiar with what the current zoning is on the property, which has been in effect since 1994, and it was zoned A-12, and then it was to A-18, which allows 612 apartments that's been in effect for some time. Back in then in 2004, the size of the parcels actually changed. So I'm not sure she's really in tune to what the current uses of the property is, that it could have been developed with these apartments for some time, sometime we got to just make that point.

Mr. Alcaraz: Thank you. Mr. Horsley has any more questions on the WebEx?

Madam Clerk: Alicia Alonso, followed by Ms. Middleton.

Ms. Alonso: Morning, everybody. I think I am part also of the group in Wellington Dam Neck, and what I believe that the main concern is here lack of information to the surrounding areas. All the questions that my fellow neighbor just stated are still unanswered. So, what is the plan to inform and involve the community in understanding our capacity to serve these new residents that are going to be just across us? I think this is the challenging here, communication, I am very interested in learning more, but I don't think I have anything in my hands right now to even

elaborate informed questions, but all the questions are what is our capacity? Can we serve these people? How are we going to organize ourselves? How our lives are going to change from now on to park my car, to have more people residents residing in the area? So yeah, it's communication what I would like to address? What's the plan of communication to the neighbors?

Ms. Alcaraz: Okay, thank you again, again we will let the representative, if you do not hear that then you can please contact the Planning Department's office to see if you can get those answers?

Madam Clerk: Our final speaker is Ms. Middleton. It appears we don't have Ms. Middleton on line for WebEx at this time.

Mr. Alcaraz: Okay, thank you. Representative you like to come forward?

Mr. Beaman: Thank you Mr. Vice Chair, again for the record. Rob Beaman, local land use attorney with the Troutman Pepper Law Firm here now on behalf of the applicant, just to answer some of those concerns, as Mr. Horsley pointed out this site has been zoned for multifamily residential for some time now, and we're not proposing any sort of increase in density on the site. As per the staff report, the surrounding traffic network is currently under capacity, and then also the schools are under capacity as well. So there's no issue of overcrowding the schools, and I'm happy to reach out after the hearing to Ms. Panulo and her association as well to provide some additional information and have a conversation with them. Thank you.

Mr. Alcaraz: Any questions? All right, hearing none, we'll go into discussion to obtain a motion.

Mr. Horsley: I'll make a motion that application be approved, and I would like to encourage Mr. Beaman to get out in to keep them well informed as they need to be.

Mr. Alcaraz: Do I have a motion now do I have a second?

Mr. Redmond: Second

Mr. Alcaraz: Okay, thank you. We have a motion by Mr. Horsley and a second by Mr. Redmond.

Madam Clerk: The vote is open. By a vote of 10 in favor, zero against Agenda Item number two 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				ABSENT
Weiner	AYE			

PROFFERS

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

Proffer 1:

Proffer Number 1 of the Original Proffers is hereby deleted and replaced with the following:

“When developed, the improvements and landscaping on the Property shall be developed in substantial conformity with the conceptual site plan entitled “The Farm at Dam Neck and General Booth”, dated June 24, 2022, and prepared by Timmons Group (the “Concept Plan”), a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning.”

Proffer 2:

Proffer Number 9 of the Original Proffers is hereby deleted in its entirety.

Proffer 3:

Proffer Number 10 of the Original Proffers is hereby deleted and replaced with the following:

“The maximum permitted height of the residential buildings located on the Property shall be seventy-five feet (75’), in lieu of the thirty-five feet (35’) otherwise required under Section 604(a) of the Zoning Ordinance.”

Proffer 4:

Proffer Number 11 of the Original Proffers is hereby amended by the addition of the following sentence at the beginning of such Proffer:

“The quality of architectural design and materials of the residential buildings constructed on the Property, when developed, shall be in substantial conformity with the exhibit prepared by Cox, Kliever & Company, P.C., entitled “APARTMENTS at THE FARM”, and dated June 27, 2022 (the “Elevation”), a copy of which is on file with the Department of Planning and has been exhibit to the Virginia Beach City Council.”

Proffer 5:

Proffer Number 13 is hereby added to the Original Proffers, and will read in its entirety as follows:

“Grantor will submit a traffic impact analysis prepared by a licensed traffic engineer to the City Public Works Department as part of the site plan review process for the development of that portion of the Property identified as ‘Phase 2’ on the Concept Plan.”

Proffer 6:

Except as expressly modified by this Agreement, all other covenants, restrictions and conditions proffered as part of the Original Proffers shall remain unchanged and are incorporated herein by reference with respect to the Property.

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.

APPROVED PROFFERS OF 1994 REZONING

Proffer 1:

The "Conceptual Site Plan and Rezoning Exhibit" prepared by Talbot Group, dated February 28, 1994, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning, shall be substantially adhered to so that there shall be coordinated design and development of the site in terms of vehicular, pedestrian and bike access, circulation, parking, landscaping, best management practices, as landscape features, and recreational amenities to better foster a sense of community.

Proffer 2:

Vehicular Ingress and Egress shall be limited to two (2) entrances from Dam Neck Station Road and one (1) existing entrance from Dam Neck Road.

Proffer 3:

A Community Building, including rental and maintenance offices, a recreational swimming pool serving the residents and child play areas (tot lots) shall be constructed in the areas depicted on the Conceptual Site Plan.

Proffer 4:

A multi-purpose (jogging, walking, biking) path and seating areas shall be constructed around the perimeter of the lake, with the path being connected to the jogging/bike path along Dam Neck Road.

Proffer 5:

A multi-purpose path and foot bridge shall be constructed across the natural area to Redwing Park as depicted on the Conceptual Site Plan, if all necessary permits are approved.

Proffer 6:

Sidewalks shall be constructed along the internal collector streets and shall connect with those along Dam Neck Station Road and Dam Neck Road.

Proffer 7:

All landscaping along Dam Neck Station Road and Dam Neck Road as depicted on the Conceptual site Plan shall meet the requirements for Standard B Scenic Easements as described in Article 3.5 of the Landscaping, Screening and Buffering Specifications and Standards of the City of Virginia Beach as adopted by City Council on April 18, 1988.

Proffer 8:

Gateway treatments shall be constructed at one entrance from Dam Neck Station Road and entrance from Dam Neck Road, with monument style signage externally illuminated from ground level.

Proffer 9:

Two (2) multi-purpose green spaces shall be located adjacent to the Community Building as depicted on the Conceptual Site Plan and all areas designated as floodway or non-tidal wetlands shall be preserved for passive recreational uses.

Proffer 10:

The buildings shall be a mix of two (2) story, three (3) story and combination two (2) and three (3) story elements. Those buildings located adjacent to Dam Neck Road and Dam Neck Station Road shall contain a combination of two (2) and three (3) story elements, with the two (2) story elements located at the ends of the buildings.

Proffer 11:

Exterior surfaces of all buildings shall be in an earth tone color. On those structures located along Dam Neck Road and Dam Neck Station Road, no more than thirty percent (30%) of the exterior building material (excluding roofing) may be vinyl.

Proffer 12:

The total number of living units permitted to be constructed on the Property shall not exceed six hundred and twelve (612).

**Virginia Beach Planning Commission
August 10, 2022, Public Meeting
Agenda Item # 3**

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

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

Address: 2748 West Landing Road

RECOMMENDED FOR APPROVAL – HEARD

Madam Clerk: Our final agenda item is Agenda Item number three, Joyce Nelson, Shelly Gray Schweitzer and Suzanne Gray. An application for Conditional Rezoning (Conditional B-2 Community Business District to Conditional AG-2 Agricultural District) on property located at 2748 West Landing Road, Council District two, formerly the Princess Anne District.

Mr. Bourdon: For the record, Eddie Bourdon, Virginia Beach Attorney representing the family members, who are the applicants here. This is absolutely as Ms. Wilson, I think mentioned this morning in the informal, is the first ever in Virginia Beach and likely the first ever in the Commonwealth of Virginia, a proffered restricted down zoning from B-2 Commercial District to AG-2 Agricultural District. This family has owned this property, since before this particular 6.6 acre parcel was created 55 plus years ago. They simply are asking to return the property to the same Agricultural Zoning District that all of the surrounding properties for miles around are zoned subject to a very limited number of permitted uses in that AG district, all of which are compatible with the surrounding rural residential uses at the end of West Landing Road. The Conditional Rezoning will have the effect of vacating proffers associated with a spot zoning of the parcel to B-2 commercial in 1997, and negating the Conditional Use Permit for a boat storage yard, commercial boat launch, and a bait shack that was approved with a Conditional Rezoning in 1997 as the only permitted use of the property. No dock was allowed in the water. No jet skis were allowed to be docked or stored in the storage yard, and no preparation of food was allowed in the bait shack. The 1997 rezoning was generally supported by the neighboring property owners again at the end of West Landing Road, however, it was spot zoning and while the use survived for a number of years, it turned out not to be viable as strictly restricted, and not financially sustainable, and also the lot of the residents at the end of West Landing Road grew to dislike that boat storage yard, there are 12 rural residences at the end of the road with this property including a 13th upon which a house will be built directly adjacent to this property on the west side for which Planning Commission City Council approved a variance to make the lot legal that had been done by deed many years ago, that was within the last 12 months. The neighbors down here are all supportive. I've given you all a petition. There's no opposition of any of them at the end of the road. Returning the property's zoning to AG-2 is consistent with the applicable provisions of our City's Comprehensive Land Use Plan for this area, and it removes the potential that it might be asserted that the existing B-2 zoning opens the door for introduction of new or modified commercial uses of the property. We have now proffered in addition, a number of principal uses that are more intense, such as

childcare education centers, churches, religious uses, elementary schools and many others that would be not appropriate even though they're allowed in agriculture, they're removed because this site is uniquely and unquestionably rural located well below the blue line in our Agricultural Zone southern half, at the end of a narrow, winding dark at night portion of this old rural road. There is no viable commercial use and no water and sewer by the way, and no viable commercial use, and the B-2 zoning district that can be viable, financially, environmentally desirable, and compatible with the surrounding use of the surrounding properties. There simply is no other potentially permissible use of this property in the B-2 zoning district that is recommended for the area under our city's comprehensive land use plan, that is compatible with the use of the surrounding properties as soon to be 13 rural residential homes not including this, and that is environmentally compatible, and is financially feasible and sustainable. This is true regardless of whether the use is compatible or incompatible with AICUZ. That is the reason and the standard that we have section 804 A of our Zoning Ordinance. I was around when that was on the committee when this was all done, and section 804 A is actually in there, not for down zoning, nobody ever anticipated that down zoning to agriculture, it was to permit up zoning in areas that are residential, the agricultural uses and feasible and you can't put industrial, you can't put it other uses there. Article 18, that section was adopted following the BRAC MOU process over eight years after this property was conditionally rezoned in order to regulate in a manner consistent with the rights of individual property owners, and the requirements of military operations and any associated development of uses and structures that are incompatible with NAS Oceana. The reasonable use exception for incompatible uses in this area contemplates a zoning change, as I said, which would permit an up zoning to greater density, attempting to revise the proffers attached to the B-2 zoning is clearly inconsistent with the comp plan, and basic land use law, and zoning principles are clearly and it's not feasible. The same is true with respect to attempting to rezone the property for any other economically viable use in any other district other than agriculture. Conversely, down zoning the property back to agriculture, like every other property, which surrounds this property, within a very, very substantial surrounding land area, and you've seen it on the handout I've shown you know, there's nothing else around it other these houses and open space, nothing but open land, that cannot be conceivably deemed to be unreasonable. Especially when we can up zone and have up zoned, I'm aware, I've done five, six, four on Dam Neck Road, a couple of down east of here on Princess Anne Road, in areas where everything is residential, and there's nothing else to do, but residential, and those up zonings under this section 804 A are at densities from 1.3 units to 3 units per acre. The most recent ones Atlantic Development, just east of Atlantic Shores on the north side of Dam Neck Road, that's what this is, therefore, the idea that that we can't down zone property to fit with everything else around it under that section is in my opinion in ludicrous. The one home built on this 6.6 acre parcel created in 1967, it down zoned to suggest that is not reasonable in this location surrounded by other houses, it's to suggest that it would not have been unreasonable to leave the property zoned agriculture and let them put a pig farm there. I mean, you can't have it both ways. So I even spoke to Bill McAulay about this, because he crafted this, no one ever even anticipated something like this happening. So it is a completely unique circumstance. This family is paying real estate taxes on a commercially zoned B-2 property that is not feasible to develop. They've been trying to sell it for years. So this with 3.23 miles away from Fentress and at a 90-degree angle the side, not

in the either runway in the normal flight pattern, we're not even close to a crash zone, and between the runway and this property again perpendicular to it, there are scores of houses, in Chesapeake, but their scores of them. So this piece of property can absolutely be house built on, it's no lower than the other 12 soon to be 13 houses at the end of West Landing Road. So it is frustrating to us to have this recommendation the way it is, but I've been around this whole situation the whole time on the committee back in the early 2000s when this was adopted, and it was adopted to permit up zoning from AG to residential, it was never conceived that it would needed to do a down zoning with proffers to make sure that we didn't put the wrong use in the wrong place, and that's exactly what this would be if isn't this. To try to suggest that we can make the marina bigger do something to make it work, no one down there wants that, nor should it have to because it's it was a spot zoning, arguably shouldn't have been approved in the first place. Lastly, you all approved the case right after this morning on consent where it belongs. It's a great development of the old elementary school on Laskin Road. The city owns that piece of property, and yes, it is zoned and has been zoned for apartments. Well, up until a few years ago, anyone in the private sector coming in and this earlier interpretation of the AICUZ ordinance would have had given up some residential incompatible in order to get all that additional commercial and, restaurant and office space, it's in that application. It is a good application. I represent some people who bid on that property as well, and I told them at that time, I don't know how the city is going to handle this, but they need to be consistent in my view, and again it's an excellent application, but you all recommend and staff recommended that be approved, where they're about 100 yards from APZ1, and I realize it's a heavily developed area, it's in a higher noise zone than this one, and that was approved on consent, and these poor folks, staff is against them having a house at one, it works out the one unit per less than one six unit per acre. That's how I mean 6.6 acres with one house, when we're, he's already used the same section to approve 1.38 units per acre to 3 or 3.2 units per acre in other up zonings using the same provision that have taken place over the course of the existence of that provision, which is there for a very good reason, but you cannot distinguish those from this in terms of the land use policy. Does it fit? Is it compatible with what's around it? It's exactly the same standard that I've quoted, and I'd be happy to answer any questions that you may have.

Mr. Alcaraz: Thank you. Is there any questions? Any speakers? We'll open for a discussion and I'll take a motion.

Mr. Horsley: Mr. Chairman, let me make a comment. First, I've been around a long time, and I don't think I've ever known any one property to be from be down zoned from B-2 to any other up zoning down to agriculture, it is kind of one of very unique situations that may have happened, but I don't remember. But anyway, I think this is probably you know, and I'm not sure about it, was probably some errors that have been heard to this property, and they didn't need to be able to settled this and stayed out, and they were inherited a piece of business zoned property that they can't really get a business zone to be functional, and all they wanted to do is down zone agriculture. So they can probably build one home on it, and I really don't see a problem with that. I think, it's fine to do that. They've probably been paying business taxes on it for many, many years, and I can understand that. So that being said, I would make a motion that we approve this application.

Mr. Alcaraz: Thank you. I have a second? I have a second by Mr. Redmond. Do you have a comment?

Ms. Wilson: I would ask a question if I could Chairman Alcaraz?

Mr. Alcaraz: Yes.

Ms. Wilson: Mr. Horsley that will include your belief that there is no other reasonable use of this property than as residential, correct?

Mr. Horsley: That's definitely true, there is no other reasonable use of this property. It has sitting as zone B-2 for many years and no takers. So it's got to go back to agriculture.

Mr. Alcaraz: Thank you, Mr. Redmond.

Mr. Redmond: I want to just sort of piggyback on what Mr. Horsley said, I don't think it's sufficient to just throw out a potential use because it abuts a body of water doesn't mean you can necessarily be a marina with a 400 square foot retail establishment and all that. You reasonably say that about any property in Virginia Beach, if that were the case, for it to be reasonable in my view, and have to be very plausible business plan as something that would be very likely to work, that someone could have great confidence that they weren't, you know, burying money into the ground, and none of that has been done or is possible to be done, I think in this situation. So I think merely throwing out an example of a potential use that's adjacent to a body of water does not in my view constitute reasonable use, and like Mr. Horsley I would therefore, view the fact that it's been this way for many, many, many years, as prima facie evidence that there is no reasonable use of this property. So I mean, I genuinely believe that meets the legal standard, regardless of what Mr. Bourdon argues was misapplied. Even under this standard seems to me, you know, we're well past the bounds of reasonableness. So thank you, Mr. Chairman.

Mr. Alcaraz: All right. Thank you, Mr. Bradley you had a comment?

Mr. Bradley: I think I just want to explain where my vote will be. I talked about a little bit in informal session. You know, 20 years ago, there was the real, very real chance that we were going to lose Oceana through a BRAC process, and my department, at the time I was in the budget, actually did a fiscal impact study to show what the loss would mean to the economy, and the city and state spent tens of millions of dollars to actually reduce the density around Oceana. So with the city's intent, and this seemed to be kind of a line drawn in the sand. I think this would be a very easy issue without that AICUZ parameter in play. So I'm going to support the staff's position on this one.

Ms. Alcaraz: Alright, thank you. Ms. Oliver?

Ms. Oliver: Ms. Wilson, the staff report is to deny, so how do we go about?

Mr. Tajan: Just to clarify that is this staff position, but the motion is to approve the application, so that is to approve the conditional rezoning.

Mr. Alcaraz: I have a motion by Mr. Horsley, a Second by Mr. Weiner to approve the application.

Madam Clerk: The vote is open. By vote of eight in favor, and two against, Agenda Item number three has been recommended for approval.

Mr. Alcaraz: Thank you for your participation in the Planning Commission hearing today. I appreciate it, and thanks for bearing with us on this high tech technology here in front of us. Meeting is adjourned.

	AYE 8	NAY 2	ABS 0	ABSENT 1
Alcaraz	AYE			
Bradley		NAY		
Clemons		NAY		
Coston	AYE			
Cuellar	AYE			
Frankenfield	AYE			
Horsley	AYE			
Oliver	AYE			
Redmond	AYE			
Wall				ABSENT
Weiner	AYE			

PROFFERS

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

Proffer 1

The Property shall only be used for one (1) or more of the following principal uses as permitted in the Zoning District:

- a. Agricultural, aquacultural and horticultural operations;
- b. A rural single family dwelling;
- c. Fish hatcheries and fish ponds;
- d. Forests and forestry;
- e. Home based wildlife rehabilitation.

Proffer 2

The Property shall not be used for any principal uses other than as specified in proffer number 1 and it shall not be used for any conditional use as defined in the Use Regulations for the AG-2 Agricultural District in the Grantee’s Zoning Ordinance.

Proffer 3

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

Staff Comments: Staff has reviewed the Proffers listed above and cannot accept the proffers as offered since it allows for uses that are not compatible with the AICUZ regulations. The City Attorney's Office has reviewed the agreement and found it to be legally sufficient and in acceptable legal form subject to City Council finding that no reasonable use designated as compatible under the applicable table or tables of Article 18 can be made of the property.

**Virginia Beach Planning Commission
August 10, 2022, Public Meeting
Agenda Item # 4**

TFJG Canopy, LLC [Applicants & Property Owners]

Conditional Rezoning (A-12 Apartment District to Conditional B-4 Mixed Use District)

Address: 1413 Laskin Road

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Weiner: Thank you. Next one, Item number four, TFJG Canopy Condition Rezoning of A-12 Apartment District. to Conditional B-4 Mixed Use District at 1413 Laskin Road.

Mr. Beaman: Thank you, Mr. Weiner. For the record, my name is Rob Beaman, local land use attorney with the Troutman Pepper Law Firm here on behalf of the applicant. We've had a chance to read the conditions are acceptable. We appreciate being on consent. Thank you very much.

Mr. Weiner: Thank you, sir. Is there any opposition to this being placed on the Consent Agenda? Hearing none, I have asked Ms. Oliver to read this into the record.

Ms. Oliver: Thank you. This request was deferred at the July 13, 2022 Planning Commission Public Hearing at the applicant's request. Since the deferral, the applicant provided the staff with a revised concept plan that included the addition of a 6,000 square foot building at the corner of Laskin Road and Winwood Drive for a restaurant. The applicant is proposing to rezone the parcel to a B-4 Mixed Use District. The redevelopment of the property with up to 132 multi-family dwelling units 50,000 square feet of office space, 10000 square feet of destination retail, and 15000 square feet of restaurant. The proposal meets the requirements, so the redevelopment per Section of 1804 D of the AICUZ regulations in the Zoning Ordinance. There are many outdoor areas planned that may include pedestrian trails, grilling stations, specific details will be finalized during the final site review. Plan Review process also indicated on the proper plan is an outdoor swimming pool as well as clubhouse with the fitness center, and in addition, the rooftop parking structure will be covered with a green roof to create an additional amenity for the office, and residential users. This property contains 1.37 acres of wetlands and is adjacent to a tributary of the Linkhorn Bay. The proposed storm water management strategy includes collection and infiltration of storm water focused along the southern edge of the property. The staff recommends approval of the rezoning of this application. The Commission agrees with staff, and therefore we put it on the consent agenda, but I do want to just add one thing, that this - and I'm sure everybody's aware of this piece of property - has been sitting vacant since we moved Linkhorn Park Elementary School, and it is becoming a terrible eyesore to our area and just to our city overall. This development is going to be such a great asset to our city, and I am thankful that they raised the bar to this level, and I look forward to seeing it. So with that, it's all yours.

Mr. Weiner: Thank you. Mr. Horsley. Mr. Chairman that is the end of the consent agenda. I move for approval items number 1, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

Mr. Alcaraz: Alright, thank you. I have taken that's your motion to approve those items. Thank you.

Mr. Weiner: Is there a second? Hearing second, are there any Planning Commissioners abstaining any of these consent agendas items?

Mr. Redmond: I want to make two disclosures. Number one, I should have disclosed earlier when we had application withdrawn, for some time I abstained on short-term rental applications and ordinances because I had a client in the travel industry, I no longer have that client, and so I am withdrawing the letter or at least withdrawing my abstention from those items, and henceforth I we'll be voting on those items. Second, I would also like to mention that Agenda Item Number 10, Jenny Corporation is applying at a shopping center at Salem Crossing Shopping Center, which is leased by a colleague of mine at my place of business. I don't receive any kind of remuneration or have anything to do with that piece of business. So I may merely make that disclosure. I will be voting in favor of that, and the rest of the consent agenda. Thank you.

Mr. Alcaraz: Pursuant to the state and local government conflict of interest, I make the following declaration. I'm executing this written disclosure in hand regarding the Planning Commission's discussion on vote number 13, Ocean Developers, LLC 404 34th Street. I'm employed by the previous owner of this property, and though they're not the owners of this application, I believe that I have a financial personal interest in this transaction. As such, I've made a disclosure, and I will be abstaining from this application. Thank you.

Madam Clerk: The vote is open. By vote of 10 in favor, zero against, noting that Mr. Alcaraz has abstained from voting on agenda item 13, agenda items number 1, 4,8,9,10,11,12,13,14,15,16,17,18,19,20 have been 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				ABSENT
Weiner	AYE			

PROFFERS

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

Proffer 1

When developed, the improvements and landscaping on the Property shall be developed in substantial conformity with the conceptual site plan entitled “The Canopy — Conceptual Site and Landscape Plan”, dated March 24, 2022, and prepared by Timmons Group (the “Concept Plan”), a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning.

Proffer 2

The quality of architectural design and materials of the mixed-use buildings constructed on the Property, when developed, shall be in substantial conformity with the exhibit prepared by EDSA, entitled “Mixed Use Building Design Concept”, and dated March 24, 2022 (the “Mixed Use Elevation”), a copy of which is on file with the Department of Planning and has been exhibited to the Virginia Beach City Council.

Proffer 3

The number of multifamily residential units located on the Property, when developed, shall not exceed a total of one hundred thirty two (132).

Proffer 4

Freestanding signage located on the Property shall be monument-style, no larger than eight feet (8') in height and shall be constructed of materials compatible with those used for the buildings located on the Property.

Proffer 5

Any dumpster located on the Property will be screened from adjacent public streets by an enclosure constructed of materials compatible with those used for the buildings located on the Property.

Proffer 6

If requested by the City Department of Public Works during the site plan review process, Grantor will dedicate a maximum twenty foot (20') wide public drainage easement over existing stormwater drainage facilities located in the northeastern portion of the Property (as the same may be relocated with the agreement of the City Public Works Department).

Proffer 7

If requested by the City Utilities Department during the site plan review process, Grantor will dedicate a maximum fifteen foot (15') wide public utility easement along the eastern boundary of the Property and along the southern boundary of the proposed pump station site (as shown on the Concept Plan) in locations acceptable to the City Utilities Department.

Proffer 8

Further conditions lawfully imposed by applicable development ordinances may be required by

the Grantee during detailed site plan and/or subdivision review and administration of applicable City Codes by all cognizant City agencies and departments to meet all applicable City Code requirements.

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
August 10, 2022, Public Meeting
Agenda Items # 5, 6 & 7**

Earthscapes Enterprises, LLC [Applicant]
Valianos Properties, LLC & JEM, LLC [Property Owners]

Conditional Rezoning (I-1 Light Industrial District & B-2 Community Business District to Conditional B-2 Community Business District)

Conditional Use Permits (Mini-Warehouse & Bulk Storage Yard)

Address: 619 & 623 London Bridge Road

DEFERRED FOR 30 DAYS

Mr. Alcaraz: Okay, thank you. The next order of business is for the consideration of request to withdraw and defer an item, all with withdrawals please come forward. You can state your name and what item you are withdrawing?

Mr. Watson: My name is Les Watson, I represent the applicants on items five, six and seven and we're requesting a 30-day deferral if that's the pleasure of the Commission, we're working on to find out the final details of some matters with the Navy regarding their easement on this property.

Mr. Alcaraz: Is there anyone that has an opposition to deferring to these items or speak on it?

Madam Clerk: We are having some technical difficulties and in the interest of time, I will call this as a verbal vote. After I call your name, please respond with either Aye, Nay or Abstain. And just to clarify, we're voting on items five, six and seven to be deferred for 30 days, with a motion by Mr. Weiner and a second by Mr. Horsley.

Madam Clerk: Mr. Bradley

Mr. Bradley: Aye

Madam Clerk: Mr. Clemons

Mr. Clemons: Aye

Madam Clerk: Mr. Coston

Mr. Coston: Aye

Madam Clerk: Ms. Cuellar

Ms. Cuellar: Aye

Madam Clerk: Mr. Frankenfield

Mr. Frankenfield: Aye

Madam Clerk: Ms. Oliver

Ms. Oliver: Aye

Madam Clerk: Mr. Redmond

Mr. Redmond: Aye

Madam Clerk: Mr. Alcaraz

Mr. Alcaraz: Aye

Madam Clerk: By a vote of 10 in favor zero against agenda items five, six and seven have 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				ABSENT
Weiner	AYE			

**Virginia Beach Planning Commission
August 10, 2022, Public Meeting
Agenda Item # 8**

**Frank A. Zingales & James T. Cromwell, Esq. Receiver for Shore Realty Corporation, a
Defunct Corporation [Applicant]**

Street Closure

Address: Portion of the unimproved right-of-way between 200, 202 & 204 76th Street

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Next one is item number eight, Frank A. Zingales & James T. Cromwell for street closure of a portion of unimproved right-of-way on 76th Street.

Mr. Bourdon: Thank you Mr. Weiner, for the record Eddie Bourdon, Virginia Beach Attorney representing the applicants, the Zingales and Mr. Cromwell. We appreciate the good work that Marchelle did on this application. All the conditions, all four of them are acceptable to us. I do want to point out one thing, and I mentioned this to Marchelle, on the summary of the proposal, the first bullet point the last sentence states that the owners of the duplex at 202 and 204 76th Street have relinquished their rights to purchase their half of this lane. The owners of that duplex support this application and they have no desire at all to purchase the western half of the lane. They didn't purchase the lane behind them when we close that a year and a half ago, but because the underlying fee is not owned by the city, but by the receiver for Shore Realty, they actually don't have the right to purchase the line, and if they did, we'd have to get a deed from them of that right if the city owned the alley, so I just want to be just clear that they support totally are acquiring it, but because the city doesn't own the underlying fee in the alley they don't have a "Right to acquire" because I don't want anybody to get up to City Council to say where's the where's the deed? Where's the contract? Thank you.

Mr. Weiner: Is there any opposition that's being placed on a consent agenda? Hearing none, we've asked Cuellar to read this into the record please.

Ms. Cuellar: Thank you very much. This applicant is requesting to close a portion of the unimproved land that is adjacent to the rear lot line of the single-family dwelling at 276 Street as well as adjacent to the side lot line of the duplex at 202, and 204 76th Street. On September 15 2020, the City Council approved the closure of a portion of the southern half of this lane adjacent to lots 8, 9, 10, 46, and the southern 15 feet of lot 11. Seeing that there's no opposition, staff recommends and the Commission recommends approval with subject to conditions and to have this on the consent agenda.

Mr. Weiner: Thank you. Mr. Horsley. Mr. Chairman that is the end of the consent agenda. I move for approval items number 1, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

Mr. Alcaraz: Alright, thank you. I have taken that's your motion to approve those items. Thank you.

Mr. Weiner: Is there a second? Hearing second, are there any Planning Commissioners abstaining any of these consent agendas items?

Mr. Redmond: I want to make two disclosures. Number one, I should have disclosed earlier when we had application withdrawn, for some time I abstained on short-term rental applications and ordinances because I had a client in the travel industry, I no longer have that client, and so I am withdrawing the letter or at least withdrawing my abstention from those items, and henceforth I we'll be voting on those items. Second, I would also like to mention that Agenda Item Number 10, Jenny Corporation is applying at a shopping center at Salem Crossing Shopping Center, which is leased by a colleague of mine at my place of business. I don't receive any kind of remuneration or have anything to do with that piece of business. So I may merely make that disclosure. I will be voting in favor of that, and the rest of the consent agenda. Thank you.

Mr. Alcaraz: Pursuant to the state and local government conflict of interest, I make the following declaration. I'm executing this written disclosure in hand regarding the Planning Commission's discussion on vote number 13, Ocean Developers, LLC 404 34th Street. I'm employed by the previous owner of this property, and though they're not the owners of this application, I believe that I have a financial personal interest in this transaction. As such, I've made a disclosure, and I will be abstaining from this application. Thank you.

Madam Clerk: The vote is open. By vote of 10 in favor, zero against, noting that Mr. Alcaraz has abstained from voting on agenda item 13, agenda items number 1, 4,8,9,10,11,12,13,14,15,16,17,18,19,20 have been 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				ABSENT
Weiner	AYE			

CONDITIONS

1. The City Attorney’s Office will make the final determination regarding ownership of the underlying fee. The purchase price to be paid to the City shall be determined according to the “Policy Regarding Purchase of the City’s Interest in Streets Pursuant to Street Closures,” approved by City Council. Copies of the policy are available in the Planning Department.

2. The applicant shall resubdivide the property and vacate internal lot lines to incorporate the closed area into the adjoining lots. The resubdivision plat must be submitted and approved for recordation prior to the final street closure approval. Said plat shall include the dedication of a public drainage easement over the closed portion of the lane to the City of Virginia Beach, subject to the approval of the Department of Public Works, and the City Attorney's Office, which easement shall include a right of reasonable ingress and egress.
3. The applicant or the applicant's successors or assigns shall verify that no private utilities exist within the right-of-way proposed for the closure. If private utilities do exist, easements satisfactory to the utility company, must be provided.
4. Closure of the right-of-way shall be contingent upon compliance with the above stated conditions within 365 days of approval by the City Council. If the conditions noted above are not accomplished and the final plat is not approved for recordation within one year of the City Council vote to close the right-of-way this approval shall be considered null and void.

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

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

**Virginia Beach Planning Commission
August 10, 2022, Public Meeting
Agenda Item # 9**

Mike Daubert [Applicant]
Back Bay Farms, Inc. [Property Owner]

Conditional Use Permit (Assembly Use)

Address: 1833 Princess Anne Road

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you. Next item is item number nine, Mike Daubert, Back Bay Farms for Conditional Use Permit for Assembly Use at 1833 Princess Anne Road. Is there a representative of this item? Welcome, please state your name for the record.

Mr. & Mrs. Daubert: My name is Mike Daubert, and I am Megan Daubert.

Mr. Weiner: All the conditions are acceptable?

Ms. Daubert: We do.

Mr. Weiner: Thank you. Anybody have any opposition this being placed on the consent agenda? Hearing none, Mr. Bradley has been asked to read this into the record.

Mr. Bradley: The applicant assigned a 50-year ground lease agreement and intends to develop and operate an event venue on a 3-acre portion of 1833 Princess Anne Road, also known as Back Bay Farms. The property is zoned AG-2 Agricultural District, which allows for Assembly Use with a Conditional Use Permit. Specifically, the applicant is requesting a Conditional Use Permit for Assembly Use to host weddings, and other events on the site. The Planning staff has recommended this item and since there's no speakers against it, and it is on our consent agenda.

Mr. Weiner: Thank you. Mr. Horsley. Mr. Chairman that is the end of the consent agenda. I move for approval items number 1, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

Mr. Alcaraz: Alright, thank you. I have taken that's your motion to approve those items. Thank you.

Mr. Weiner: Is there a second? Hearing second, are there any Planning Commissioners abstaining any of these consent agendas items?

Mr. Redmond: I want to make two disclosures. Number one, I should have disclosed earlier when we had application withdrawn, for some time I abstained on short-term rental applications and ordinances because I had a client in the travel industry, I no longer have that client, and so I am withdrawing the letter or at least withdrawing my abstention from those items, and henceforth I we'll be voting on those items. Second, I would also like to mention that Agenda Item Number 10, Jenny Corporation is applying at a shopping center at Salem Crossing Shopping Center,

which is leased by a colleague of mine at my place of business. I don't receive any kind of remuneration or have anything to do with that piece of business. So I may merely make that disclosure. I will be voting in favor of that, and the rest of the consent agenda. Thank you.

Mr. Alcaraz: Pursuant to the state and local government conflict of interest, I make the following declaration. I'm executing this written disclosure in hand regarding the Planning Commission's discussion on vote number 13, Ocean Developers, LLC 404 34th Street. I'm employed by the previous owner of this property, and though they're not the owners of this application, I believe that I have a financial personal interest in this transaction. As such, I've made a disclosure, and I will be abstaining from this application. Thank you.

Madam Clerk: The vote is open. By vote of 10 in favor, zero against, noting that Mr. Alcaraz has abstained from voting on agenda item 13, agenda items number 1, 4,8,9,10,11,12,13,14,15,16,17,18,19,20 have been 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				ABSENT
Weiner	AYE			

CONDITIONS

1. When the site is developed, it shall be in substantial conformance with the submitted concept plan entitled "SITE LAYOUT" dated 4/29/2022 and prepared by Timmons Group, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
2. The exterior of the proposed building shall substantially adhere in appearance, size and materials to the elevations entitled "EXTERIOR ELEVATIONS" dated 4/29/2022 and prepared by Hanbury, which has been which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
3. Events shall be limited to between the hours of 8:00 a.m. and 11:00 p.m.
4. The maximum number of attendees and the occupancy load shall be determined by the City of Virginia Beach Fire Marshal.
5. No outdoor amplified music shall be permitted after 10:00 p.m.

6. All parking for the Assembly Use shall be on the property.
7. Handicap spaces shall be provided adjacent to the event area in accordance with all ADA requirements.
8. No less than one trash receptacle per 1,000 square feet of sales area shall be provided. All trash receptacles shall be emptied regularly so as not to overflow, and litter and debris shall not be allowed to accumulate.
9. Any outdoor storage of stalls or other materials is prohibited.
10. A Certificate of Occupancy and all applicable approvals from the Fire Prevention Bureau must be obtained for use.
11. Prior to each event, the applicant shall notify the Police Department, the Fire Prevention Bureau, the Health Department and Emergency Medical Services of the event's time, size, and scope of activities.
12. The final stormwater plan submitted to the Development Services Center (DSC) shall be in substantial conformance with the preliminary stormwater analysis, unless otherwise approved by the DSC, using the same basis of design that includes increased rainfall amounts and consideration for sea level rise.
13. Virginia Beach Health Department approval as required of well and/or septic systems shall be obtained during site plan review.

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
August 10, 2022, Public Meeting
Agenda Item # 10**

Jenny Corporation [Applicant]
Elias Property Salem Crossing, LLC [Property Owner]

Conditional Use Permit (Tattoo Parlor)

Address: 2029 Lynnhaven Parkway, Suite 200

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Great. Next is item number 10, Jenny Corporation for a Conditional Use Permit for a Tattoo Parlor in 2029 Lynnhaven Parkway. Is there a representative for this item? Please come forward, and please state your name for the record.

Ms. Wen: My name is My Huong Nguyen, I'm a representative for Jenny Corporation, and I'm a permanent eyebrow maker.

Ms. Weiner: All conditions are acceptable?

Ms. Wen: Yes, thank you.

Mr. Weiner: Any opposition to this being placed on the consent agenda? Hearing none, Mr. Frankenfield has graciously volunteered for this one.

Mr. Frankenfield: Thank you, sir. The applicant is requesting a Conditional Use Permit to allow the addition of permanent makeup known as microblading to a list of services at this location. The salon is located at the Salem Crossing Shopping Center. Permanent makeup services will be provided by appointment only. The applicant intends to have one permanent makeup artists operating the salon. There's no new signage or other exterior alterations. There are no other tattoo parlors within 600-foot radius. This meets all the requirements for tattoo parlor, and there's no opposition, so we recommend consent.

Mr. Weiner: Thank you. Mr. Horsley. Mr. Chairman that is the end of the consent agenda. I move for approval items number 1, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

Mr. Alcaraz: Alright, thank you. I have taken that's your motion to approve those items. Thank you.

Mr. Weiner: Is there a second? Hearing second, are there any Planning Commissioners abstaining any of these consent agendas items?

Mr. Redmond: I want to make two disclosures. Number one, I should have disclosed earlier when we had application withdrawn, for some time I abstained on short-term rental applications and ordinances because I had a client in the travel industry, I no longer have that client, and so I am withdrawing the letter or at least withdrawing my abstention from those items, and henceforth I we'll be voting on those items.

Second, I would also like to mention that Agenda Item Number 10, Jenny Corporation is applying at a shopping center at Salem Crossing Shopping Center, which is leased by a colleague of mine at my place of business. I don't receive any kind of remuneration or have anything to do with that piece of business. So I may merely make that disclosure. I will be voting in favor of that, and the rest of the consent agenda. Thank you.

Mr. Alcaraz: Pursuant to the state and local government conflict of interest, I make the following declaration. I'm executing this written disclosure in hand regarding the Planning Commission's discussion on vote number 13, Ocean Developers, LLC 404 34th Street. I'm employed by the previous owner of this property, and though they're not the owners of this application, I believe that I have a financial personal interest in this transaction. As such, I've made a disclosure, and I will be abstaining from this application. Thank you.

Madam Clerk: The vote is open. By vote of 10 in favor, zero against, noting that Mr. Alcaraz has abstained from voting on agenda item 13, agenda items number 1, 4,8,9,10,11,12,13,14,15,16,17,18,19,20 have been 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				ABSENT
Weiner	AYE			

CONDITIONS

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

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

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

**Virginia Beach Planning Commission
August 10, 2022, Public Meeting
Agenda Items # 11 & 12**

AMERCO Real Estate Company [Applicant]
Thomas Brill Trust [Property Owner]

Conditional Use Permits (Truck & Trailer Rentals & Mini-Warehouse)

Address: Parcel on the southern corner of Holland Road & Stoneshore Road, directly west of 3427 Holland Road

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you, sir. Next one is items, 11 and 12 together, which is AMERCO Real Estate Company for a Conditional Use Permit for truck and trailer rentals and mini-warehouse on 3427 Holland Road.

Mr. Rosa: Welcome. Good afternoon. My name is Tyler Rosa with the law firm Williams Mullen here on behalf of the applicant. We've reviewed the conditions and they're acceptable to the applicant.

Mr. Weiner: Is there any opposition to this being placed on the consent agenda? Hearing none, we have asked Mr. Frankenfield to read this into the record.

Mr. Frankenfield: Thank you again, and the applicant plans to develop a new U-Haul Moving and Storage Store on an undeveloped 4.4-acre parcel. The applicant is requesting two Conditional Use Permits, one for mini-warehouse, and one for truck and trailer rentals. The applicant will construct two warehouse buildings: one will be 89,000 square feet, the other 19,000 square feet. Both warehouses building will be no higher than 35 feet tall. There will be the required buffers providing screening along the property lines and adjacent to Tivoli apartments. Display area for truck trailer rentals will be located on the north property line, and U-Haul Storage will have a minimum of 10 employees to a shift. U-haul may authorize customers with storage units to access the site via access cards. Finding no opposition to this development and working closely with staff for the plan, we recommend consent.

Mr. Weiner: Thank you. Mr. Horsley. Mr. Chairman that is the end of the consent agenda. I move for approval items number 1, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

Mr. Alcaraz: Alright, thank you. I have taken that's your motion to approve those items. Thank you.

Mr. Weiner: Is there a second? Hearing second, are there any Planning Commissioners abstaining any of these consent agendas items?

Mr. Redmond: I want to make two disclosures. Number one, I should have disclosed earlier when we had application withdrawn, for some time I abstained on short-term rental applications and ordinances because I had a client in the travel industry, I no longer have that client, and so I am withdrawing the letter or at least withdrawing my

abstention from those items, and henceforth I we'll be voting on those items. Second, I would also like to mention that Agenda Item Number 10, Jenny Corporation is applying at a shopping center at Salem Crossing Shopping Center, which is leased by a colleague of mine at my place of business. I don't receive any kind of remuneration or have anything to do with that piece of business. So I may merely make that disclosure. I will be voting in favor of that, and the rest of the consent agenda. Thank you.

Mr. Alcaraz: Pursuant to the state and local government conflict of interest, I make the following declaration. I'm executing this written disclosure in hand regarding the Planning Commission's discussion on vote number 13, Ocean Developers, LLC 404 34th Street. I'm employed by the previous owner of this property, and though they're not the owners of this application, I believe that I have a financial personal interest in this transaction. As such, I've made a disclosure, and I will be abstaining from this application. Thank you.

Madam Clerk: The vote is open. By vote of 10 in favor, zero against, noting that Mr. Alcaraz has abstained from voting on agenda item 13, agenda items number 1, 4,8,9,10,11,12,13,14,15,16,17,18,19,20 have been 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				ABSENT
Weiner	AYE			

CONDITIONS

Conditions for Conditional Use Permit for Mini-warehouse:

1. When the property is developed, it shall be in substantial conformance with the concept plan entitled "AMERCO REAL ESTATE COMPANY – PRELIMINARY SITE PLAN", dated 07/29/2022, and prepared by AMERCO REAL ESTATE COMPANY, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development, with the exception that the planting strip shown alongside the north elevation of Building B be moved to define the southern edge of the Shunting Area.
2. A Landscape Plan shall be submitted to the Development Services Center of the Department of Planning and Community Development for review and ultimate approval prior to issuance of a Certificate of Occupancy and shall be developed in substantial conformance with the landscape plan entitled "U-HAUL OF VIRGINIA BEACH", dated 07/29/2022, and prepared by PAINTED FERN 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 exception that the planting strip shown alongside the north elevation of Building B be moved to define the southern edge of the Shunting Area.

3. As noted in the landscape plan entitled "U-HAUL OF VIRGINIA BEACH", dated 07/29/2022, and prepared by PAINTED FERN LANDSCAPE ARCHITECTURE, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development, existing healthy and non-invasive vegetation in the 20-foot wide side setback along the southeast parcel line shall be retained and maintained to supplement the Category VI landscape screening.
4. The exterior of the proposed building shall substantially adhere in appearance, size, materials to the submitted elevations entitled "MOVING & STORAGE OF TIDEWATER", 06/01/2022, and prepared by ADVERTISING & MARKETING ASSOCIATES, INC., which have been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
5. All signage shall be externally lit and no neon lighting visible from the rights-of-way and from any adjoining property shall be permitted to be placed on the Property. Any freestanding signage shall be monument style no taller than eight feet in height and externally lit with a brick base to match the building.) All signage shall meet the requirements and regulations of the Zoning Ordinance. A separate permit from the Department of Planning & Community Development is required for any new signage installed on the site.
6. All exterior lighting shall be low intensity and residential in character. All other exterior lighting on the property shall also be building mounted or ground level lighting which is not directly visible from the (main road)/According to Section 237 of the City Zoning Ordinance, all outdoor lights shall be shielded to direct light and glare onto the mini-warehouse premises; said lighting and glare shall be deflected, shaded, and focused away from all adjoining property. Any outdoor lighting fixtures shall not be erected any higher than 14 feet.
7. There shall be no electric or diesel power generator or generator fueled by any other source of energy located outside of any building.
8. The storage units shall be used only for storage of goods. The units shall not be used for office purposes, band rehearsals, residential dwellings, or any other purpose not consistent with the storage of goods.
9. Motorized vehicles for rental on the property shall be limited to trucks and trailers and shall be stored within the designated areas identified as the display area and shunting area on the exhibit entitled "AMERCO REAL ESTATE COMPANY – PRELIMINARY SITE PLAN", dated 07/29/2022, and prepared by AMERCO REAL ESTATE COMPANY, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
10. The outdoor storage of containers, pods, crates, boxes, or similar mobile storage units shall be prohibited, except, mobile storage units may be placed outside for loading and unloading. In no case shall the mobile storage unit be placed outside for more than a 24 hour period.
11. No loading or unloading of stored goods shall occur in the public right-of-way.

12. No barbed wire, razor wire, or any other fencing devices shall be installed on the roof or walls of the building or on the sliding gate surrounding the loading zone.
13. Alterations to the existing median on Stoneshore Road shall be designed such that those alterations only permit a left turn from Stoneshore Road into the site. Any traffic exiting the site onto Stoneshore Road shall be restricted only to a right turn towards the Holland Road intersection.
14. A subdivision plat shall be submitted to establish boundaries of the lot during site plan review.

Conditions for Conditional Use Permit for Truck & Trailer Rentals:

1. When the property is developed, it shall be in substantial conformance with the concept plan entitled "AMERCO REAL ESTATE COMPANY – PRELIMINARY SITE PLAN", dated 07/29/2022, and prepared by AMERCO REAL ESTATE COMPANY, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development, with the exception that the planting strip shown alongside the north elevation of Building B be moved to define the southern edge of the Shunting Area.
2. A Landscape Plan shall be submitted to the Development Services Center of the Department of Planning and Community Development for review and ultimate approval prior to issuance of a Certificate of Occupancy and shall be developed in substantial conformance with the landscape plan entitled "U-HAUL OF VIRGINIA BEACH", dated 07/29/2022, and prepared by PAINTED FERN 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 exception that the planting strip shown alongside the north elevation of Building B be moved to define the southern edge of the Shunting Area.
3. As noted in the landscape plan entitled "U-HAUL OF VIRGINIA BEACH", dated 07/29/2022, and prepared by PAINTED FERN LANDSCAPE ARCHITECTURE, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development, existing healthy and non-invasive vegetation in the 20-foot wide side setback along the southeast parcel line shall be retained and maintained to supplement the Category VI landscape screening.
4. The exterior of the proposed building shall substantially adhere in appearance, size, materials to the submitted elevations entitled "MOVING & STORAGE OF TIDEWATER", 06/01/2022, and prepared by ADVERTISING & MARKETING ASSOCIATES, INC., which have been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development. The color of the EIFS shall be a neutral and/or earth tone.
5. All signage shall be externally lit and no neon lighting visible from the rights-of-way and from any adjoining property shall be permitted to be placed on the Property. All on-site signage shall meet the requirements and regulations of the Zoning Ordinance. A separate permit from the Department of Planning & Community Development is required for any new signage installed on the site.

6. No more than three (3) trucks and trailers for rent shall be displayed in the display area as identified on the Concept Plan. Truck and trailers for rent not on display shall be parked in the area designated as "Vehicle Shunting Area" or the parking area adjacent to the southeast elevation of building a as shown on the concept plan "AMERCO REAL ESTATE COMPANY – PRELIMINARY SITE PLAN", dated 07/29/022, and prepared by AMERCO REAL ESTATE COMPANY.
7. The "Vehicle Shunting Area," as identified on the Concept Plan shall be screen, except for necessary openings for ingress and egress, from any public right-of-way or adjoining residential or apartment zoning district within one hundred (100) feet of the designated area by a fence not less than six (6) feet in height and Category VI landscaping and in substantial conformance with the fencing type exhibited in the Landscape Plan. The fence screening the "Vehicle Shunting Area" adjacent to Stoneshore Road may be as described in the concept landscaping plan as exhibited to the City of Virginia Beach.
8. All exterior lighting (as identified on the exhibit entitled shall be low intensity and residential in character. All other exterior lighting on the property shall also be building mounted or ground level lighting which is not directly visible from the right-of-way. According to Section 237 of the City Zoning Ordinance, all outdoor lights shall be shielded to direct light and glare onto the mini-warehouse premises; said lighting and glare shall be deflected, shaded, and focused away from all adjoining property. Any outdoor lighting fixtures shall not be erected any higher than 14 feet.
9. The site must be improved with all required screening and buffering as required in the Virginia Beach Landscaping Guide, including but not limited to, street frontage landscaping and foundation plantings.
10. Parking spaces and display area spaces must be clearly delineated on site plan and the parking lot must be striped in accordance with the approved plan. Vehicles, including trailers, are to be parked in the designated areas and no vehicles, including trailers, shall be parked within any portion of the public right-of-way.
11. The required foundation landscaping shall be permitted to be established in planter boxes along the front and side portion of the buildings.
12. No vehicle, including trailers, shall be parked, loaded, or unloaded within any portion of the public right-of-way.
13. No neon lighting visible from the rights-of-way and from any adjoining property shall be permitted to be placed on the Property. All on-site signage shall meet the requirements and regulations of the Zoning Ordinance. A separate permit from the Department of Planning & Community Development is required for any new signage installed on the site.
14. Sale of vehicles shall not be permitted on the site.
15. There shall be no on-site washing, detailing, or maintenance of any motor vehicles or trailers.
16. Alterations to the existing median on Stoneshore Road shall be designed such that those alterations only permit a left turn from Stoneshore Road into the site. Any traffic exiting the

site onto Stoneshore Road shall be restricted only to a right turn towards the Holland Road intersection.

17. A subdivision plat shall be submitted to establish boundaries of the lot during site plan review.
18. Moving, parking, or relocating of vehicles to be stored in the parking area adjoining Building A shall be limited to between the hours of 7:00 a.m. and 8:00 p.m.

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

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

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

Ocean Condominium Developers, LLC [Applicant]
ORP Ventures, LLC [Property Owner]

Modification of Conditions (Non-Conforming Use)

Address: 404 34th Street

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you sir. Next is item number 13, Ocean Condominium Developers for Modification of Conditions for Non-Conforming Use on 404 34th Street.

Mr. Bourdon: Thank you again Chairman, and members of the Commission, Eddie Bourdon, Virginia Beach Attorney representing the applicant. We want to thank Elizabeth Nowak and Carolyn Smith for their work on this application with my clients. All the conditions as recommended by staff in the handout that I received are acceptable to my client. Thank you.

Mr. Weiner: Thank you, sir. Is there any opposition to this being placed on the Consent Agenda? Hearing none, I request Mr. Coston to read this into the record please.

Mr. Coston: Thank you, sir. This 7,000 square foot undeveloped lot is located in Sea Pines Station, an area identified in the Comprehensive Plan with recommended design guidelines. Sea Pines Station is characterized by a mix of early 20th-century buildings, and modern infill, and redevelopment. Lots that were developed prior to the adoption of the Virginia Beach Zoning Ordinance have certain vested buildable rights, and this lot is one of them. Prior to 2013, two mid-20th century buildings were located here, which had a total of six dwelling units. In November of 2013, they proposed to remove these structures and replace them with a development with four dwelling units was approved by City Council as a modification to a non-confirmatory as the six existing units existed legally non-conforming, and the proposed four units exceeded the maximum density provision for properties in the A-12 Apartment District. Though the original structures were demolished in anticipation of that development, the replacement building with the four units was never constructed. Today this applicant is proposing to modify specifically conditions one and four of the 2013 approval. Condition one refers to the design concept and layout of the previous proposal. The applicant is proposing four dwelling units, and in condition four intends to address design inconsistencies within drawings that had accompanied the previous application. This condition is no longer needed with the new proposal. The staff has recommended approval and the Commission concurs therefore, we have placed this on the Consent Agenda.

Mr. Weiner: Thank you. Mr. Horsley. Mr. Chairman that is the end of the consent agenda. I move for approval items number 1, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

Mr. Alcaraz: Alright, thank you. I have taken that's your motion to approve those items. Thank you.

Mr. Weiner: Is there a second? Hearing second, are there any Planning Commissioners abstaining any of these consent agendas items?

Mr. Redmond: I want to make two disclosures. Number one, I should have disclosed earlier when we had application withdrawn, for some time I abstained on short-term rental applications and ordinances because I had a client in the travel industry, I no longer have that client, and so I am withdrawing the letter or at least withdrawing my abstention from those items, and henceforth I we'll be voting on those items. Second, I would also like to mention that Agenda Item Number 10, Jenny Corporation is applying at a shopping center at Salem Crossing Shopping Center, which is leased by a colleague of mine at my place of business. I don't receive any kind of remuneration or have anything to do with that piece of business. So I may merely make that disclosure. I will be voting in favor of that, and the rest of the consent agenda. Thank you.

Mr. Alcaraz: Pursuant to the state and local government conflict of interest, I make the following declaration. I'm executing this written disclosure in hand regarding the Planning Commission's discussion on vote number 13, Ocean Developers, LLC 404 34th Street. I'm employed by the previous owner of this property, and though they're not the owners of this application, I believe that I have a financial personal interest in this transaction. As such, I've made a disclosure, and I will be abstaining from this application. Thank you.

Madam Clerk: The vote is open. By vote of 10 in favor, zero against, noting that Mr. Alcaraz has abstained from voting on agenda item 13, agenda items number 1, 4,8,9,10,11,12,13,14,15,16,17,18,19,20 have been 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				ABSENT
Weiner	AYE			

CONDITIONS

1. Except as modified by any condition below, or as necessary to meet City Development Ordinances and Standards, the Site shall be developed substantially in accordance with the submitted concept site layout entitled "Non-conformity exhibit of Lot 13, Block 106

Subdivision of Linkhorn Park,” prepared by Align Surveying & Design, P.C. and dated 11/12/2021.

2. Except as modified by any condition below, or as necessary to meet City Development Ordinances and Standards, the Site shall be developed substantially in accordance with the submitted elevations entitled “404 34th St. & 405 33.5 St. Duplex,” prepared by Land Planning Solutions and dated 7/20/2022.
3. The maximum number of dwelling units on the subject Site shall not exceed four (4).
4. A Landscape Plan shall be submitted to the Development Services Center of the Department of Planning and Community Development for review and ultimate approval prior to issuance of a Certificate of Occupancy and shall be developed in substantial conformance with the landscape plan entitled “Concept Landscape Plan for Lot 13, Block 106”, dated 7/26/2022, and prepared by Gaddy Engineering Services LLC, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
5. The height of the buildings shall not exceed 38 feet at the ridgeline as exhibited in the submitted elevations entitled “404 34th St. & 405 33.5 St. Duplex,” prepared by Land Planning Solutions and dated 7/20/2022. This is a deviation to the 35-foot height requirement, as required by the City Zoning Ordinance.

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

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

**Virginia Beach Planning Commission
August 10, 2022, Public Meeting
Agenda Items # 14 & 15**

**Reed Enterprises Incorporated One & Liberty Transmission & Auto Care Inc. [Applicants]
Reed Enterprises Incorporated One [Property Owner]**

Modification of Proffers

Conditional Use Permit (Automobile Repair Garage)

Address: 3041 Holland Road

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Great. Thank you, sir. Next one is item number 14 and 15, Reed Enterprises and Virginia Corporation, Liberty Transmissions for Modification of Proffers and a Conditional Use Permit for Automobile Garage at 3401 Holland Road.

Mr. Bourdon: Thank you. For the record, Eddie Bourdon, Virginia Beach Attorney representing the applicant, I appreciate this being on the consent agenda. It was already on it once, then City Council approved it on consent. I want to thank Ms. Eisenberg because she caught the fact that the dummy that is standing here (me), Reed Enterprises have represented for years with a Maryland Corporation, and about nine months ago, he sold his last Maryland property. We changed it to a Virginia Corporation, and to keep it straight, we changed the name to Incorporate One, and then we filed the application using the old name, so sorry for that. Sorry for wasting everybody's time. Thank you.

Mr. Weiner: Thank you. Any opposition to this being placed on the Consent Agenda? Hearing none, I request to Mr. Bradley to read this in the record, please.

Mr. Bradley: The request for a Modification of Proffers and Conditional Use Permit were previously heard and recommended for approval by the Planning Commission on May 11, 2022 and approved by City Council on June 7, 2022. Following these actions, it was discovered that the proffer agreement advertising and public notice had identified the incorrect property owner. These requests are being resubmitted to Planning Commission and city council to correct the property owner name. Aside from this correction, the nature and scope of the proposals remain unchanged. Staff recommended this, there's no opposition, so we're putting it on our consent agenda.

Mr. Weiner: Thank you. Mr. Horsley. Mr. Chairman that is the end of the consent agenda. I move for approval items number 1, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

Mr. Alcaraz: Alright, thank you. I have taken that's your motion to approve those items. Thank you.

Mr. Weiner: Is there a second? Hearing second, are there any Planning Commissioners abstaining any of these consent agendas items?

Mr. Redmond: I want to make two disclosures. Number one, I should have disclosed earlier when we had application withdrawn, for some time I abstained on short-term rental applications and ordinances because I had a client in the travel industry, I no longer have that client, and so I am withdrawing the letter or at least withdrawing my abstention from those items, and henceforth I we'll be voting on those items. Second, I would also like to mention that Agenda Item Number 10, Jenny Corporation is applying at a shopping center at Salem Crossing Shopping Center, which is leased by a colleague of mine at my place of business. I don't receive any kind of remuneration or have anything to do with that piece of business. So I may merely make that disclosure. I will be voting in favor of that, and the rest of the consent agenda. Thank you.

Mr. Alcaraz: Pursuant to the state and local government conflict of interest, I make the following declaration. I'm executing this written disclosure in hand regarding the Planning Commission's discussion on vote number 13, Ocean Developers, LLC 404 34th Street. I'm employed by the previous owner of this property, and though they're not the owners of this application, I believe that I have a financial personal interest in this transaction. As such, I've made a disclosure, and I will be abstaining from this application. Thank you.

Madam Clerk: The vote is open. By vote of 10 in favor, zero against, noting that Mr. Alcaraz has abstained from voting on agenda item 13, agenda items number 1, 4,8,9,10,11,12,13,14,15,16,17,18,19,20 have been 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				ABSENT
Weiner	AYE			

PROFFERS

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

Proffer 1:

When the Property is developed, it shall be developed substantially as shown on the exhibit entitled, "SITE LAYOUT TRANSMISSION AND AUTO CARE CENTER FOR NEAL REED 3041 HOLLAND ROAD VIRGINIA BEACH, VIRGINIA", prepared by SIA, dated 04-03-2022, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning (hereinafter "Site Plan").

Proffer 2:

The exterior of the building depicted on the Site Plan shall be substantially similar in appearance and shall utilize the building materials and colors depicted and described on the elevations entitled, "LIBERTY TRANSMISSION & AUTO CARE, INC. 3041 HOLLAND ROAD, VIRGINIA BEACH, VA 23453, dated April 5, 2022, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning & Community Development (hereinafter "Elevation").

Proffer 3:

The freestanding sign depicted on the Site Plan shall be brick based monument style sign no greater than eight feet (8') in height.

Proffer 4:

All outdoor lighting shall be shielded, deflected, shaded and focused to direct light down onto the premises and away from adjoining property.

Proffer 5:

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

Proffer 6:

These conditions supersede and replace those previously proffered conditions numbered 1 through 5 as set forth in the 2013 Proffers as modified by the 2015 Amended Proffers.

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.

CONDITIONS

1. The development of the site shall substantially conform with the site plan entitled "SITE LAYOUT TRANSMISSION AND AUTO CARE CENTER FOR NEAL REED 3041 HOLLAND ROAD VIRGINIA BEACH, VIRGINIA," prepared by SIA and dated 4/3/2022 and with the elevation plans entitled, "LIBERTY TRANSMISSION & AUTO CARE, INC. 3041 HOLLAND ROAD, VIRGINIA BEACH, VA 23453, dated April 5, 2022 and which both have been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning & Community Development.
2. All motor vehicle repairs shall take place inside the building.
3. No outside storage of equipment, parts or materials shall be permitted.
4. No outside storage of vehicles in a state of obvious disrepair shall be permitted.

5. No tires for sale, merchandise or parts shall be displayed or stored outside.
6. All outdoor lighting shall be shielded to direct light and glare onto the premises; said lighting and glare shall be deflected, shaded, and focused away from adjoining property. Any outdoor lighting fixtures shall not be erected any higher than 14 feet.
7. All on-site signage must meet the requirements and regulations of the Zoning Ordinance. A separate permit from the Department of Planning & Community Development is required for any new signage installed on the site.
8. A photometric plan shall be submitted at the time of final site plan review.
9. A Landscape Plan shall be submitted to the Development Services Center of the Department of Planning & Community Development for review and ultimate approval prior to the release of the final site plan.
10. A final stormwater plan shall be submitted to the Development Services Center (DSC) for review and approval.
11. Parking above the maximum number of parking spaces shall only be permitted with approval by the Planning Director pursuant to Section 203(b)(9) of the Zoning Ordinance.

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
August 10, 2022, Public Meeting
Agenda Items # 16 & 17**

World Famous BHS, Inc. [Applicants]
Lynnhaven Investment Partners [Property Owner]

Conditional Use Permits (Tattoo Parlor & Body Piercing Establishment)

Address: 2980 Virginia Beach Boulevard

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you sir. Next one is item 16 and 17, World Famous BHS, Incorporated. A Conditional Use Permit for a Tattoo Parlor and Body Piercing Establishment at 2980 Virginia Beach Boulevard. Is there a representative, please come forward. Please state your name for the record.

Mr. Bowman: All the conditions are acceptable.

Mr. Weiner: Is there any opposition to this being placed on the Consent Agenda? Hearing none, I request Ms. Cuellar to read this into the record please.

Ms. Cuellar: The applicant is requesting a Conditional Use Permit for a tattoo parlor and body piercing establishment within an existing 6480 square foot building. The building is located along Virginia Beach Boulevard on property zoned B2 Community Business District, having no opposition, staff, staff agrees, and the commission concurs to put this on the consent agenda.

Mr. Weiner: Thank you. Mr. Horsley. Mr. Chairman that is the end of the consent agenda. I move for approval items number 1, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

Mr. Alcaraz: Alright, thank you. I have taken that's your motion to approve those items. Thank you.

Mr. Weiner: Is there a second? Hearing second, are there any Planning Commissioners abstaining any of these consent agendas items?

Mr. Redmond: I want to make two disclosures. Number one, I should have disclosed earlier when we had application withdrawn, for some time I abstained on short-term rental applications and ordinances because I had a client in the travel industry, I no longer have that client, and so I am withdrawing the letter or at least withdrawing my abstention from those items, and henceforth I we'll be voting on those items. Second, I would also like to mention that Agenda Item Number 10, Jenny Corporation is applying at a shopping center at Salem Crossing Shopping Center, which is leased by a colleague of mine at my place of business. I don't receive any kind of remuneration or have anything to do with that piece of business. So I may merely make that disclosure. I will be voting in favor of that, and the rest of the consent agenda. Thank you.

Mr. Alcaraz: Pursuant to the state and local government conflict of interest, I make the following declaration. I'm executing this written disclosure in hand regarding the Planning Commission's discussion on vote number 13, Ocean Developers, LLC 404 34th Street. I'm employed by the previous owner of this property, and though they're not the owners of this application, I believe that I have a financial personal interest in this transaction. As such, I've made a disclosure, and I will be abstaining from this application. Thank you.

Madam Clerk: The vote is open. By vote of 10 in favor, zero against, noting that Mr. Alcaraz has abstained from voting on agenda item 13, agenda items number 1, 4,8,9,10,11,12,13,14,15,16,17,18,19,20 have been 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				ABSENT
Weiner	AYE			

CONDITIONS

1. A business license for the Tattoo Parlor and Body Piercing Establishment 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 and body piercing shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
3. The parking for this use must adhere to the shared parking agreement and parking plan approved by the Zoning Administrator.
4. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar sign installed on the exterior of the building or in any window, or on the doors. Window signage shall not be permitted. Any freestanding signage shall be monument style, no higher than eight feet, with a brick base to match the building. 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
August 10, 2022, Public Meeting
Agenda Items # 18 & 19**

World Famous BHS, Inc. [Applicants]
Oceana Crossings, LLC [Property Owner]

Conditional Use Permits (Tattoo Parlor & Body Piercing Establishment)

Address: 1375 Oceana Boulevard, Unit 118

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you. The next one is items 18 and 19, World Famous Oceana BHS, for Conditional Use Permit for a Tattoo Parlor and Body Piercing Establishment at 1375 Oceana Boulevard. State your name please.

Mr. Bowman: My name is Chris Bowman, all conditions acceptable.

Mr. Weiner: Any opposition to this being placed on the Consent Agenda? Hearing no, I request Mr. Redmond read this to the record please.

Mr. Redmond: Thank you, Mr. Weiner. This is an application for two Conditional Use Permits. One for body piercing, one for tattoos at 1375 Oceana Boulevard. If you're familiar with this property is just right outside of Oceana Naval Air Station. The AICUZ noise is greater than 75 decibels. It's an appropriate use for this property. There is no opposition of which we are aware. The staff has recommended approval, and the commission therefore places on consent and congratulations. I'm glad you're excited about it.

Mr. Weiner: Thank you. Mr. Horsley. Mr. Chairman that is the end of the consent agenda. I move for approval items number 1, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

Mr. Alcaraz: Alright, thank you. I have taken that's your motion to approve those items. Thank you.

Mr. Weiner: Is there a second? Hearing second, are there any Planning Commissioners abstaining any of these consent agendas items?

Mr. Redmond: I want to make two disclosures. Number one, I should have disclosed earlier when we had application withdrawn, for some time I abstained on short-term rental applications and ordinances because I had a client in the travel industry, I no longer have that client, and so I am withdrawing the letter or at least withdrawing my abstention from those items, and henceforth I we'll be voting on those items. Second, I would also like to mention that Agenda Item Number 10, Jenny Corporation is applying at a shopping center at Salem Crossing Shopping Center, which is leased by a colleague of mine at my place of business. I don't receive any kind of remuneration or have anything to do with that piece of business. So I may merely make that disclosure. I will be voting in favor of that, and the rest of the consent agenda. Thank you.

Mr. Alcaraz: Pursuant to the state and local government conflict of interest, I make the following declaration. I'm executing this written disclosure in hand regarding the Planning Commission's discussion on vote number 13, Ocean Developers, LLC 404 34th Street. I'm employed by the previous owner of this property, and though they're not the owners of this application, I believe that I have a financial personal interest in this transaction. As such, I've made a disclosure, and I will be abstaining from this application. Thank you.

Madam Clerk: The vote is open. By vote of 10 in favor, zero against, noting that Mr. Alcaraz has abstained from voting on agenda item 13, agenda items number 1, 4,8,9,10,11,12,13,14,15,16,17,18,19,20 have been 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				ABSENT
Weiner	AYE			

CONDITIONS

1. A business license for the Tattoo Parlor and Body Piercing Establishment 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 and body piercing shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
3. The parking for this use must adhere to the shared parking agreement and parking plan approved by the Zoning Administrator.
4. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar sign installed on the exterior of the building or in any window, or on the doors. Window signage shall not be permitted. Any freestanding signage shall be monument style, no higher than eight feet, with a brick base to match the building. 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
August 10, 2022, Public Meeting
Agenda Item # 20**

T-Mobile [Applicants]
City of Virginia Beach [Property Owner]

Conditional Use Permits (Communication Tower)

Address: 2068 Landstown Centre Way

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you. Next item is item number 20, T-Mobile, the applicant is here at Virginia Beach property owner for a Conditional Use Permit for a Communication Tower at 2068 Landstown Centre Way. Please say your name for the record, please.

Mr. Forehand: Represent T-Mobile member.

Mr. Weiner: Everything is acceptable conditions?

Mr. Forehand: Yes, sir.

Mr. Weiner: Is there any opposition to this being placed on the Consent Agenda? Hearing none, I request Mr. Horsley to read this into the record, please.

Mr. Alcaraz: Thank you. Section 232 of the City's Zoning Ordinance regulates Communication Towers. The ordinance favors the use of public property, such as power poles for the installation of these towers, as long as they don't create any public safety hazards, and this property is located on city property. It is some 170 feet from the nearest property line and 6/10 of a mile from the nearest residential neighborhood. There's a need for more cell usage in this area. So the staff recommended approval, and the Commission agreed and put it on the Consent Agenda, seems we had no opposition. Thank you.

Mr. Weiner: Thank you. Mr. Horsley. Mr. Chairman that is the end of the consent agenda. I move for approval items number 1, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

Mr. Alcaraz: Alright, thank you. I have taken that's your motion to approve those items. Thank you.

Mr. Weiner: Is there a second? Hearing second, are there any Planning Commissioners abstaining any of these consent agendas items?

Mr. Redmond: I want to make two disclosures. Number one, I should have disclosed earlier when we had application withdrawn, for some time I abstained on short-term rental applications and ordinances because I had a client in the travel industry, I no longer have that client, and so I am withdrawing the letter or at least withdrawing my abstention from those items, and henceforth I we'll be voting on those items. Second, I would also like to mention that Agenda Item Number 10, Jenny

Corporation is applying at a shopping center at Salem Crossing Shopping Center, which is leased by a colleague of mine at my place of business. I don't receive any kind of remuneration or have anything to do with that piece of business. So I may merely make that disclosure. I will be voting in favor of that, and the rest of the consent agenda. Thank you.

Mr. Alcaraz: Pursuant to the state and local government conflict of interest, I make the following declaration. I'm executing this written disclosure in hand regarding the Planning Commission's discussion on vote number 13, Ocean Developers, LLC 404 34th Street. I'm employed by the previous owner of this property, and though they're not the owners of this application, I believe that I have a financial personal interest in this transaction. As such, I've made a disclosure, and I will be abstaining from this application. Thank you.

Madam Clerk: The vote is open. By vote of 10 in favor, zero against, noting that Mr. Alcaraz has abstained from voting on agenda item 13, agenda items number 1, 4,8,9,10,11,12,13,14,15,16,17,18,19,20 have been 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				ABSENT
Weiner	AYE			

CONDITIONS

1. The tower shall be constructed substantially in adherence to the site plans entitled "VA70801B VIRGINIA BEACH SPORTSPLEX", prepared by BM Architect Engineering and dated March 8, 2022, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
2. The communication tower shall not exceed 126 feet in height.
3. In the event interference with any City emergency communications facilities results from the use of this tower and antennas, the user(s) shall take all measures reasonably necessary to correct and eliminate the interference. If the interference cannot be eliminated within a reasonable time, the user shall immediately cease operation to the extent necessary to stop the interference.

4. As required by Section 232(r)(4) of the City Zoning Ordinance, should the antennas cease to be used for a period of more than one (1) year, the applicant shall remove the tower, antennas, and related equipment from the property within ninety (90) days.
5. No signage shall be permitted on the communication tower.

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
August 10, 2022, Public Meeting
Agenda Item # 21**

Host My Home, LLC [Applicants]
David Dowdy [Property Owner]

Conditional Use Permits (Short Term Rental)

Address: 529 22nd Street

WITHDRAWN

Mr. Alcaraz: Is there a representative for item number 21? If not, there is a request for withdrawal of item number 21.

Mr. Weiner: I move to withdraw item 21.

Mr. Alcaraz: I need to ask, is there any objection to this being withdrawn? Hearing none, do we have a second?

Ms. Cuellar: Second

Madam Clerk: Okay, I'm going to once again call for verbal votes. This is for Agenda Item Number 21 to be withdrawn, motion by Mr. Weiner and second by Ms. Cuellar.

Madam Clerk: Mr. Bradley

Mr. Bradley: Aye

Madam Clerk: Mr. Clemons

Mr. Clemons: Aye

Madam Clerk: Mr. Coston

Mr. Coston: Aye

Madam Clerk: Mr. Frankenfield

Mr. Frankenfield: Aye

Madam Clerk: Mr. Horsley

Mr. Horsley: Aye

Madam Clerk: Ms. Oliver

Ms. Oliver: Aye

Madam Clerk: Mr. Redmond

Mr. Redmond: Aye

Madam Clerk: Mr. Alcaraz

Mr. Alcaraz: Aye

Madam Clerk: By vote of 10 in favor and zero against Agenda Item Number 21 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				ABSENT
Weiner	AYE			