

Virginia Beach Planning Commission
September 14, 2022
Public Hearing Verbatim

Mr. Wall: I call to order the September, 14 2022, Planning Commission Public Hearing. My name is Jack Wall, and I'm the chairman of the Virginia Beach Planning Commission. Commissioner Horsley will not be in attendance today. Before we get started, I've asked Commissioner Coston to lead us in the prayer, so please stand.

Mr. Coston: Eternal God our Father, we thank you for this day. We thank you for the many blessings God that you have afforded to us. God, we ask that you would look on this city, that you will look on us this day God as we come to deliberate the issues. God gives us wisdom and knowledge God that we may better serve the citizens of Virginia Beach, 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. Wall: I've asked Commissioner Frankenfield to introduce the members of the Planning Commission.

Mr. Frankenfield: Well, I am Barry Frankenfield. I'm introducing the commissioners and I always do such a spectacular job. So stay tuned. I'm just kidding. Next to me is David Bradley. He is representing the Princess Anne District and he is a retired Virginia Beach Budget Director, and knows everything about money. David Wiener is the next Commissioner. He is in construction sales, and he also pitches in as Vice-Chair as often as he can, and he is the speed reader for short term rentals. Dee Oliver is At-Large. She's a funeral director and author and has many entrepreneurial efforts, so thank you for being here. So George Alcaraz, representing the Beach District is the Vice-Chair. He's an entrepreneur, contractor, restaurant owner, and recently retired from ECSC. So you will not see him at ECSC, you might see him there, but he's not going to be in charge, right. Jack Wall is the Chair, and he represents Rosemont. He's a civil engineer, and he worked with the Army Corps of Engineers. Don is not here today. Dave Redmond is with the Bayside District, is in commercial real estate, and he is the second longest in years in the Planning Commission after Don Horsley. Holly Cuellar, is At -Large, as a military spouse, and a government consultant, and she's At-Large. John Coston, he's a retired fire captain and our prayer guy, so thank you John, and last but not least, is Michael Clemons, who's the Centerville district and he is a professor at ODU. Next to him is our deputy city attorney Kay Wilson, then to my left is Bobby Tajan, the Planning Director, and he will introduce his staff. Thank you very much.

Mr. Tajan: Thank you very much Mr. Frankenfield. Clerking today, we have Pam Sandloop and Madison Harris. We've got with the Planning Administration team, Hoa Dao

and Marchelle Coleman, Michaela McKinney, Elizabeth Nowak. Also in the Zoning Administration, Brandon Hackney and Hannah Sabo our Zoning Administrator. We have the City Traffic Engineer Ric Lowman here as well, and we have with the City Attorney's office Tori Eisenberg.

Mr. Wall: I will ask the clerk to read the rules and order of business for today's hearing.

Madam Clerk: Thank you, Mr. Chairman. The Virginia Beach Planning Commission takes pride in being fair and courteous to all parties in attendance. It is important that all involved understand how the Commission normally conducts its meetings. It is equally important that everyone treat each other and the members of the Commission with respect and civility. We request that 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. Wall: Okay, thank you. The next order of business is for the consideration of request to withdraw and defer an item, please come forward if you have any items to be withdrawn. Seeing none, the next order of business is the deferral agenda, and please come forward if you have any items to be referred.

Mr. Beaman: Thank you, Mr. Chairman. For the record, Rob Beaman, local land use attorney with the Troutman Pepper Law Firm here on behalf of the applicant for matter #5.

**Virginia Beach Planning Commission
September 14, 2022, Public Meeting
Agenda Items # 1 & 2**

**Build Senior Living, LLC, a Michigan Limited Liability Company (Applicant)
Keith L. Setzer, Sheryl Setzer Melvin, Belinda Setzer Hester, JSW Holdings, LLC (Property Owners)**

Conditional Rezoning (AG-1 & AG-2 Agricultural Districts to Conditional O-1 Office District)

Conditional Use Permit (Housing for Seniors & Disabled Persons)

Address: Parcels on the north side of the intersection of Princess Anne Road & Tournament Drive, west of 2708 Princess Anne Road

RECOMMENDED FOR APPROVAL – HEARD

Madam Clerk: Thank you Mr. Chairman. Our first regular agenda item today will be agenda items 1 and 2, Build Senior Living LLC. Applications for conditional rezoning AG-1 and AG-2 Agricultural Districts to Conditional O-1 Office District and a Conditional Use Permit (housing for seniors and disabled persons) on parcels on the north side of the intersection of Princess Anne Road and Tournament Drive, west of 2708 Princess Anne Road in Council District 2, formerly the Princess Anne District.

Mr. Beeman: Thank you Mr. Chairman, Mr. Vice-Chairman, members of the Commission, for the record, my name is Rob Beaman. I'm a local land use attorney with the Troutman Pepper law firm here today on behalf of the applicant Build Senior Living LLC. Joining me virtually this afternoon is the principal of Build Senior Living, Shaheed Imran. We also have our civil engineering consultant from Timmons Group with us today as well. This application involves an approximate 10-acre site on Princess Anne Road just across from the former TPC golf course. The applicant proposes an 88 unit assisted living facility, 24 units of which would be memory care, together with a package of indoor and outdoor amenities that would include a salon, spa, library, theatre, store and transportation to surrounding land uses. The applicant believes this site is particularly well suited for assisted living for a couple of reasons. First, it's located in proximity to the hospital, and to the civic center, and the post office, and also several shopping uses that would be helpful for the folks living here. Secondly, this use would have minimal impacts on surrounding properties, it generates very little in the way of traffic light or noise, and so it is compatible with the residential and church uses that are surrounding it. In terms of public outreach, the applicant's representatives reached out to a number of adjacent property owners including a meeting within the next-door Church, the overwhelming majority of folks have been supportive. I do understand that Ms. Hulbert may be registered to speak via WebEx, and she may have some concerns. We did attempt to reach out to Ms. Hulbert, we were unsuccessful in contacting her, but we're certainly happy to address her concerns today and to schedule a meeting after this hearing as well to address any additional concerns. With that we thank you very much for your consideration. We'll stand by for questions.

Mr. Wall: Thank you. Are there any questions for Mr. Beaman. I have got a few things. How many senior living facilities does this business operate?

Mr. Beaman: They have a number of facilities throughout the Midwest, and they are now in the East. They have several sites that are under development in Virginia, one other in Hampton Roads, one in Richmond, I believe, and then one in the western part of the state.

Mr. Wall: So currently they are being upgraded or already built?

Mr. Beaman: There are a number that are operating in other states. I think all of them in Virginia are under construction or in the site plan review process.

Mr. Wall: Alright, anything else?

Mr. Beaman: Thank you very much.

Madam Clerk: Mr. Chairman, we have one speaker, and it is via WebEx, calling Rachael Hulbert, you may begin your comments. Mr. Chairman, there are audio problems that the booth is working on. We have no other speakers.

Mr. Tajan: As noted in the speaker policy, if they're unable to – if their comments are unintelligible then we will skip over them.

Mr. Wall: Understood, in the past it was more, sometimes it is on the speaker's end, but in this case it seems like it is on our end, so I don't know if that weighs on in this. Do we have anybody virtually on the next application that we do, but we do have in-person speaker as well for that one I believe. Let's come back, we will rehear #1 & 2, and will go to #12 and #13. I am going to close the public hearing for agenda items 1 and 2, and we are going to move to 12 and 13 and give it a few minutes.

Mr. Wall: Yeah, because 3 and 4 is going to have virtual speakers as well, so let us go ahead.

Madam Clerk: Okay, calling agenda items 1 and 2 again, Build Senior Living, LLC. Applications for Conditional Rezoning AG-1 and AG-2 Agricultural districts to Conditional O-1 Office District, and a Conditional Use Permit housing for seniors and disabled persons on parcels on the north side of the intersection of Princess Anne Road and tournament drive, west of 2708 Princess Anne Road in Kempsville district 2, formally the Princess Anne District.

Mr. Wall: Madam Clerk, please call the speaker.

Madam Clerk: Calling our WebEx speaker, Rachael Hulbert. Ms. Hulbert, you may begin your comments? Mr. Chairman, it appears we are still having audio difficulties.

Mr. Wall: Okay, with that, then I will close the comments for any speakers, and since we don't have any comments, there is no reason for rebuttal, open it up for the discussion with the Planning Commissioners.

Ms. Oliver: I make a motion that we accept this.

Mr. Wall: I have a motion by Ms. Oliver. Do I have a second?

Mr. Weiner: I have a second by Mr. Weiner.

Madam Clerk: Vote is open. By a vote of 10 in favor, 0 against agenda items 1 and 2 have been recommended for approval. Mr. Chairman, calling our last agenda items for the day.

Mr. Tajan: Mr. Beaman if can make a request for you to reach out to the speaker, because we're unable to have the discussion.

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

PROFFERS

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

Proffer 1:

When developed, the Property shall be developed in substantial conformity with the conceptual site plan entitled “Conceptual Site and Landscape Plan, Hampton Manor Premier Assisted Living of Virginia Beach”, dated February 22, 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 building constructed on the Property, when developed, shall be in substantial conformity with the exhibit entitled “Conceptual Elevation, Hampton Manor Premier Assisted Living of Virginia Beach”, dated February 22, 2022, and prepared by Seidell Architects (the “Elevations”), a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning.

Proffer 3:

Landscaping installed on the Property, when developed, shall be in substantial conformity with that shown on the Concept Plan.

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:

Pursuant to Section 107(i) of the Virginia Beach Zoning Ordinance, maximum lot coverage of 29% will be permitted in lieu of the maximum 25% lot coverage otherwise required under the Zoning Ordinance.

Proffer 6:

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.

CONDITIONS

1. Access to the site shall be from Princess Anne Road as depicted on the conceptual site plan entitled "Conceptual Site and Landscape Plan, Hampton Manor Premier Assisted Living of Virginia Beach", dated February 22, 2022, and prepared by Timmons Group ~~exhibit referenced in Proffer 4~~ until such time as another public roadway abutting the site is constructed, then the access point on Princess Anne Road shall be vacated and access to the site shall be from the new roadway subject to the approval of the Department of Public Works.
2. Prior to Final Site Plan approval, a Subdivision Plat shall be recorded to consolidate the parcels into a single lot.
3. Prior to the issuance of a Certificate of Occupancy, a one-foot no ingress/egress easement on the property line adjacent to Princess Anne Road shall be established as depicted on the conceptual site plan entitled "Conceptual Site and Landscape Plan, Hampton Manor Premier Assisted Living of Virginia Beach", dated February 22, 2022, and prepared by Timmons Group ~~exhibit referenced in Proffer 4~~.
4. The final stormwater management plan submitted to the Development Services Center (DSC) shall be in substantial conformance with the preliminary stormwater analysis and shall comply with all adopted stormwater regulations.

**Virginia Beach Planning Commission
September 14, 2022, Public Meeting
Agenda Items # 3 & 4**

SXCW Properties II, LLC (Applicant & Property Owner)

Conditional Use Permits (Car Wash Facility & Automobile Service Stations)

Address: 3264 Holland Road

RECOMMENDED FOR APPROVAL – HEARD

Madam Clerk: Calling the last agenda items, agenda items 3 and 4, SXCW Properties II, LLC. Applications for Conditional Use Permits (carwash facility and automobile service station) at 3264 Holland Road in Council District 3 formerly the Rose Hall District. Would the applicant or the applicant's representative please step to the podium and state your name.

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

Mr. Pocta: My name is Chris Pocta, local real estate and land use attorney with Wolcott Rivers Gates, and it is a pleasure to be here, and I want to thank the Planning staff for many hours dedicated to coordinating on this, and resolving some issues, and putting forth this plan. I think Mr. Dao has probably returned more of my phone calls than he intended to at the beginning and their office has been extremely communicative and helpful, and so I wanted to thank them. I also thank the residents of the nearby Scarborough Square in the adjacent properties. I've had the chance to meet a lot of folks in those neighborhoods, and their insights and opinions, and an input has been really valuable I listened to in developing this project. A little bit of introduction to my client. They're Sam's Carwash, so SXCW properties II, LLC is the owner of the property, and they operate as Sam's Express Carwash, and they're based out of Matthews, North Carolina. Two of the folks from the corporate office have actually come up here today, travelled about five hours or so to be here. They've met with some of the residents, and they're here to speak as well should any questions arise for them. This is going to be their second site in Virginia Beach. So one was approved a few months ago on Sandbridge, and Fischer Arch, and they look forward to expanding and investing in our community. A few things about them as well, they hire from the local community or in a time where I think hiring is an issue, and in Sam's invests in the local community to provide employment opportunities. They've also contributed a great deal on all their sites, and this one will be no exception to the local communities, non-profits, sports leagues. They've contributed over \$500,000 in the short time that they've been open for the last decade, to non-profits in some of the sites in which they served, and they're very environmentally friendly. They recycle about 90% of the water that they use. They use biodegradable chemicals in their privately owned and operated company. A little bit of background about this particular project, I think it's warranted just sort of based on the history, if you don't mind, but the property has been zoned B-2 for over a decade. There was previously a shopping center that was approved on this site by a different applicant, but back in 2017, this applicant put forward two applications for Conditional Use Permits for a carwash and gas sales like this one, and that was before most of the other shopping center

that has the Lidl on it, and some of the other things had been built out, that is about five years ago. Our clients have since purchased the land, and initially that 2017 application was recommended for approval by this Planning Commission, but the plan then was a bit different than now and I wanted to describe some of those differences because I think they're very relevant especially with community engagement. Previously, there was an out parcel as part of this proposal that had the option to subdivide a separate, I believe two acre parcel, for another B-2 use, by right use even, and at that time, some of the residents I should say in the adjacent Scarborough Square, Cardinal Estates and Holland Farms neighbourhoods. They expressed some opposition and concern about primarily traffic, but also crime and noise, and so when I went to council, the matter was deferred, and then our client withdrew the application, so to engage the community to get additional feedback to see how the plan could perhaps be revised to meet and address some of the concerns of the community. So that's exactly what they've done. Over the course of the last five years, you will see on the site plan some significant changes. The first and probably the most significant is the removal of that out parcel. It would have, under a previous plan allowed another B-2 use to go in there generating a significant amount of traffic, and in addressing the community's concerns about traffic, that has been removed, it's been replaced with a BMP in the walking trail, and I've personally gone door-to-door, I met several residents, and many of them are very excited about the opportunity to walk or jog or, take their dogs or kids on the walking trail itself, that's a significant change. They've replaced that out part. So as I mentioned, not only with the walking trail, but there's some open space there that wasn't there previously. So benches, there's that BMP and some additional landscaping, so some additional green, and then also they've added a turn lane. So there's a turn lane that's going on to the site from Warwick, and there's no longer any ingress or egress from Holland, so there won't be any ingress or egress from Holland. There's no ingress or egress from old clubhouse, and only a turn in exactly opposite to the other turn into Lidl. This is the turn in from Warwick. We've had the chance, as I mentioned over the course of the last five years to revise a site plan to address some of the community's concerns, but especially over the course of the last couple of months, we've met in person with some residents, we've held a virtual meeting for those who had COVID concerns, to hear some additional concerns or comments about the plan to get some feedback, and as I mentioned, I personally, and some other residents have gone door-to-door to give feedback. In fact, one resident, a resident of Holland Farms, who oversees their Neighborhood Watch, she engaged some residents and had a petition, I think there were about 70 to 75 people that signed that petition in support of the project. We recognize there are ongoing complaints and concerns just as there was in 2017, and our client has done their best and work tirelessly with their engineers with city planning to address those concerns, and I believe has done a very good job of doing so. There were some other questions that have come up with Planning about hours of operation and then also maybe some additional landscaping along Old Clubhouse Road, and so our client has agreed to add some additional landscaping along Old Clubhouse Road. Right now they're presently canopy trees that are along the road there that you'll see, but they're going to further supplement the landscaping there to shield any additional noise or lighting or things like that to address that concern. We also have an agreement as of the last 30 minutes; we've gotten approval from corporate headquarters to reduce the hours to 8 o'clock to be consistent with some of the other neighboring carwashes in the area. However, we've also received some

feedback from residents who have said that they would prefer the carwash to stay open at the original time, which was to close at 9 p.m. So what we'd like to do is to continue engaging the community to see what the preference is there. So again, that's the project, two Conditional Use Permit applications before you all, and I have two members of the team from Sam's Carwash to answer any additional questions, provide any additional feedback, and then obviously I'm here for questions as well.

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

Madam Clerk: Mr. Chairman, we have three speakers signed up for this, two in-person, and one WebEx. I am going to call the in-person speakers first, Linda Russell, followed by Deborah Wilson.

Ms. Russell: I'm Linda Russell, and I live in Cardinal States, but my son moved out of my house in 80, and he lives since Scarborough Square. So I kind of know about both neighbourhoods, and I know all of y'all except these three here, and I would like for you to approve this. I think it's a good, I mean, I know I loaded them with emails. I've been there since the beginning, my neighborhood was first and the rest is calm, and I'm okay with all the development, you know, we opened Holland Road, Holland Swamp Road, what it was called when I came and horse and buggies and and all that and a one room schoolhouse that's just been amazing. This has been my journey, and this will close that journey except for right near Ships Corner Road, we have a bunch of trees out there, and what's gonna happen is they're going to put a storage unit up there, and so Barbara Henley and myself and all the parks people, still go out and eat because we're going to use that meal tax to buy that piece. So this will fill up the hole. I've seen it all. These people chose us, okay, we didn't spend, have to spend any money to get them here. It's like and then they bend over backwards, and I hope you all approve it again, and I'm okay with. If it don't light up like a Christmas tree until 9 o'clock, I don't see any reason that they can't stay open until 9 o'clock. It's getting in traffic and getting home and, going out and getting a carwash, you're almost like that, you almost have to have those hours, you know, but that's okay, the traffic is good. When you see down the Holland Road, we are turned down, it's just amazing. It's just time for us to do that, and Holland Road was open for that reason. So let them build, and something you ask about the church because they make a little walkway, you know, the one before for us the church, because them make a walkway into. When we took the break, I went over there and asked them if they could do that, and they said yes. So they would be happy because they have kids in there, you know, kids and seniors much to go together. They have a food bank there.

Mr. Wall: Stick this to the application.

Ms. Russell: But anyway, like I said, I went there and they were okay with it, and if you want to pass that on, you know, to the client or maybe I'll film city council or something. They're happy with that, so if you if you want to like...

Mr. Wall: Alright, Ms. Russell, you're good. We appreciate your comments. Thank you very much.

Ms. Oliver: Thank you, Ms. Russell. It's always nice to see you.

Madam Clerk: Deborah Wilson

Ms. Wilson: Good afternoon ladies and gentleman. My name is Dr. Wilson, and I am going to have 1, 2, 3 items that I am going to discuss with you today. It is going to be brief and short. Number 1, United States is a capitalist society. You have two types of organizations here; you have commercials, and non-commercials. Sam's is commercial company and that is what a capitalist society is based on. Non-commercials, non-profit organizations, we went for this before several years; I was here several years ago before you. We have not had any non-commercial that came before you that are willing to develop the property. Next we have church; we haven't had any that have come forward and fully. We have government, you, and the city. You could have bought the land that has already been through three different hands, right? You didn't buy it, you haven't suggested to do anything there for the community. So Sam's have suggested they are going to put a carwash and a gas station and it is going to profit our community, so I am in support of that. Number 2, time of operation, almost every business on Holland Road closes at 9 p.m. except Wal-Mart, Wal-Mart close at 11, Food Lion closes at 11, Lidl closes at 9, and all the other businesses, Hardee's, Wendy's that are all built during the course of the time that we have been fighting to build this carwash here, they all closes way past 9 o'clock. In terms of our neighborhood noise control, we have up until 10 o'clock to make noise in our community. If the carwash closes at 10, they are in the limits of the community and what we expect. I've taken the time two days to walk my entire community, the entire Holland and I've had the signatures I think that are produced to you today of many people who are in agreement with have in the company there and that took me a lot of time. That took me a whole tank of gas also, so I need my gas. Last respect for the environment, I think we saw what they're gonna do it a portion of the land, and I love the idea and the community because when I went to every house in Holland Farms in the last 48 hours, everybody agreed and enjoyed the environmental portion, having the trees, having the benches for the kids, having the dog walk, etc. So a lot of people are in agreement and I learned this from Cardinal Estates, she covered Cardinal Estates, I covered Holland Farms, and I covered the exact portion behind which is Yarbrough way, which is behind the carwash, and as you can see, we had about three people going to show up and they're not because they agree with us now.

Mr. Wall: I appreciate, your time is up? Are there any questions for the speaker? Thank you very much for your comments.

Madam Clerk: Our final speaker is WebEx, calling Theodore Jamison, Mr. Jamison, please begin your comments.

Mr. Jamison: [Audio Cut]

Mr. Wall: Okay, thank you. Any there any questions for this speaker? Seeing none, will the applicant please come up?

Mr. Pocta: Just to speak to a few things for Mr. Jamison. First, I wanted to thank him and all the residents who have come out to the meetings over the last couple of weeks and months to express their opinions. There was a concern in 2017 by some folks about traffic and Mr. Jamison has expressed the same thing, and I think a really

significant response to that, as a matter of fact, is that there could potentially be two to three, by right B-2 uses, each of them generating a lot more traffic than this proposed. I think it's a really significant point that ran through in 2017, also rings true today. But we hear Mr. Jamison, and also the residents there, which is why I've myself walked along that street and knocked on doors and talked to folks and this was a concern by a few folks, but there was equally if not more support of the actual plan, primarily because the actual site itself, the carwash facility is 350 feet from the nearest residence, whereas if the property were subdivided, and there were B-2 uses potentially three, there would be construction and building significantly closer to properties. So with that, thank you.

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

Ms. Oliver: As you, and I've had a couple conversations now, but and I applaud this company, for the location and the BMP, and all the wonderful things that they've done with this piece of property to enhance it as far as outdoor recreation and where they've placed the vacuums, and also the drying mechanism for the carwash. With that though, we have several letters of the neighbourhood, and one of them actually, and I don't know if he's the president of the Civic League, but he does list himself as the Civic League that is an opposition of this, and so even though they're not here, I do. I do read the letters and they do weigh on my decision, probably most of those people in that neighborhood don't have the ability to stop in the middle of the day and come forward and speak. I appreciate the landscaping increase because I think that's warranted with the close proximity of these townhouses with this gas station, and the carwash. All that being said the other car washes in the City of Virginia Beach, even cars, I just looked up the one on the corner of Lynn Haven and Holland, they don't open till 8 a.m., and they do close at 7. The other two applications that we have heard today, they close at 7, which I appreciate the 8 o'clock, but this is a family-owned business, they can certainly close it at 7, and they were really close to these homes, and more than likely that these houses have lots of children in them, and all these people have jobs, and this is a carwash, it's not a grocery store. So it's not availing itself to a daily need of the surrounding neighbourhoods, and I'm just as much as I like this carwash, and the gas stations open till 10. So that's makes itself useful with a convenient store, I assume with vending machines in this, too. But I personally would like to see it just see a sort of follow through with the other car washes that we have in town, and a lot of them are family-owned as well, and so I'd like to see the hours to 7. That's kind of where I'm going with that.

Mr. Pocta: Well, first of all, I appreciate that input we have, and I have been going back to the drawing board, I think multiple times with some of you and also with staff and, and seeing how things can be revised to address some of these concerns. I think the first one is that as far as the hours of operation, our client offers. Well, first of all, say their primary concern is customer service. They want to provide the best customer experience that they can, and from what I've seen, they achieve that, but one of those things that makes them rather unique, I think is that they offer a membership opportunity. So we just had, for example, we had a plan approved for Sandbridge and Fisher Arch, and that's going to be open till 9 p.m., and every single one of their sites is open until 9 p.m., and what they'll do is they'll offer a membership opportunity where you could buy a membership with the company,

and that could avail you to a carwash in Sandbridge or Holland Road or up in Richmond or down in North Carolina, and so they've found that that when you vary as far as company policy and procedures, timing and mechanisms and equipment that they use, it confuses the customer a bit, and obviously their primary objective is customer experience. There are two other car washes within a four mile radius, one's a Grand Slam, and one is an Auto Bell, and they're both open until 8 o'clock. Also 2.5% of their customers only come after 8, and so it's a really reduced amount of customers that are going to the carwash at that time. So there's not a traffic concern at that time, but I will say also, that their model in the service that they provide is very different than, for example, car spa, which is down the street or Auto Bell. They don't have folks out there, you know, trying to vacuum and wash cars after dark, and so that's a significant reason why some of those other companies close up early, because you can't see the car they're washing or vacuuming, after the sunsets. Our applicant has a very different model, and so that's one reason they do that, and I think a final point, which is very important is that, I believe by law, because they offer gas, they have to have folks on site until that gas closes up, and those other companies or some of them at least they have car washes, but no gas, they don't have that additional restriction or that additional requirement, but our folks do. So anyways, that's why what we'd like to do is to continue talking to the neighbors to see if, you know some have expressed that they'd like it open until 9 to see if we can provide the best decision to make for the for the neighbors for the residents, which so far from what we've heard, is only in support of keeping open till 9 and no opposition or complaints from residents about hours being too late.

Ms. Oliver: So I just want to make sure I understand because you referred to well splash as one, car spas another, they're all vacuum stations. Could you have vacuum stations, so who's doing the vacuuming there, the customer or do you have people vacuuming at this gas station?

Mr. Pocta: We do have folks on site, and perhaps I have some additional time...

Ms. Oliver: What I am asking specifically who is doing the vacuuming, the person that owns the car, or is it like Auto Bell where they come outside, and they have employees that are vacuuming and drawing cars.

Mr. Pocta: There are employees on site doing the vacuuming, but I would like for them to further explain the process if they can.

Ms. Oliver: Maybe I misunderstood you, because you said the other ones close at 7 because of daylight and the vacuuming, so what do you have more lights, what makes it so that you are able to stay open or after dark for the vacuums, that why I am confused now.

Mr. Pocta: If I can, I would like to invite Mr. Warren up to speak on that difference, he has a lot more experience inside this particular issue, then I do so, if that is alright with the commission?

Mr. Wall: Sure.

Mr. Warren: Good afternoon. I'm Anthony Warren. I'm the Development Manager with Sam's Express carwash. I have been in the car wash industry since I was 16 years old. I actually used to work for Auto Bell. So I'll tell you a little bit about the differences in business models. So we are an express self-service carwash. So we have the vacuum stations, where the customers vacuum it themselves. Over half of our customers actually do not vacuum their cars, they go through the carwash and they leave, where at Auto Bell, the car spa right around the corner there what's considered a flex serve or a full serve where the employees are the ones vacuuming the car, they're cleaning the interiors of the vehicles, and so the hours of operations typically are shorter, because if you've ever tried to vacuum a car at night, once it's dark outside, it's very tough, and so for them to maintain quality and customer expectations, you know, you can put all the lighting in the world there, and you're still not going to see in a dark car at night. So for us, half of our customers don't vacuum in an express model. So a lot of our customers come through, they get the car washed, and then off they go, and so that's what makes us a little bit different. The Express model is designed to be three to five minutes curb to curb, you can vacuum it for an hour if you'd like, but majority of our customers are in and out in less than 10 minutes. So it's a little bit different than what you see at the other locations.

Ms. Oliver: So then your model is basically the same as Splash Show, which is the same model?

Mr. Warren: Yes, I'm not familiar with it.

Ms. Oliver: It's the same. It's basically the same thing we just approved one, probably about 30 minutes ago. So it's the same thing. It's an Express, same model, I use it, I have a membership, it's across the street from our business. They close at 7 because you can't vacuum him in the dark.

Mr. Warren: Yes ma'am. Their carwash is one of our competitors in multiple markets and goes right around the corner and goes open too late, and the real reason that we stay open longer is because we sell fuel, we're considered demand fuel station. So we sell Exxon branded fuel, and we're required to be open a certain amount of hours to hold the Exxon brand, and then we're required to by the state to have employees there in case of emergency spills, etc. So because of that, you know, we keep the carwash open till 9, even though very few customers use it after about 8 p.m. just because we're already paying the staff to be there. Rather than just kind of sitting around waiting, watching the people pump gas. We keep the carwash open, we have 40,000 Club plan members, and so it's just a convenient thing for them, you know, they could come in a little bit later, but like Chris spoke to, we're more than happy to dial that back to 8 p.m, and keep the fuel up until 10, and we can get some cleaning done, etc.

Mr. Wall: Okay, thank you. Any other questions for the applicant? I do have one question. The dryers, the vacuums are one thing, but the dryers are something else, and it's much different from one carwash. I think it was Grand Slam was that, the residents didn't necessarily hear the vacuums, but it was the dryer at the end of the tunnel. Can you describe that a little bit?

Mr. Warren: The drying systems drying system is a concern with noise. So this is not the first time we've ran into noise. So we've actually are installing a new drying system. It's the only OSHA compliant drying system that's sold. It's called the International Drying Corporation Stealth Drying System. I provided Chris with the brochure that actually provides the acoustic decibel levels for the drying system, and it was developed for this specific use in the car wash industry where noise is a concern. So we're installing a new drying system, we've starting at our site in Rock Hill that's under construction currently, and as we're moving forward, we're spending a little more money and investing in it, because it's a better quality car and it's substantially quieter.

Mr. Wall: Okay, do you have the decibels compared to a standard? Like the comparison between the two, like this unique drying system compared to and it is noted that the drying is on the Holland roadside, and that the building I think as measured is 300 feet, so it's a roughly 350 feet. So it's about football field a little bit more.

Mr. Warren: So the system that is proposed is rated at 68 decibels 55 feet from the drying system, and I can be more than happy to get you a little more thorough. Our supplier can get us a little more thorough reports on you distances and the sound associated with it.

Mr. Wall: I do have one question, and this actually gets away from the noise, but it's kind of tied to it. The outfall pipe from the BMP so that is go into the ditch. A standard tree that's parallel to the drainage ditch right there. Looks like the property line stops well short of that, do you know where in relation to that property line, that stand of trees that is parallel to the ditch dislocated?

Mr. Warren: I do not off the top of my head; I would have to consult my civil engineer on that one.

Mr. Wall: It appears that this will help buffer the noise to Holland somewhat, not in a great extent, but it is going to separate the other use, which is the other business and other car wash on the other side of that ditch, but I t looks like that number of trees could be maintained, I am just curious, if you know that?

Mr. Warren: All of the landscaping that we're proposing would fall in to our maintenance and service on our own landscaping due to the contracts we put together. We've actually been landscaping this property for the past five years at a cost of about \$1,000 a month to keep it really nicely maintained, and we do that at all of our facilities. So anything that would fall on the property, the shared space in any of the landscaping we'd be putting in would be taken care of by us.

Mr. Wall: Okay, anything else, any other questions? Alright, thank you all. We're gonna open the floor for discussion.

Mr. Redmond: A couple things. First off, I just looked it up and 70 decibels is about the sound of a washing machine or dishwasher. So it doesn't trouble me a whole lot. I do want to say I think the applicants representative Mr. Pocta did a fine job of explaining the differences between this and a number of other applications that we've seen in the past and some of the improvements that were made, and some of those are driven by storm water requirements that caused a lot of moving of pieces on the

chessboard, but there's a lot on here, and typically we're talking about landscape a little bit, there's already a lot of landscaping on this plan. So any addition to landscaping on this would strike me is really very salutary. This hour's thing, I'm a little bit baffled by. There is a life that exists in the commercial sector past 9 p.m. Bars and restaurants are open past 9 p.m. The idea that you can't wash your car later than 8 p.m. strikes me as kind of a little bit silly, and I'll bet your enterprises throughout the Charlotte area I know you're all over the Charlotte area because I've seen them. Eventually the vast majority of them are open until 9 p.m., and there's no problem whatsoever with any kind of surrounding business or house or school or place of worship or anything else. So some things I think we really overdo this, I took my daughter to an art class last night, it closes it, it goes from 6 to 8 p.m. Well, I spent those hours between 6 and 8 p.m. doing things. I didn't go home, I went over to the auto parts store and I got some wiper blades and then I pulled some stuff out of the car, and I actually thought about washing my car, but I didn't have enough time, before heading go getter her. I wouldn't have been able to have the things open until 7 p.m. for crying out loud. I do things later than 7 p.m. I think the vast majority of people do, his neighbors want to open till 9, and I would too. Surround my house all the time and say I'm bored maybe I want to wash a car. So I think we're way over working this. I think this is a fine plan. I think frankly those hours of these competitors; I think it is demand driven. If they could do business between 7 and 8 or 7 and 9, they'd be open until 7, until 8 o'clock or 9 o'clock. They're not doing business. That's why they close at 7. So I think we're kind of overblown, a lot of this stuff. I do think this is a very appropriate plan. There's demand for these uses. It certainly is an appropriate partial for this kind of, and we've been over a number of times in the years. I think this is about as good as we're gonna get on this parcel, and I think they really have worked pretty hard to check off a lot of those boxes. I hate that cliché, I know we use it all the time, but check off a lot of those things landscaping and you know, and site layout and how they position things that you're just about as good as you're gonna get on this parcel. So I certainly would support it and hope my colleagues do too. Thanks.

Mr. Wall: Okay, thank you. Anybody else? I'd like to mention a few things. So my discussions with people who live next to car washes is that it's almost unliveable, that if they're in close proximity to the carwash that it's an incessant noise, and the thoughts that I've had, not the thoughts, but the discussions that I've had were that, you know, it's not really a liveable situation in the backyard. There living space was no longer a place of refuge. While the carwash is being operated, while the dryer dryers are there, and while the unit and also an inverter, in the case that I'm thinking of you know, was made the made the house not the same value that it was before the carwash was built. So I kind of support these thoughts on the hours, but can we go to the landscaping piece of it? I like your thoughts on enhancing the landscaping buffer, it seemed fairly lights in one row of trees, and it's not even the same as the road that's adjacent to the homes, and so I think it's, you know, a small ask, I think that if we are supportive by the applicant to enhance that. So is there a way to build that into the conditions, it looks like they already have a new landscape, two conditions, condition number four and condition number five, both address in your landscape at the time of the site plan approval, with a 15-foot wide landscape buffer.

Ms. Oliver: They're going to enhance that with some lower, and Dave, to your point, when we were out there, and I understand where you're coming from, and I appreciate that

in it. It is a beautiful design with the BMP and walking trails, and without a doubt, but the proximity of these townhouses to this particular carwash, and I know this because we have a business that's close to a carwash, which is further away than these houses are from a carwash. They can be invasive, and in that kind of setting, regardless of how you do it, they just can be most, and we've just experienced, we're business and it doesn't bother us because we're open late, so it doesn't matter but to this been so close, and that's why I had requested the 7 o'clock and the additional lower landscape on those trees because of where the houses were, they actually face the back of that, they don't face the BMP, this particular row houses face the back of this carwash, and that was why I asked for the lower additional landscaping, was just so that they had a little more privacy from the cars driving, and because they have to come in on that way, and when they come in. It's just not used to it. So I was just trying to make it a little nicer for those homes.

Mr. Redmond: I don't disagree at all. I mean, I'm more landscaping anywhere is the better for me. However, I think it's very unfair to lump all car washes in every single piece of property is different because there are great differences in these businesses. I mean, I just told you 60 70 decibels is the sound of a dishwasher, or a washing machine that I think is 300 feet. You said from the nearest residence, 350 feet from the nearest residence, there's the sound of a dishwasher, we'd have a hard time finding that terribly, you know, impactful and to say car washers are bad, they ruin neighbourhoods. So I mean this idea that they're all lumped together in one way. I mean, that seems to me to be very concrete information that we ought to base our decision on, and not some sort of broad generalization about some other brand on some other site, some other neighbourhood, on some other part of the city. I mean, we do have specifics on this, and I think we ought to kind of do each one of these applications, specifically on their own merits is the fair way to do that. So 350 feet, 68 decibels strikes me as well, having gotten over the bar.

Mr. Weiner: I completely agree with you on the landscaping. I mean, I think that's wonderful. More landscaping, the better it might be pretty much anywhere.

Mr. Wall: Anybody else? So back to the time, and I appreciate these in a timeframe, but I think they, so they've got 07:30 to 09:0 p.m. daily. I mean, I'd be willing, what are your thoughts on 8 p.m. kind of splitting the difference? I mean, I understand you the distance about the operation. So you are good with 8? We would expect that near the landscaping plan would be revised between now and city council to show possibly an enhanced landscaping plan, but we don't have that in writing. So is there?

Mr. Pocta: In another life, I was a litigator, and I used to be in before a judge and it's a welcome opportunity for me to be before you instead of a judge. I wanted to speak to that landscape plan; we have since revised to include some of the landscaping that's being discussed. So that if you'll see a long old clubhouse, which I think is where we're the folks are talking about, there are canopy trees there now essentially for the purpose of sound barrier, but what we've done is we've also added since as of this morning, additional shrubbery bushes between the canopy trees to provide some additional buffering, and then if I may, further, just on the point of noise, I won't belabor the point, but our clients have engaged the community significantly, and I personally have talked to over 50, maybe 60 residents at this point, and not one of them has expressed any concern about the hours of operation. So I just

wanted to point that out because traffic was a concern, and we've worked real hard to remedy that and had hours of operation been an issue for residents that's certainly something that we would have addressed, but it has not been brought up. So I just wanted to bring that to your attention.

Mr. Tajan: Yes, I needed to ask Mr. Pocta a question, Mr. Chair, if that's possible. We just want to hammer out, and finalize the landscape plan that is not shown on the screen right now, and so just want to make sure that we understand how we can put wording to it. This is not the updated landscape? Is that the updated one that Mr. Pocta is referring to? Do you know the width of that landscape plan Mr. Pocta, the width of the existing landscaping if you include. I'm assuming from where this it looks like you have a hedgerow right here now on this plan, you're going to fill that in with additional landscaping going towards old clubhouse road.

Mr. Pocta: That's correct, it runs the length of those canopy trees, and I had sent it to Mr. Down, I'm going to resend that to him.

Mr. Tajan: Just trying to make sure that we can craft the condition addressing that according to the wishes of the planning commission, you know how wide that is to those trees Mr. Pocta?

Mr. Pocta: It was a very recent addition. So I'm going to have to reference it. I'm going to send that to Mr. Down now. I should also mention on the landscaping itself, the houses that are actually in closest proximity to the actual dryer are the ones that are along Yarbrough and not actually the houses that are along Old Clubhouse. So the reason that the planning department, and I, and the client have worked together on the evergreen tree buffer a little more significantly, is because that's actually the buffer that's in closest proximity to the houses.

Mr. Tajan: I think that is good for now, we will work on that.

Mr. Wall: Thank you. I think that should be documented enough once it is received and included for the application between now and counsel.

Mr. Redmond: Mr. Chairman, I'm not making up new hours on this thing. These guys submitted an application with ours as 9 p.m. Mr. Pocta says he hasn't heard anything from anybody in all those conversations where people are objecting to those hours, and there are two residents who are here today who prefer 9 p.m. I don't know that I'm going to – I'm not done yet, but I don't know that it's our place to make up new things where a fix what ain't broken? So I mean, they've made an application with 9 p.m., and I'm gonna move that we approve the application.

Mr. Wall: So is that a motion to approve the application?

Mr. Redmond: That is a motion to approve the application as submitted.

Ms. Oliver: So I just want to make sure I'm clear before I make my vote, because I'm not going to support it at 9 o'clock, and that's fine, that's just where you and I differ, but do you want the application to have the landscaping, not have that language?

Mr. Redmond: Absolutely, it does have to be a condition to be decided.

Ms. Oliver: I think it is already. You have to ask Mr. Tajan.

Mr. Tajan: I think we need to add, just to be clear for staff, we'll add a condition number 12. If that's okay, Mr. Redmond with your motion that a vegetated landscape buffer from Old Clubhouse Road, approximately 65 feet in width shall be provided by the applicant? I believe it's about 65 feet in width if that's based on the dimensions that I see on the plan. So Mr. Pocta, does that sound about correct based on the existing plan that you have, it looks like the landscape buffer from old clubhouse road that you proposed goes to about 65 feet from Old Clubhouse Road in towards the property where that existing tree line that you're proposing on here is?

Mr. Pocta: Yes, so the additional landscaping buffer being provided is between the walking trail and the canopy trees, but it runs the length of those canopy trees and actually extends a couple of feet in either direction beyond, so it's a little bit longer than that canopy tree buffer, but it is between the walking trail and those canopy trees.

Mr. Wall: I see your point trying to define that landscape, but it could have been that landscaping plan is revised on September 14, 2022 is submitted by the applicant?

Mr. Tajan: Yes, we can do that.

Mr. Wall: So that vegetated landscape buffer as submitted by the applicant on to be submitted on September 14, 2022. So that is condition number 12, so that is added.

Mr. Redmond: Just to be clear, so I'm going to move approval of the application with the addition of an additional condition for additional landscaping on old clubhouse road as identified by the landscaping plan submitted on September 14, 2022.

Mr. Wall: So we have a motion made by Mr. Redmond. Do we have a second? So we have a second by Mr. Coston.

Ms. Oliver: I am going to make a substitute motion that we go to the hours that they suggested at 8 o'clock. I feel like I am going to go more with the additional landscape.

Mr. Wall: Do we have to vote on the first one? We will vote on the substitute first.

Madam Clerk: Vote is open.

Mr. Wall: Let me clarify for the commission. Ms. Oliver proposed and with a second with Mr. Weiner a substitute motion to revise the hours of operation to 8 p.m. for the carwash and including the landscape condition that was already previously read. So right now on the floor is a motion as a vote to make that the main motion, is that correct Ms. Wilson?

Ms. Wilson: Yes, that is correct.

Mr. Wall: So on the floor now, is a motion to make that the main motion?

Ms. Wilson: We need to vote on that.

Madam Clerk: Now the vote is open. By recorded vote of 6 in favor, 4 against substitute motion made by Commissioner Oliver for modified hours, and landscaping modification as past recommended for approval.

Ms. Wilson: No, that is not what we just did.

Mr. Wall: Do I need to repeat the motion now?

Madam Clerk: This is the main motion.

Mr. Wall: Yes, can you please move again Ms. Oliver and Mr. Weiner.

Ms. Wilson: The motion here is to make Ms. Oliver's motion the main motion.

Mr. Wall: They have already passed that.

Ms. Wilson: Okay, now are going to do Ms. Oliver's motion, vote on her motion?

Madam Clerk: The vote is open. By recorded a vote of 9 in favor, one against agenda items 3 & 4 are recommended for approval with modified hours and landscape modification.

Mr. Wall: Okay, thank you. Madam Clerk, is that the last? Okay, that is the last agenda item. I appreciate it. Thank you for participating in today's planning commission hearing. Meeting is adjourned.

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

CONDITIONS

1. When the site is developed, it shall be in substantial conformance with the submitted Conceptual Site Plan exhibit entitled, "SXCW – Holland & Warwick – 3264 Holland Road, Virginia Beach, VA," prepared by Eagle Engineering, dated July 21, 2022, 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, fuel canopy, vacuum canopy, vending enclosure, and dumpster enclosure shall substantially adhere in appearance, size and materials to the elevations entitled, "Sam's Xpress Car Wash – Color Elevations – Holland Road, Virginia

Beach, VA,” prepared by Oakline Studio Architecture + Design, and dated August 12, 2022, which have been exhibited to the Virginia Beach City Council and are on file in the Department of Planning and Community Development.

3. The freestanding sign shall be monument style with a brick base that matches the brick exterior of the car wash building and substantially adhere in appearance, size and materials to the submitted freestanding sign exhibit entitled, “SXCW – Holland Rd - Virginia Beach, VA” prepared by ASI Signage Innovation, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
4. A Landscape Plan shall be submitted at the time of final site plan review reflective of the location and plant material depicted on the site layout exhibit referenced in Condition 1 above. Said plan shall adhere to all requirements of the Virginia Beach Landscaping Guide.
5. The 15-foot wide landscape buffer adjacent to the existing Apartment District and along Old Clubhouse Road depicted in the Conceptual Site Plan referenced in Condition 1 above shall be planted with material approved by the DSC Landscape Architect. Plantings shall be installed at a minimum of four feet in height and be allowed to grow and be maintained at a height of no less than eight feet. Said plant material shall include a mix of 70% evergreen trees and 30% deciduous trees. Said buffer shall be properly maintained and any dead, diseased or dying plant material shall be replaced.
6. Prior to the issuance of a Certificate of Occupancy, the following easements shall be established:
 - a. A one-foot no ingress/egress easement on the property line adjacent to Holland Road and adjacent to Old Clubhouse Road.
 - b. A public easement to allow pedestrian access on the 10-foot wide trail depicted in the Conceptual Site Plan referenced in Condition 1 above.
 - c. An easement to allow the placement of the Scarborough Square’s community sign on this property.
7. The existing freestanding neighborhood sign for Scarborough Square shall be repaired or replaced with a freestanding sign, no taller than eight (8) feet in height and shall be no larger in sign area than the existing sign. Said sign design and placement location shall be subject to the approval by the Planning Director.
8. Outdoor vending machines and/or display of merchandise may be permitted only if fully screened from view from the rights-of-way as approved by the Planning Director.
9. All light poles shall be no taller than 14 feet in height and all lighting shall be shielded to be contained on site.
10. The hours of operation of the Automobile Service Station shall be limited to between the hours of 6:30 a.m. to 10:00 p.m., daily and the Car Wash Facility with associated vacuum stations shall be limited to between the hours of 7:30 a.m. to 9:00 p.m., daily.
11. Signage for the site shall be limited to:
 - a. Directional signs.

- b. One (1) monument-style freestanding sign, no more than eight (8) feet in height, set on a brick base to match the building brick and two (2) building and/or canopy signs. The community sign for Scarborough Square shall be excluded from this limitation.
- c. No striping shall be permitted on the fuel canopy. Signage on the canopy shall not be internally or externally illuminated.
- d. There shall be no other signs, neon signs, or neon accents installed on any wall area of the building, on the windows and/or doors, canopy, light poles or any other portion of the site.
- e. Any onsite signage shall meet the requirements of the City Zoning Ordinance, unless otherwise approved by the Board of Zoning Appeals, and there shall be no neon, other than individual channel letters lighted with internal neon and as approved by the Zoning Administrator, or electronic display signs or accents, installed on any wall area of the exterior of the building, in or on the windows, or on the doors. There shall be no window signage permitted. The building signage shall not be a "box sign" and the proposed sign package shall be submitted to the Zoning Administrator.

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
September 14, 2022, Public Meeting
Agenda Item # 5**

OB 22, LLC (Applicant & Property Owner)

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

Address: Parcel between 4548 & 4600 Bonney Road

DEFERRED INDEFINITELY

Mr. Wall: Okay, thank you. The next order of business is for the consideration of request to withdraw and defer an item, please come forward if you have any items to be withdrawn. Seeing none, the next order of business is the deferral agenda, and please come forward if you have any items to be referred.

Mr. Beaman: Thank you, Mr. Chairman. For the record, Rob Beaman, local land use attorney with the Troutman Pepper Law Firm here on behalf of the applicant for matter #5. We would like to request an indefinite referral. The applicant is continuing to evaluate whether to move forward with this site. Thank you very much.

Mr. Wall: Okay.

Mr. Pocta: Hello, good afternoon, Chris Pocta, counsel for Earthscapes Enterprises, LLC. We have items 8, 9 & 10 on the agenda today with Wolcott Rivers Gates of Virginia Beach, and we are requesting indefinite deferral of this item. We're still coordinating with the Navy for purposes of their easement at the property, and looking to resolve that.

Mr. Wall: Okay, thank you. Does anybody have any objections for these items to be deferred? Okay, seeing none, do I have a motion to defer agenda items 5, 8, 9, and 10? I have a motion by Mr. Alcaraz, and a second by Mr. Redmond. Hearing a second, are there any Planning Commissioners abstaining on these items to be deferred?

Madam Clerk: The vote is open. By a recorded vote of 10 in favor, and 0 against agenda items 5, 8, 9, and 10 have all be indefinitely deferred.

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

**Virginia Beach Planning Commission
September 14, 2022, Public Meeting
Agenda Item # 6**

**Boing US Holdco, Inc (Applicant)
NMP-C4 Fairfield S/C, LLC (Property Owner)**

Conditional Use Permit (Car Wash Facility)

Address: 837 Kempsville Road

RECOMMENDED FOR APPROVAL – CONSENT

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

Mr. Alcaraz: Thank you, Mr. Wall. We have 10 items on the consent agenda today. The first item is item #6 for a carwash facility at 837 Kempsville Road, will the representative please come forward. Can you state your name for the record?

Mr. Dozier: Good afternoon Commissioners. My name is Jonathan Dozier with Pennoni. I will be the civil engineer on this project. I am here on behalf of Take 5, the applicant. First, I would like to thank Marchelle for all her assistance with this application, and we appreciate the opportunity. I'm happy to answer any questions you all may have.

Mr. Alcaraz: Are the conditions acceptable to you?

Mr. Dozier: Yes, all of them.

Mr. Wall: Okay. Is there any opposition to this item being placed on the consent agenda? Hearing none, I ask Mr. Weiner to please read this item.

Mr. Weiner: Thank you Mr. Alcaraz. This is a Conditional Use Permit for a carwash on Kempsville Road. The applicant is requesting a Conditional Use Permit to redevelop the site with a carwash facility on a B-2 Community Business owned parcel within the Fairfield Shopping Center. It is anticipated that four employees will be on site at any one time. The typical hours of operation will be 7 a.m. to 7 p.m. Monday through Saturday, and 10 a.m. to 4 p.m. on Sundays. We thought this should go into consent agenda, and we've done that.

Mr. Alcaraz: Mr. Chairman, that is the last item of the 10 items, and those on consent are 6, 7, 11, 14, 15, 16, 17, and 18 with modification, 19, and 20.

Mr. Wall: Do I have a motion to approve by consent as read by the vice-chair?

Mr. Alcaraz: Motion.

Mr. Wall: A motion by Mr. Alcaraz. Do I have a second?

Ms. Cuellar: Yes.

Mr. Wall: Second by Ms. Cuellar.

Madam Clerk: The vote is open. By vote of 10 in favor, and 0 against agenda items 6, 7, 11, 14, 15, 16, 17, 18 with conditions as modified, 19, and 20, have all 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				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. When the property is developed, it shall be in substantial conformance with the conceptual site plan entitled "CONCEPTUAL SITE PLAN – Take 5 Car Wash –VIRGINIA BEACH, 837 Kempsville Road, Virginia Beach, VA – Exhibit 1", dated August 25, 2022, prepared by Pennoni Associates, Inc., which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
2. 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 issuance of a Certificate of Occupancy that is in substantial conformance to the conceptual landscape entitled "Take 5 Car Wash –VIRGINIA BEACH, 837 Kempsville Road, Virginia Beach, VA – Exhibit 2", dated August 25, 2022, prepared by Pennoni Associates, Inc., which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
3. The exterior of the proposed building shall substantially adhere in appearance, size, and materials to the submitted elevations entitled "TAKE 5 CAR WASH, 837 Kempsville Road, Virginia Beach, VA 23464, ELEVATIONS", dated June 28, 2022, prepared by Rogue Architects, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
4. The dumpster shall be enclosed with a solid brick wall in color and material to match the building and any required screening shall be installed in accordance with Section 245(e) of the Zoning Ordinance.
5. All on-site signage must meet the requirements and regulations of the Zoning Ordinance, unless otherwise approved by the Board of Zoning Appeals. A separate permit from the

Department of Planning & Community Development is required for any new signage installed on the site.

6. The existing nonconforming freestanding sign shall be removed from the site and replaced with a monument style sign no taller than eight feet in height.
7. 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.
8. All outdoor lights shall be shielded to direct light and glare onto the premises, said lighting and glare shall be deflected, shaded, and focused away from all adjoining property. Any outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet.

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

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

**Virginia Beach Planning Commission
September 14, 2022, Public Meeting
Agenda Item # 7**

**Take 5 Properties SPV, LLC, a Delaware Limited Liability Company (Applicant)
FTB, LLC (Property Owner)**

Modification of Conditions (Automobile Repair Garage)

Address: 3680 Holland Road

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Alcaraz: Thank you. The next item on consent is item #7, and that is for automobile repair garage at 3680 Holland Road, would the representative please come forward. Can you please state your name for the record?

Mr. Dozier: Good afternoon Commissioners. Again this is Jonathan Dozier with Pennoni. I will be the civil engineer on this project as well. I am here on behalf of the applicant Take 5, and all of the conditions are acceptable.

Mr. Alcaraz: Alright, thank you. Is there any opposition to this item being placed on the consent agenda? Hearing none, I have asked Ms. Cuellar, if you could please read this item?

Ms. Cuellar: Thank you. The applicant is requesting to modify the conditions of a Conditional Use Permit for an automobile repair garage on the B-2 Community Business zoned parcel that was approved by City Council in 1996. Currently, the site is operating as a motor vehicle rental business, which was approved by City Council in 2007. With the approval of this modification request, this auto rental use will be determined as null and void on this property. The applicant is now seeking to convert the use back to the automobile repair garage, specifically for a Take 5 oil change facility. The proposed business will limit repair services to just oil changes, customers will remain in their vehicle while the service is being performed, which only takes typically 10 minutes. Staff has recommended approval as does the Commission, and hearing there's no opposition we put it on the consent agenda.

Mr. Alcaraz: Mr. Chairman, that is the last item of the 10 items, and those on consent are 6, 7, 11, 14, 15, 16, 17, and 18 with modification, 19, and 20.

Mr. Wall: Do I have a motion to approve by consent as read by the vice-chair?

Mr. Alcaraz: Motion.

Mr. Wall: A motion by Mr. Alcaraz. Do I have a second?

Ms. Cuellar: Yes.

Mr. Wall: Second by Ms. Cuellar.

Madam Clerk: The vote is open. By vote of 10 in favor, and 0 against agenda items 6, 7, 11, 14, 15, 16, 17, 18 with conditions as modified, 19, and 20, have all 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				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. All conditions attached to the previous Conditional Use Permit granted on April 23, 1996, are hereby deleted, and superseded by the following conditions.
2. The 2007 Conditional Use Permit for Motor Vehicle Rentals shall be null and void.
3. The exterior of the existing building shall substantially adhere in appearance, size, and materials to the submitted elevations entitled "TAKE 5 OIL CHANGE CONVERSION, 3680 Holland Road, Virginia Beach, VA 23452, CONCEPT ELEVATIONS", dated June 20, 2022, prepared by Rogue Architects, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
4. The landscaping on site shall be in substantial conformance to the conceptual landscape entitled "TAKE 5 OIL CHANGE – VIRGINIA BEACH (HOLLAND), 3680 Holland Road, Virginia Beach, VA – CONCEPTUAL LANDSCAPE PLAN – EXHIBIT # 1", dated August 16, 2022, prepared by Pennoni Associates, Inc., which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
5. No motor vehicles in a state of obvious disrepair shall be stored outside of the building. All such vehicles shall only be permitted to be stored within the building.
6. There shall be no outside storage of equipment, parts, tires, or materials.
7. No motor vehicle repair work shall take place outside of the building.
8. No motor vehicles shall be parked within any portion of the public right-of-way.
9. The existing trees located on the property shall be retained and maintained.
10. The freestanding sign shall be monument style.

11. The applicant shall obtain all necessary permits and inspections from the Department of Planning & Community Development/Permits and Inspections Division. The applicant shall secure a Certificate of Occupancy from the Building Official's Office for the automobile repair garage use.
12. All on-site signage must meet the requirements and regulations of the Zoning Ordinance, unless otherwise approved by the Board of Zoning Appeals. A separate permit from the Department of Planning & Community Development is required for any new signage installed on the site.
13. All outdoor lights shall be shielded to direct light and glare onto the premises, said lighting and glare shall be deflected, shaded, and focused away from all adjoining property. Any outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet.

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

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

**Virginia Beach Planning Commission
September 14, 2022, Public Meeting
Agenda Items # 8, 9 & 10**

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 INDEFINITELY

Mr. Wall: Okay, thank you. The next order of business is for the consideration of request to withdraw and defer an item, please come forward if you have any items to be withdrawn. Seeing none, the next order of business is the deferral agenda, and please come forward if you have any items to be referred.

Mr. Pocta: Hello, good afternoon, Chris Pocta, counsel for Earthscapes Enterprises, LLC. We have items 8, 9 & 10 on the agenda today with Wolcott Rivers Gates of Virginia Beach, and we are requesting indefinite deferral of this item. We're still coordinating with the Navy for purposes of their easement at the property, and looking to resolve that.

Mr. Wall: Okay, thank you. Does anybody have any objections for these items to be deferred? Okay, seeing none, do I have a motion to defer agenda items 5, 8, 9, and 10? I have a motion by Mr. Alcaraz, and a second by Mr. Redmond. Hearing a second, are there any Planning Commissioners abstaining on these items to be deferred?

Madam Clerk: The vote is open. By a recorded vote of 10 in favor, and 0 against agenda items 5, 8, 9, and 10 have all be indefinitely deferred.

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

**Virginia Beach Planning Commission
September 14, 2022, Public Meeting
Agenda Item # 11**

Carl Joseph Tremaglio & Victoria Mather Tremaglio (Applicants)

Street Closure

Adjacent Address: 209 55th Street

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Alcaraz: Thank you. Next item for consent is item # 11. Would the representative please come forward, and state your name?

Mr. Bourdon: Mr. Chairman, members of the commission, for the record Eddie Bourdon, Virginia Beach Attorney, Mr. & Mrs. Tremaglio on this street closure application. All of the conditions as recommended by Staff are approved by the applicant.

Mr. Alcaraz: Is there any opposition to this item being placed on the consent agenda? Hearing none, I have asked John Coston to please read this item.

Mr. Coston: The applicants are requesting to close a portion of the platted, unnamed, and unimproved alley that is adjacent to the rear lot line of 209 55th Street as shown on the submitted street closure exhibit. The proposal includes closure of half the 15-foot-wide alley totaling 375 square feet and is incorporated that land into their adjacent residential lot identified as lot 16, lot 10 of Ubermeer. In 2008, this action was presented and approved, but because we did not get some of the things done that that will require it has been resubmitted and the Staff has advised approval and the Commission concurs.

Mr. Alcaraz: Mr. Chairman, that is the last item of the 10 items, and those on consent are 6, 7, 11, 14, 15, 16, 17, and 18 with modification, 19, and 20.

Mr. Wall: Do I have a motion to approve by consent as read by the vice-chair?

Mr. Alcaraz: Motion.

Mr. Wall: A motion by Mr. Alcaraz. Do I have a second?

Ms. Cuellar: Yes.

Mr. Wall: Second by Ms. Cuellar.

Madam Clerk: The vote is open. By vote of 10 in favor, and 0 against agenda items 6, 7, 11, 14, 15, 16, 17, 18 with conditions as modified, 19, and 20, have all 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				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

CONDITIONS

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

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

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

**Virginia Beach Planning Commission
September 14, 2022, Public Meeting
Agenda Items # 12 & 13**

Bel Aire, LLC & Take 5 Properties SPV, LLC, a Delaware Limited Liability Company
(Applicants)
Bel Aire, LLC (Property Owner)

Conditional Use Permits (Car Wash Facility & Automobile Repair Garage)

Address: 1552 General Booth Boulevard

RECOMMENDED FOR APPROVAL – HEARD

Madam Clerk: Thank you, Mr. Chairman. I understand we've closed the public hearing on agenda items 1 and 2, and we're going to move forward on the agenda, to agenda items 12 and 13. Agenda items 12 and 13, Bel Aire, LLC and Take Five Properties SPV, LLC. These are applications for Conditional Use Permits (Carwash Facility and Automobile Repair Garage) at 1552 General Booth Boulevard in Council District 5 formerly the Princess Anne District; would the applicant or the applicant's representative, please step to the podium and state your name please.

Mr. Wood: For the record, my name is Chris Wood. I represent item #13 as both the applicant and the landowner. So, I am happy to answer the questions.

Mr. Wall: Alright, thank you.

Mr. Dozier: Good afternoon commissioners. My name is Jonathan Dozier, I am with the Pennoni. I will be on the civil engineer on this project as well. I am here on behalf of Take 5 and I will be happy to answer any questions you all may have.

Mr. Wall: Can you describe the application?

Mr. Dozier: Yes, so this application will be for the development of a carwash and a Take 5 Oil Change. I'm only responsible more for the Take 5 portion which will be a lease of the parcel. The remaining portion of the parcel will be with the carwash. They're using the existing entrance that's located at the 7-Eleven on General Booth Boulevard as well as a connection to the access road to the west or east. The storm water management will be handled with the carwash and the master plan for the rest of the calendar.

Mr. Wall: Alright, thank you. Are there any questions for the speaker? I do have a question and I am the one who brought this up, in looking at the different elevation views or just the different building facades in the area, you know I noticed that the banner, there is a lot of marketing and branding that goes along with these Take 5s, including the bright red banner that goes across. I felt that it would be an improvement in match, the surrounding businesses if that banner were no longer there, so I would like to add a condition to it.

Mr. Dozier: Would be to the similar to the one at Laskin Road?

Mr. Wall: Yes.

Mr. Dozier: They are completely acceptable with having that modification.

Mr. Wall: Okay, thank you, I appreciate that. Alright, seeing that there are no speakers; I am going to open the floor for discussion or to entertain a motion.

Mr. Weiner: I know, we discussed this in our informal about the, I guess, like the stripe on it. I personally have no problem with it. I don't think Staff would bring this in front of us if there wasn't something they've already evaluated. So, I'm personally fine with it, and I'm able to move forward with the way it looks right now.

Mr. Wall: Anybody else?

Mr. Weiner: If not, I will make a motion for approval.

Mr. Wall: I will support that, but I'd like to make a motion with a condition that the banner be removed as part of this project's application.

Mr. Weiner: You'd have to make a second motion because if my motion would be forwarded it as is.

Mr. Bradley: I'd like to second Mr. Weiner's motion.

Mr. Wall: Okay, alright. Then it will go forward without the banner. I mean go forward with the banner without the condition. Alright, we have a motion by Mr. Weiner, and a second by a Mr. Bradley.

Madam Clerk: Vote is open. By recorded vote of 10 in favor, 0 against agenda items 12 and 13, have been recommended for approval with conditions as written.

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

CONDITIONS

Conditions for Conditional Use Permit for Automobile Repair Garage:

1. The site shall be developed and maintained substantially in conformance with the submitted site layout entitled "Concept Plant Schedule," dated June 22, 2022, and prepared by

Timmons Group. Said plan has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning & Community Development.

2. The design, size, and materials of the building shall be substantially in adherence, with the submitted elevation exhibits entitled "Take-5 Oil Change," dated June 30, 2022, and prepared by Ground-Up. Said elevations have been exhibited to the Virginia Beach City Council and are on file with the Department of Planning & Community Development.
3. The dumpster shall be enclosed by a wall on three sides, constructed of materials that match the building, not less than six feet in height, and any required screening shall be installed in accordance with Section 245(e) of the Zoning Ordinance and the City of Virginia Beach Landscaping Guide.
4. No motor vehicles in a state of obvious disrepair shall be stored outside of the building. All such vehicles shall only be permitted to be stored within the building.
5. No motor vehicle repair work shall take place outside of the building.
6. No motor vehicles shall be parked within any portion of the public right-of-way.
7. There shall be no outdoor storage of equipment, parts, tires, or materials.
8. All on-site signage shall meet the requirements of the City Zoning Ordinance. One monument sign shall be permitted on the parcel. There shall be no signs that contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving devices on the site or on the vehicles. There shall be no signs which are painted, pasted, or attached to the windows, utility poles, trees, or fences, or in an unauthorized manner to walls or other signs.
9. 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.
10. There shall be no portable or nonstructural signs or electronic display signs on the site.
11. All outdoor lights shall be shielded to direct light and glare onto the premises, said lighting and glare shall be deflected, shaded, and focused away from all adjoining property. Any outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet.
12. The final stormwater management plan submitted to the Development Services Center (DSC) shall be in substantial conformance with the preliminary stormwater analysis and shall comply with all adopted stormwater regulations.

Conditions for Conditional Use Permit for Car Wash Facility:

1. The site shall be developed and maintained substantially in conformance with the submitted site layout entitled "Concept Plant Schedule," dated June 22, 2022, and prepared by Timmons Group. Said plan has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning & Community Development.
2. The design, size, and materials of the building shall be substantially in adherence, with the submitted elevation exhibits entitled "Splash Car wash – General Booth," dated June 30, 2022, and prepared by Ionic DeZign Studios. Said elevations have been exhibited to the

Virginia Beach City Council and are on file with the Department of Planning & Community Development.

3. No window or outdoor advertising banners, pennants, streamers or other such visual devices beyond those permitted by the City Zoning Ordinance shall be permitted on the property.
4. No water produced by activities at the facility lot shall be permitted to fall upon or drain across public streets or sidewalks or adjacent properties.
5. All on-site signage shall meet the requirements of the City Zoning Ordinance. One monument sign shall be permitted on the parcel. There shall be no signs that contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving devices on the site or on the vehicles. There shall be no signs which are painted, pasted, or attached to the windows, utility poles, trees, or fences, or in an unauthorized manner to walls or other signs.
6. There shall be no portable or nonstructural signs or electronic display signs on the site.
7. All outdoor lights shall be shielded to direct light and glare onto the premises, said lighting and glare shall be deflected, shaded, and focused away from all adjoining property. Any outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet.
8. 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.
9. The final stormwater management plan submitted to the Development Services Center (DSC) shall be in substantial conformance with the preliminary stormwater analysis and shall comply with all adopted stormwater regulations.

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
September 14, 2022, Public Meeting
Agenda Item # 14**

Anthony Lee Franco (Applicant)
Providence Square Associates, LLC (Property Owner)

Conditional Use Permit (Tattoo Parlor)

Address: 1001 Kempsville Road, Units 1049, 1051, 1053

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Alcaraz: Thank you. The next item on the consent agenda is Item #14 for a tattoo parlor at 1000 Kempsville Road, Units 1049, 1051, and 1053. Would the representative please come forward. State your name for the record.

Mr. Franco: Yes, Tony Franco. Good afternoon, commissioners. I've been in the military for over 29 years active duty, getting ready to retire here in January. I've been tattooing for JD Crowe. We were the original shop in 2001, so I've been tattooing over here for 20 years, and I was one of the original 12 tattoo artists to get their first tattoo license for Virginia Beach, and I'm just ready to make the next chapter in my life.

Mr. Alcaraz: Well good, congratulations, and are you acceptable to the conditions?

Mr. Franco: I am acceptable to everything.

Ms. Alcaraz: Thank you. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I have Mr. Bradley if you could read this.

Mr. Bradley: Thank you. The applicant is requesting a Conditional Use Permit to operate a traditional tattoo parlor in three suites of an existing shopping center. The property is located along Kempsville Road just south of the intersection with Providence Road in the Providence Square Shopping Center, which is zoned B-2 Community Business. The tattoo parlor will occupy three units totalling 1890 square feet. According to the applicant, up to six artists will be employed, and the typical hours of operation are 10 a.m. to 10 p.m. seven days a week. Staff recommended this, hearing no opposition Planning Commission put it on a consent agenda.

Mr. Alcaraz: Mr. Chairman, that is the last item of the 10 items, and those on consent are 6, 7, 11, 14, 15, 16, 17, and 18 with modification, 19, and 20.

Mr. Wall: Do I have a motion to approve by consent as read by the vice-chair?

Mr. Alcaraz: Motion.

Mr. Wall: A motion by Mr. Alcaraz. Do I have a second?

Ms. Cuellar: Yes.

Mr. Wall: Second by Ms. Cuellar.

Madam Clerk: The vote is open. By vote of 10 in favor, and 0 against agenda items 6, 7, 11, 14, 15, 16, 17, 18 with conditions as modified, 19, and 20, have all 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				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

CONDITIONS

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

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

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

**Virginia Beach Planning Commission
September 14, 2022, Public Meeting
Agenda Item # 15**

Darren & Marcella King Joint Revocable Living Trust (Applicant & Property Owner)

Subdivision Variance (Section 4.4(b) & (d) of the Subdivision Regulations)

Address: 3931 Richardson Road

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Alcaraz: The next item on the consent agenda is Item #15 for Subdivision Variance (re-section 4.4 (b) and (d) of the subdivision regulations) at 3739 Richardson Road. Would the representative please come forward. Please state your name for the record?

Mr. Garner: Eric Garner with WPL Land Surveyor representing the clients Darren and Marcella King. They accept the conditions as noted.

Ms. Alcaraz: Great, thank you. Is there any opposition to this item being in placed on the consent agenda? Hearing none, I ask Ms. Dee Oliver, if she could read this.

Mr. Oliver: Thank you. So this is basically just a clean-up of a piece of property that was platted before zoning came in, and the applicant currently has a house on it, and some accessory buildings are on the property that were constructed in 1930, and this parcel, and the adjacent parcel were recorded as one lot in 1924 & 1926, and the parcel was improperly subdivided by deed in 1957 to make two lots. The address of this is 3905 & 3931 Richardson Road, and at that time, the subdivisions were required to be established via recorded plat. The shape and location of a lot are deficient, so that doesn't have direct access to a public street, and without this as the lot fails to meet the requirements set forth in Section 4.4 of the Zoning Ordinance for the within the street frontage for the properties that are now zoned R-40. So, with that, the staff believes that this request is reasonable, and it's not unique to the neighborhood, and the applicants are planning on building a new house, which they have some temporary drawings on it, and with that the city staff deems as acceptable, and we do as well, and so we put it on the Consent Agenda.

Mr. Alcaraz: Mr. Chairman, that is the last item of the 10 items, and those on consent are 6, 7, 11, 14, 15, 16, 17, and 18 with modification, 19, and 20.

Mr. Wall: Do I have a motion to approve by consent as read by the vice-chair?

Mr. Alcaraz: Motion.

Mr. Wall: A motion by Mr. Alcaraz. Do I have a second?

Ms. Cuellar: Yes.

Mr. Wall: Second by Ms. Cuellar.

Madam Clerk: The vote is open. By vote of 10 in favor, and 0 against agenda items 6, 7, 11, 14, 15, 16, 17, 18 with conditions as modified, 19, and 20, have all 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				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. The applicant/owner shall submit a subdivision plat with the City of Virginia Beach Planning Department. Said plat shall be subject to the review and approval of the Department of Planning & Community Development, and plat shall be recorded with the City of Virginia Beach Circuit Court Clerk’s Office within 180 days from the date of City Council action.

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
September 14, 2022, Public Meeting
Agenda Item # 16**

**Atlantic Park, Inc. & Virginia Beach Development Authority [Applicants]
Virginia Beach Development Authority [Property Owner]**

Major Entertainment Venue Sign

Address: Block bordered by Arctic & Baltic Avenues and 19th & 20th Streets & double block bordered by Pacific & Arctic Avenues & 18th & 20th Streets

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Alcaraz: The next item or items, can we do these together or are we doing separately Mr. Tajan, 16 & 17.

Mr. Tajan: I think they can be done together.

Mr. Alcaraz: Items 16 & 17 for Major Entertainment Venue for Signage to allow Signage for the major entertainment venue in accordance with the section 8.4.4 Oceanfront Resort from base code, and item 17 for request to modify the conditions of the alternative compliance to allow an increase height in light bulbs. It is my understanding Brandon will be speaking for this, come forward please.

Mr. Tajan: You may want to have the applicant come forward, and then Brandon can read into the record?

Mr. Alcaraz: The applicant please come forward, and please state your name for the record.

Mr. Culpepper: My name is Mike Culpepper on behalf of Atlantic Park Inc, and Venture Waves, LLC and we would certainly support the conditions set forth.

Mr. Alcaraz: On both items?

Mr. Culpepper: Yes sir.

Mr. Alcaraz: Now we need Brandon? Come forward please. Please state your name for the record.

Mr. Hackney: My name is Brandon Hackney. Good afternoon commissioners. The applicant is requesting for the first application two Major Entertainment venue signs in accordance with section 8.4.4 of the Oceanfront Resort form base code. The zoning lot for this proposal spans a blog bordered by Arctic and Baltic avenues in 19th and 20th streets and a double blog bordered by Pacific and Arctic avenues and 18th and 20th streets. On August 20, 2021 City Council granted approval for the special exception, alternative compliance for The Atlantic Park development. This request is for the approval of two Major Entertainment venue signs which will be installed on the two mixed use buildings proposed within that development. There'll be one sign on the east side of the building along 20th Street facing east on what is referred to as the west block, and the second sign will be installed on

the south side of the east block building along Pacific Avenue facing south. The first sign which is along 20th Street will be 36 feet by 20 feet totalling 720 square feet with a pixel pitch of 6 mm and illumination levels not to exceed 250 nits and the display will have static images and texts not than a dwell time of eight seconds. The second sign along Pacific Avenue will be 15.5 half feet by 26 feet nine inches totalling approximately 415 square feet with the 6 mm pixel pitch, 250 nits for illumination levels, and will have static text and images and will also display live surfing from Surf Park on the sign along Pacific Avenue.

Mr. Alcaraz: Thank you. For the record is there any opposition to this being placed on the consent agenda?

Mr. Hackney: The next request is to modify the conditions of the alternative compliance to allow an increased height for light poles, as the Oceanfront Resort form base code limits the height for the outdoor lighting to 30 feet. This is also for the same zoning lot spanning between Arctic and Baltic avenues in 19th and 20th streets and the double block bordering Pacific and Arctic avenues, and 18th and 20th streets, and as mentioned in the prior request City Council granted approval for special exception for alternative compliance for The Atlantic Park development on August 20, 2021, and this request is to add a condition to the alternative compliance and keep the existing conditions remaining to allow one 60 foot light pole and four 70 foot light poles within the Surf Park facility. The light source will be LED four cut off fixtures who has no light trespass on to the adjacent properties. The shielding of the fixtures will block the light source or bulb from being seen when standing at a distance mitigating light pollution into the right of way and onto the adjacent properties, and the foot candles provided in the photometric plan will taper off to zero surrounding the entire property where no light should trespass past the curb line around this property.

Mr. Alcaraz: Thank you. Is there any opposition to this being placed on the consent agenda? Hearing none we will move to the next agenda item.

Mr. Alcaraz: Mr. Chairman, that is the last item of the 10 items, and those on consent are 6, 7, 11, 14, 15, 16, 17, and 18 with modification, 19, and 20.

Mr. Wall: Do I have a motion to approve by consent as read by the vice-chair?

Mr. Alcaraz: Motion.

Mr. Wall: A motion by Mr. Alcaraz. Do I have a second?

Ms. Cuellar: Yes.

Mr. Wall: Second by Ms. Cuellar.

Madam Clerk: The vote is open. By vote of 10 in favor, and 0 against agenda items 6, 7, 11, 14, 15, 16, 17, 18 with conditions as modified, 19, and 20, have all been recommended for approval by consent.

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

CONDITIONS

1. Signs shall be subject to the limitations and descriptions described in the narrative entitled, "Sign Concepts_2," dated June 20, 2022. Said narrative has been exhibited to the City Council and is on file in the Department of Planning.
2. The final design of the signs shall be submitted to the Planning Director for review and approval prior to submission of plans for sign permits.
3. No audio speakers are permitted with the signs.
4. Signs shall be equipped with a working dimmer control capable of automatically reducing the illumination of the required daytime (sunrise to sunset) and nighttime (sunset to sunrise) levels.
5. Other than video streaming, signs shall not flash or display graphics or images in fewer than eight second intervals.
6. A sign package for any additional signs, including directional and wayfinding signs, shall be submitted to the Planning Director for review and approval to ensure all signs have a consistent design and are well coordinated with traffic circulation and landscape plans.

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
September 14, 2022, Public Meeting
Agenda Item # 17**

**Atlantic Park, Inc. & Virginia Beach Development Authority [Applicants]
Virginia Beach Development Authority [Property Owner]**

Modification of Conditions

Address: Block bordered by Arctic & Baltic Avenues and 19th & 20th Streets & double block bordered by Pacific & Arctic Avenues & 18th & 20th Streets

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Alcaraz: The next item or items, can we do these together or are we doing separately Mr. Tajan, 16 & 17.

Mr. Tajan: I think they can be done together.

Mr. Alcaraz: Items 16 & 17 for Major Entertainment Venue for Signage to allow Signage for the major entertainment venue in accordance with the section 8.4.4 Oceanfront Resort from base code, and item 17 for request to modify the conditions of the alternative compliance to allow an increase height in light bulbs. It is my understanding Brandon will be speaking for this, come forward please.

Mr. Tajan: You may want to have the applicant come forward, and then Brandon can read into the record?

Mr. Alcaraz: The applicant please come forward, and please state your name for the record.

Mr. Culpepper: My name is Mike Culpepper on behalf of Atlantic Park Inc, and Venture Waves, LLC and we would certainly support the conditions set forth.

Mr. Alcaraz: On both items?

Mr. Culpepper: Yes sir.

Mr. Alcaraz: Now we need Brandon? Come forward please. Please state your name for the record.

Mr. Hackney: My name is Brandon Hackney. Good afternoon commissioners. The applicant is requesting for the first application two Major Entertainment venue signs in accordance with section 8.4.4 of the Oceanfront Resort form base code. The zoning lot for this proposal spans a block bordered by Arctic and Baltic avenues in 19th and 20th streets and a double block bordered by Pacific and Arctic avenues and 18th and 20th streets. On August 20, 2021 City Council granted approval for the special exception for alternative compliance for The Atlantic Park development. This request is for the approval of two Major Entertainment venue signs which will be installed on the two mixed use buildings proposed within that development. There'll be one sign on the east side of the building along 20th Street facing east on what is referred to as the west block, and the second sign will be installed on

the south side of the east block building along Pacific Avenue facing south. The first sign which is along 20th Street will be 36 feet by 20 feet totaling 720 square feet with a pixel pitch of 6 mm and illumination levels not to exceed 250 nits and the display will have static images and texts not than a dwell time of eight seconds. The second sign along Pacific Avenue will be 15.5 half feet by 26 feet 9 inches totaling approximately 415 square feet with the 6 mm pixel pitch, 250 nits for illumination levels, and will have static text and images and will also display live surfing from Surf Park on the sign along Pacific Avenue.

Mr. Alcaraz: Thank you. For the record is there any opposition to this being placed on the consent agenda?

Mr. Hackney: The next request is to modify the conditions of the alternative compliance to allow an increased height for light poles, as the Oceanfront Resort form base code limits the height for the outdoor lighting to 30 feet. This is also for the same zoning lot spanning between Arctic and Baltic avenues in 19th and 20th streets and the double block bordering Pacific and Arctic avenues, and 18th and 20th streets, and as mentioned in the prior request City Council granted approval for special exception for alternative compliance for The Atlantic Park development on August 20, 2021, and this request is to add a condition to the alternative compliance and keep the existing conditions remaining to allow one 60 foot light pole and four 70 foot light poles within the Surf Park facility. The light source will be LED four cut off fixtures who has no light trespass on to the adjacent properties. The shielding of the fixtures will block the light source or bulb from being seen when standing at a distance mitigating light pollution into the right of way and onto the adjacent properties, and the foot candles provided in the photometric plan will taper off to zero surrounding the entire property where no light should trespass past the curb line around this property.

Mr. Alcaraz: Thank you. Is there any opposition to this being placed on the consent agenda? Hearing none we will move to the next agenda item.

Mr. Alcaraz: Mr. Chairman, that is the last item of the 10 items, and those on consent are 6, 7, 11, 14, 15, 16, 17, and 18 with modification, 19, and 20.

Mr. Wall: Do I have a motion to approve by consent as read by the vice-chair?

Mr. Alcaraz: Motion.

Mr. Wall: A motion by Mr. Alcaraz. Do I have a second?

Ms. Cuellar: Yes.

Mr. Wall: Second by Ms. Cuellar.

Madam Clerk: The vote is open. By vote of 10 in favor, and 0 against agenda items 6, 7, 11, 14, 15, 16, 17, 18 with conditions as modified, 19, and 20, have all 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				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. The light poles surrounding the Surf Park shall be in substantial conformance with the submitted plans, entitled “Atlantic Park VA Beach Wavegarden” dated August 1, 2022, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.

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.

PREVIOUS CONDITIONS

All previous conditions attached to the Alternative Compliance approval of August 20, 2021 shall remain in effect, as listed below.

1. The project will be developed in substantial conformance to the exhibit package entitled “Atlantic Park – Conceptual Massing” by Gensler and Venture Realty Group dated June 16, 2021, which has been exhibited to the City Council and is on file with the Planning Department.
2. Roadway improvements as identified in the Atlantic Park Traffic Impact Analysis, once finalized, that are not to be constructed by the City shall be constructed by the applicant and incorporated into the applicant’s construction sequencing plan for the overall project.
3. The applicant shall submit a Sight Distance Analysis to be reviewed by the Traffic Engineer for the Department of Public Works prior to the final approval of the site plan.

4. The applicant shall work with the Resort Management Office to develop a traffic management plan to be implemented during events at the entertainment venue, including but not limited to events involving the closure of Arctic Avenue.
5. All streetscapes bordering and within the development project shall include sidewalks, street trees, and pedestrian lights. Dimensional details will be determined during site plan review.
6. No outdoor amplified music is permitted between 11:00 p.m. and 10:00 a.m.

**Virginia Beach Planning Commission
September 14, 2022, Public Meeting
Agenda Item # 18**

Thomas Cunningham (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 4005 Atlantic Avenue, Unit 207

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Alcaraz: The next item is item #18 for a short-term rental, 4005 Atlantic Avenue Unit 207, is there a representative available? Please state your name for the record.

Mr. Cunningham: Thomas Cunningham.

Mr. Alcaraz: You accept the conditions?

Mr. Cunningham: Yes.

Mr. Alcaraz: Thank you, you may be seated. Is there any opposition to this item being on the Consent Agenda? Hearing none, I will have Mr. Weiner read this.

Mr. Weiner: Thank you, Mr. Alcaraz. This is a request for a short-term rental 4005 Atlantic Avenue, Unit 207 in OR district, and we have placed this on the consent agenda.

Mr. Alcaraz: Item #18, condition #4, they are striking there, which does need to have any additional parking. Extra parking is not needed, we are striking condition 4.

Mr. Alcaraz: Mr. Chairman, that is the last item of the 10 items, and those on consent are 6, 7, 11, 14, 15, 16, 17, and 18 with modification, 19, and 20.

Mr. Wall: Do I have a motion to approve by consent as read by the vice-chair?

Mr. Alcaraz: Motion.

Mr. Wall: A motion by Mr. Alcaraz. Do I have a second?

Ms. Cuellar: Yes.

Mr. Wall: Second by Ms. Cuellar.

Madam Clerk: The vote is open. By vote of 10 in favor, and 0 against agenda items 6, 7, 11, 14, 15, 16, 17, 18 with conditions as modified, 19, and 20, have all 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				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 4005 Atlantic Avenue, Unit 207, and the Short Term Rental use shall only occur in the principal structure.
2. An annual (yearly) STR Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.
3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. A second (2nd) parking space, at a location subject to approval by the Zoning Administrator, shall be available for use by the Short Term Rental occupants at all times.
5. For properties located within the boundaries of the Residential Parking Permit Program (RPPP), while the Short Term Rental use is active, parking passes issued for the subject dwelling unit(s) through the RPPP shall be limited to two (2) resident passes only. Guest and temporary passes through the RPPP shall not be permitted.
6. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
7. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.
8. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.

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

when activated, be audible in all sleeping rooms, and 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order.

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

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

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

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

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

**Virginia Beach Planning Commission
September 14, 2022, Public Meeting
Agenda Item # 19**

Susan Limor (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 303 Atlantic Avenue, Unit 1005

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Alcaraz: The next item #19, and that is short-rental at 303 Atlantic Avenue, Unit 1005. Is the representative here? Come forward please and state your name?

Ms. Sadek: Naomi Elmore Sadek for Susan Limor.

Mr. Alcaraz: You accept all the conditions?

Ms. Sadek: Yes.

Mr. Alcaraz: Thank you, please be seated. Is there any opposition to this item being placed on the consent agenda? Hearing none, I ask Mr. Weiner again to read this item.

Mr. Weiner: Thank you Sir. This is a Conditional Use Permit for a short-term rental at 303 Atlantic Avenue, Unit 105. It is in OR district and it is placed on the consent agenda.

Mr. Alcaraz: Mr. Chairman, that is the last item of the 10 items, and those on consent are 6, 7, 11, 14, 15, 16, 17, and 18 with modification, 19, and 20.

Mr. Wall: Do I have a motion to approve by consent as read by the vice-chair?

Mr. Alcaraz: Motion.

Mr. Wall: A motion by Mr. Alcaraz. Do I have a second?

Ms. Cuellar: Yes.

Mr. Wall: Second by Ms. Cuellar.

Madam Clerk: The vote is open. By vote of 10 in favor, and 0 against agenda items 6, 7, 11, 14, 15, 16, 17, 18 with conditions as modified, 19, and 20, have all 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				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 303 Atlantic Avenue, Unit 1005 and the Short Term Rental use shall only occur in the principal structure.
2. An annual (yearly) Short Term Rental Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.
3. The dwelling unit shall comply with all required Fire and Building Code requirements.
4. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
5. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
6. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.
7. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
8. If, or when, the ownership of the property changes, it is the seller’s responsibility to notify the new property owner of requirements ‘a’ through ‘c’ below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning Permit; and
 - b) Copies of the Commissioner of Revenue’s Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
9. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue’s Office and pay all applicable taxes.

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

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

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

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

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

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

**Virginia Beach Planning Commission
September 14, 2022, Public Meeting
Agenda Item # 20**

Greg Zinis (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 304 26th ½ Street, Unit B

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Alcaraz: The last item on the consent agenda is item #20 or short-term rental at 304 26 ½ Street, Unit B. Representative please come forward. Just state your name for the record.

Mr. Zinis: My name is Greg Zinis.

Mr. Alcaraz: Do you accept the conditions?

Mr. Zinis: Yes.

Mr. Alcaraz: Thank you, you may be seated. Is there any opposition to this item being placed on the consent agenda? Hearing none, I have Mr. Weiner again.

Mr. Weiner: Thank you, Mr. Alcaraz. This is a Conditional Use Permit for a short-term rental at 304 26th ½ Street, Unit B, which is also in the OR district, and we have placed this on the consent agenda?

Mr. Alcaraz: Mr. Chairman, that is the last item of the 10 items, and those on consent are 6, 7, 11, 14, 15, 16, 17, and 18 with modification, 19, and 20.

Mr. Wall: Do I have a motion to approve by consent as read by the vice-chair?

Mr. Alcaraz: Motion.

Mr. Wall: A motion by Mr. Alcaraz. Do I have a second?

Ms. Cuellar: Yes.

Mr. Wall: Second by Ms. Cuellar.

Madam Clerk: The vote is open. By vote of 10 in favor, and 0 against agenda items 6, 7, 11, 14, 15, 16, 17, 18 with conditions as modified, 19, and 20, have all 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				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 304 26th 1/2 Street, Unit B and the Short Term Rental use shall only occur in the principal structure.
2. An annual (yearly) Short Term Rental Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.
3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. The garage space within the unit must remain a minimum of 9-feet by 18-feet, contain a minimum 8-foot wide vehicle entryway opening, and shall remain free of materials to ensure vehicular accessibility to the Short Term Rental tenants.
5. Three additional parking spaces, at a location subject to approval by the Zoning Administrator, shall be available for use by the Short Term Rental occupants at all times.
6. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
7. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.
8. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
9. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.

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

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

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

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

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

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