

Virginia Beach Planning Commission
October 12, 2022 – Public Hearing Verbatim

Jack Wall:

I call to order the October 12, 2022 Planning Commission public hearing. My name is Jack Wall and I'm the chairman of the Virginia Beach Planning Commission. Commissioner David Redmond and John Coston will not be in attendance today. Before we get started, I've asked Commissioner Cuellar to lead us in prayer, followed by the Pledge of Allegiance by Commissioner Horsley. Please stand.

Holly Cuellar:

Heavenly Father, we come to you today with gratitude and thanking you for your guidance and wisdom. As we begin this hearing today, we ask that you guide our hearts and our minds in the spirit of fairness, right thought and speech. Help us to remember our responsibility to serve our community with insight, guided by understanding, wisdom, and respect for all. As we make our decisions today, help us to promote the common good as we work together for the betterment of our great city. As trusted servants, we seek blessings on our deliberations in our efforts here today. In your name we pray. Amen.

Donald Horsley:

Please join me in the 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.

Jack Wall:

I've asked Commissioner Frankenfield to introduce the members of the planning commission.

Barry Frankenfield:

Thank you. That it. Everybody hear me? All right. Good afternoon. Welcome. I'd like to introduce the members of the Planning Commission and I have it written down so I have to follow exactly what I wrote.

Barry Frankenfield:

Next to me is David Bradley, representing the Princess Anne District and he's a retired budget director. He knows where all the money is.

Barry Frankenfield:

Next to him is David Weiner, Kempsville District, employed in construction sales. And he is one of the tireless community advocates we have. He's everywhere. He's really involved.

Barry Frankenfield:

Dee Oliver, also a tireless community advocate. Is At-Large, an active author and a funeral director.

Barry Frankenfield:

George Alcaraz is Vice Chair. He represents the Beach District, is a local businessperson involved with restaurants, special events, and building contractor business. Got anything else? All right, good. All right.

Barry Frankenfield:

Jack Wall is the Chair, and he has just been promoted to Captain in the Reserves. Congratulations. And he is a civil engineer with the Army Corps of Engineers and represents the Rose Hall District.

Barry Frankenfield:

The next two are not here, and Holly Cuellar is At-Large. She's a consultant and a military spouse, and she reminded me today that her carrot cake did win first place at the Virginia State Fair. So she is supposedly making some carrot cake soon.

Barry Frankenfield:

Michael Clemons is from the Centerville District. He's a Professor of Political Science at Old Dominion University. It's good to have people that are actually smart on this group, so thank you for being here.

Barry Frankenfield:

Kay Wilson is a Deputy City Attorney and is a stellar advocate and understands the law and helps keep us all out of trouble. Thank you very much.

Jack Wall:

Mr. Horsley.

Barry Frankenfield:

How did I miss Mr. Horsley?

Jack Wall:

You didn't write it down.

Barry Frankenfield:

I didn't write it down. Mr. Horsley is not on my list. However, he is At-Large and is our resident farmer. If we want to ask a farmer question, that's who we ask it to, and he is the longest running member of the Planning Commission. We think it's 40 years or something and we don't remember. So thank you very much for your service. I'm sorry, I forgot you.

Donald Horsley:

Don't worry about it.

Barry Frankenfield:

Oh, I'm Barry Frankenfield. I'm a landscape architect, represent the Lynnhaven District and next to me is Bobby Tajan, who is one of the most knowledgeable and caring Planning Directors we've ever had. So thank you very much Bobby.

Bobby Tajan:

Thank you, Mr. Frankenfield. I'll introduce staff. Clerking today we have Pam Sandloop and Madison Harris. With the planning staff we have Hannah Sabo, our Zoning Administrator. With Planning Administration, Carolyn Smith, Hoa Dao, Marchelle Coleman, Michaela McKinney,

and Elizabeth Nowak. With our Zoning Division we have Garek Hannigan and Brandon Hackney and we have Victoria Eisenberg as well with the City Attorney's office.

Jack Wall:

Okay, thank you. Next, I've asked the Clerk to describe the rules in order business for today's meeting.

Madam Clerk:

Thank you, Mr. Chairman. The Virginia Beach Planning Commission takes pride in being fair and courteous to all parties in attendance. It is important that all involved understand how the Commission normally conducts its meetings. It's 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; withdraws and deferrals. The Chairman will ask if there are any requests to withdraw or defer an item on the agenda. Consideration of these requests will be made first. Consent agenda. The second order of business is consideration of the consent agenda, which are those items that the Planning Commission believe are unopposed and which have favorable staff recommendation.

Madam Clerk:

Regular agenda. The Commission will then proceed with the remaining items on the agenda. Once an agenda item has been called we will recognize the applicant or their representative first. Following the applicant or their representative, speakers will be called next. Speakers in support or opposition of an agenda item will have three minutes to speak unless they are solely representing a large group such as a civic league or homeowners association, in which case they will have 10 minutes. Please note that the actions taken by the Commission today are in the form of a recommendation to the Virginia Beach City Council. The final decision to approve or disapprove an application will be made by the City Council. The Commission thanks you for your attendance and we hope that your experience here today leaves you feeling that you have been heard and treated fairly. Thank you.

Jack Wall:

Thank you, Madam Clerk. The next order of business is a consideration of request to withdraw or defer an item. Please come forward if you have any items to be withdrawn. Okay. Seeing none. Please come forward if you have any items to be deferred. Okay, it's been brought to our attention that agenda items number 8 through 14 have requested a 30-day deferral. Does anybody have any objection for these items to be deferred? Do I have a motion to defer items ei8ght through 14 for 30 days?

Mr. Alcaraz:

Motion to defer for 30 days agenda items 8 through 14.

Jack Wall:

Okay, thank you. Do I have a second?

Mr. Weiner:

**Virginia Beach Planning Commission
October 12, 2022, Public Meeting
Agenda Item # 1**

M.M. Rollins & Company, a Virginia Corporation (Applicant & Property Owner)

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

Address: 652 Princess Anne Road

RECOMMENDED FOR APPROVAL – CONSENT

Jack Wall:

Okay, thank you. Next order of business is the consent agenda and I'm going to turn the consent agenda over to the vice chair to run that portion of the meeting.

Mr. Alcaraz:

Thank you, Mr. Chair. Today we have seven items on the consent agenda. These items are applications that are recommended for approval by staff and the Planning Commission has concurred and there are no speakers signed up in opposition of the agenda item. So, moving on. Item number one, M.M. Rollins and Company for Rezoning at 652 Princess Anne Rd. All those come forward. Please speak. State your name.

Eddie Bourdon:

Thank you, Mr. Vice Chair, Mr. Alcaraz. Mr. Chairman for the record, Eddie Bourdon, attorney representing M.M. Rollins and Company. Mr. Rollins appreciates being on the consent agenda, saved him coming up from Creeds for the meeting today and appreciate your good work. Happy to answer any questions.

Mr. Alcaraz:

Are the conditions acceptable?

Eddie Burdon:

It's acceptable. Thank you.

Mr. Alcaraz:

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

Mr. Bradley:

Okay, thank you. The applicant owns one parcel total on 38,812 square feet that is zoned both AG-2 and B-2. The proposal is to rezone a portion of that site currently zoned AG-2 Agricultural District to B-2 Community Business District. The overall property was originally two separate parcels. In May of 1985, a plat was recorded that consolidated both parcels into one lot. A portion of that parcel, specifically the B-2 zoned area has been operating as a legally nonconforming auto sales and service business since the early 1950s prior to the merger of the City of Virginia Beach and Princess Anne County. Future use of the newly rezoned portion of

the site as well as the existing B-2 zone portion of the site will be required to comply with those identified in the Zoning Ordinance. Furthermore, the applicant's representative indicated that is the property owner's intent that any future use will be in keeping with the goals and policies set forth in the Comprehensive Plan for the rural area of the City, specifically the rural village of Creeds. The Planning Staff recommended this item and since there's no known opposition, we're recommending putting it on the consent agenda.

Mr. Alcaraz:

Thank you. Mr. Chair, that was the last item for the consent agenda. The Planning Commission places the following applications on the consent agenda. Items 1, 2, 3, 4, 5, 6, and 7.

Jack Wall:

Thank you. Do I have a motion to approve the consent agenda as read by the vice chair?

Mr. Alcaraz:

Mr. Chairman, I move that these items be approved by consent.

Jack Wall:

Okay. Thank you. Is there a second?

Mr. Horsley:

Second.

Jack Wall:

Okay. Got a motion by Mr. Alcaraz, a second by Mr. Horsley. Is there anybody that needs to abstain? Any Planning Commissioners needing to abstain from these items on the consent agenda? You need to hit the second button right there.

Mr. Horsley:

Thanks.

Mr. Alcaraz:

I was the mover on that.

Ms. Cuellar:

Pardon me. I think... Yeah, I was not the mover. My finger accidentally hovered on the button.

Jack Wall:

Oh, okay.

Madam Clerk:

The vote is open.

Jack Wall:

Okay, so the vote is open. We'll just proceed. Okay.

Madam Clerk:

By vote of nine in favor, zero against, agenda items 1, 2, 3, 4, 5, 6, and 7, have all been recommended for approval by consent.

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

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

C.P. Marine & Diesel Service, Inc (Applicant)
Carl & Gloria's Repair Shop, LLC (Property Owner)

Modification of Conditions (Automobile Repair Garage)

Address: 1399 Air Rail Avenue

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Alcaraz:

All right, thank you. The next item is number two, CP Marine Diesel Service for Modification of Conditions at 1399 Air Rail Avenue. Is there a representative here to speak? Please come forward. Sir, if you could state your name for the record.

Carl Pitt:

Yes. Good afternoon. My name is Carl Pitt Jr. I am the shop foreman and treasurer for CP Marine and Diesel.

Mr. Alcaraz:

All right, and do you accept the conditions?

Carl Pitt:

Yes.

Mr. Alcaraz:

All right. Thank you. You may be seated.

Carl Pitt:

Okay, thank you.

Mr. Alcaraz:

Is there any opposition to this item being placed on the consent agenda? Hearing none. I've asked Commissioner Cuellar to read this item for the record, please.

Ms. Cuellar:

Thank you. The applicant is requesting to modify conditions of a Conditional Use Permit for an automobile repair garage that was approved by City Council on July 7th, 2015. These modifications more accurately reflect the business and focus on parking spaces, usage and storage. Being that there's no opposition, the Commission recommends this be put on the consent agenda.

Mr. Alcaraz:

Thank you. Mr. Chair, that was the last item for the consent agenda. The Planning Commission places the following applications on the consent agenda. Items 1, 2, 3, 4, 5, 6, and 7.

Jack Wall:

Thank you. Do I have a motion to approve the consent agenda as read by the vice chair?

Mr. Alcaraz:

Mr. Chairman, I move that these items be approved by consent.

Jack Wall:

Okay. Thank you. Is there a second?

Mr. Horsley:

Second.

Jack Wall:

Okay. Got a motion by Mr. Alcaraz, a second by Mr. Horsley. Is there anybody that needs to abstain? Any Planning Commissioners needing to abstain from these items on the consent agenda? You need to hit the second button right there.

Mr. Horsley:

Thanks.

Mr. Alcaraz:

I was the mover on that.

Ms. Cuellar:

Pardon me. I think... Yeah, I was not the mover. My finger accidentally hovered on the button.

Jack Wall:

Oh, okay.

Madam Clerk:

The vote is open.

Jack Wall:

Okay, so the vote is open. We'll just proceed. Okay.

Madam Clerk:

By vote of nine in favor, zero against, agenda items 1, 2, 3, 4, 5, 6, and 7, have all been recommended for approval by consent.

	AYE 9	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Bradley	AYE			
Clemons	AYE			
Coston				ABSENT
Cuellar	AYE			
Frankenfield	AYE			

Horsley	AYE			
Oliver	AYE			
Redmond				ABSENT
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. All conditions attached to the Conditional Use Permit granted on July 7, 2015 are hereby deleted and superseded by the following conditions.
2. Street front and foundation landscaping shall be installed on the subject site in accordance with the City of Virginia Beach Landscaping Guide.
3. Any trailers or equipment encroaching into the railroad right-of-way and the ten (10)-foot wide utility and drainage easement along the northwest lot line shall be removed.
4. Vehicles shall only be parked in spaces shown on the proposed LAYOUT SKETCH included in the staff report on page six.
5. A second overhead garage door may be installed on the northeastern side of the existing building, to the right of the existing overhead garage door, as depicted on the plan referenced in Condition Number 3. In no case, however, shall the northernmost edge of the opening for the new overhead garage door be any closer than six (6) to seven (7) feet from the northern side of the existing building, as depicted on the Plan referenced in Condition 3.
6. No vehicles waiting for service shall be stopped or parked at any time in the driveway section of the ingress/egress easement between parcels X-B (C.P. Marine) and X-C (Creative Sales, Inc.). There shall be no queuing of vehicles waiting to enter, or exit, the new overhead large garage door, referenced in Condition Number 4, such that the vehicles block the driveway.
7. The parking area shall be striped as shown on the Plan referenced in Condition Number 3 in accordance with Public Works Standards and Specifications.
8. All repair work shall be conducted inside the building.
9. The existing overhead garage doors located on the northern side of the building shall be enclosed on the interior to the building such that no access to and from the building shall be possible. The exterior of said doors shall be painted to match the color of the exterior of the building.
10. There shall be no outside storage of vehicles in a state of obvious disrepair. If vehicles in this condition require storage, then such vehicles shall be stored within the building.
11. There shall be no cargo container units, whether on or off a chassis, located on the site.
12. No outdoor vending machines and/or display of merchandise shall be permitted.
13. The corrugated metal portions of the building shall be repainted a neutral tone.
14. There shall be no bulk storage or motor vehicle sales permitted on the site.

15. Any trash dumpster located on the property shall be screened with a six (6)-foot high privacy fence and gate at the opening.
16. Parking above the maximum number of parking spaces shall only be permitted with approval by the Planning Director pursuant to Section 203(b)(9) of the Zoning Ordinance.

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

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

CONDITIONS OF 2015 CONDITIONAL USE PERMIT

1. Street front and foundation landscaping shall be installed on the subject site in accordance with the City of Virginia Beach Landscaping Guide.
2. The trailer and equipment encroaching into the railroad right-of-way and the ten (10)-foot wide utility and drainage easement along the northwest lot line shall be removed.
3. Vehicles shall only be parked in the spaces shown on the Plan entitled "C. P. Marine & Diesel Services, Proposed Site Layout, 1399 Air Rail Avenue." Four of the said parking spaces shall only be for employees, as designated on the Plan.
4. A second overhead garage door may be installed on the northeastern side of the existing building, to the right of the existing overhead garage door, as depicted on the plan referenced in Condition Number 3. In no case, however, shall the northernmost edge of the opening for the new overhead garage door be any closer than six (6) to seven (7) feet from the northern side of the existing building, as depicted on the Plan referenced in Condition Number 3.
5. No vehicles waiting for service shall be stopped or parked at any time in the driveway section of the ingress/egress easement between parcels X-B (C.P. Marine) and X-C (Creative Sales, Inc.). There shall be no queuing of vehicles waiting to enter, or exit, the new overhead large garage door, referenced in Condition Number 4, such that the vehicles block the driveway.
6. The parking area shall be re-stripped as shown on the Plan referenced in Condition Number 3 in accordance with Public Works Standards and Specifications.
7. All repair work shall be conducted inside the building.
8. The existing overhead garage doors located on the northern side of the building shall be enclosed on the interior of the building such that no access to and from the building shall be possible. The exterior of said doors shall be painted to match the color of the exterior of the building.

9. There shall be no outside storage of vehicles in a state of obvious disrepair. If vehicles in this condition require storage, then such vehicles shall be stored within the building.
10. There shall be no cargo container units, whether on or off a chassis, located on the site.
11. No outdoor vending machines and / or display of merchandise shall be permitted.
12. The corrugated metal portions of the building shall be repainted a neutral tone.
13. The trash dumpster shall be screened with a six (6)-foot high privacy fence and gate at the opening.
14. There shall be no bulk storage or motor vehicle sales permitted on the site.

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

Green Clean Shore, LLC (Applicant)
KS Shore, LLC (Property Owner)

Conditional Use Permit (Car Wash Facility)

Address: 4769 Shore Drive

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Alcaraz:

Thank you. The next item is number three for Green Clean Shore LLC, for a Conditional Use Permit at 4769 Shore Drive. Is there a representative here to speak? Please come forward. Hi. If you could state your name for the record.

Grace Havre:

Yep. Grace Havre.

Mr. Alcaraz:

Thank you. And are the conditions acceptable to you?

Grace Havre:

They are acceptable.

Mr. Alcaraz:

Thank you. Is there any opposition to this item being placed on the consent agenda? Hearing none, I've asked Commissioner Frankenfield to please read this item for the record.

Barry Frankenfield:

All right, thank you. The applicant is requesting a Conditional Use Permit to operate a car wash facility at 4769 Shore Drive. Currently it is a surface parking lot, the property zone B-2 and is located along Pleasure House Road in the Shore Drive Corridor Overlay District. The applicant Clean Green Car Wash has worked extensively with staff and the Bayfront Advisory Commission to come up with an attractive well thought out plan that is appropriately screened and signed and since the Bayfront... Not since, but the Bayfront Advisory Group proposed approval of the plan and staff does also as Planning Commission, we represent approval on consent. Thank you.

Mr. Alcaraz:

Thank you. Mr. Chair, that was the last item for the consent agenda. The Planning Commission places the following applications on the consent agenda. Items 1, 2, 3, 4, 5, 6, and 7.

Jack Wall:

Thank you. Do I have a motion to approve the consent agenda as read by the vice chair?

Mr. Alcaraz:

Mr. Chairman, I move that these items be approved by consent.

Jack Wall:

Okay. Thank you. Is there a second?

Mr. Horsley:

Second.

Jack Wall:

Okay. Got a motion by Mr. Alcaraz, a second by Mr. Horsley. Is there anybody that needs to abstain? Any Planning Commissioners needing to abstain from these items on the consent agenda? You need to hit the second button right there.

Mr. Horsley:

Thanks.

Mr. Alcaraz:

I was the mover on that.

Ms. Cuellar:

Pardon me. I think... Yeah, I was not the mover. My finger accidentally hovered on the button.

Jack Wall:

Oh, okay.

Madam Clerk:

The vote is open.

Jack Wall:

Okay, so the vote is open. We'll just proceed. Okay.

Madam Clerk:

By vote of nine in favor, zero against, agenda items 1, 2, 3, 4, 5, 6, and 7, have all been recommended for approval by consent.

	AYE 9	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Bradley	AYE			
Clemons	AYE			
Coston				ABSENT
Cuellar	AYE			
Frankenfield	AYE			
Horsley	AYE			
Oliver	AYE			
Redmond				ABSENT

Wall	AYE			
Weiner	AYE			

CONDITIONS

1. The site shall be developed and maintained substantially in conformance with the submitted site layout entitled "Concept Landscape Plan," dated September 2, 2022, and prepared by Kimley-Horn. 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 "Green Clean Auto Wash," dated September 7, 2022, and prepared by SBA Studios. Said elevations have been exhibited to the Virginia Beach City Council and are on file with the Department of Planning & Community Development.
3. The vacuum stations shall have an all-black assembly with black hoses, black trash receptacles, black posts, and black canopy cover.
4. The pay station canopies shall be substantially similar to the provided photographic exhibit but shall black with no color-changing LED lighting.
5. 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.
6. 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.
7. All on-site signage shall meet the requirements of the City Zoning Ordinance. Any freestanding signage shall be limited to one monument-style sign that shall be no taller than eight feet in height and shall be constructed with a base to match the proposed building in terms of color and material. 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.
8. There shall be no portable or nonstructural signs or electronic display signs on the site.
9. 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.
10. All outdoor lights shall have static lighting and shall be natural hues (e.g., white light).
11. The location of the required three parking spaces will be finalized during site plan review (i.e., those spaces without vacuum stations).
12. 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.

13. 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
October 12, 2022, Public Meeting
Agenda Item # 4**

Russell A. Brown (Applicant & Property Owner)

Conditional Use Permit (Home Occupation – Retail Sales)

Address: 1212 Sycamore Road

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Alcaraz:

Thank you. All right. The next item is number four for Russell A. Brown for a Conditional Use Permit at 1212 Sycamore Road. Is there a representative here? Please come forward. State your name for the record.

Russell A. Brown:

Russell A. Brown.

Mr. Alcaraz:

Thank you. Are the conditions acceptable to you?

Russell A. Brown:

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've asked again Mr. Frankenfield to please read this for the record.

Barry Frankenfield:

All right. Thank you very much. The applicant's request is for a Conditional Use Permit for a home occupation for a firearm sales and gunsmithing business within the attached garage of a single family dwelling. Staff's opinion is that this will not negatively alter the character of the neighborhood, will not adversely affect the surrounding properties. Most, not all of the neighboring residents support this activity and for everybody's information, this type of work is highly regulated by the federal government as well as monitored by local police. So there is no concern... Not no concern, but there is... It is supported by staff and the neighbors. So we propose to put this on consent. Thank you very much.

Mr. Alcaraz:

Thank you. Mr. Chair, that was the last item for the consent agenda. The Planning Commission places the following applications on the consent agenda. Items 1, 2, 3, 4, 5, 6, and 7.

Jack Wall:

Thank you. Do I have a motion to approve the consent agenda as read by the vice chair?

Mr. Alcaraz:

Mr. Chairman, I move that these items be approved by consent.

Jack Wall:

Okay. Thank you. Is there a second?

Mr. Horsley:

Second.

Jack Wall:

Okay. Got a motion by Mr. Alcaraz, a second by Mr. Horsley. Is there anybody that needs to abstain? Any Planning Commissioners needing to abstain from these items on the consent agenda? You need to hit the second button right there.

Mr. Horsley:

Thanks.

Mr. Alcaraz:

I was the mover on that.

Ms. Cuellar:

Pardon me. I think... Yeah, I was not the mover. My finger accidentally hovered on the button.

Jack Wall:

Oh, okay.

Madam Clerk:

The vote is open.

Jack Wall:

Okay, so the vote is open. We'll just proceed. Okay.

Madam Clerk:

By vote of nine in favor, zero against, agenda items 1, 2, 3, 4, 5, 6, and 7, have all been recommended for approval by consent.

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

CONDITIONS

1. Any firearm or firearm parts kept on the property shall be stored in a locked, secured vault or similar container. The applicant shall contact the Police Department's Crime Prevention Office to arrange for a meeting at the property for the purpose of conducting a security assessment within one (1) month of the granting of this Conditional Use Permit. A report shall be written by the Police Department, a copy provided to the applicant, the Planning Department, and a copy retained by the Police Department.
2. The applicant shall obtain and maintain a Federal Firearms License (FFL) through the Bureau of Alcohol, Tobacco, Firearm and Explosives (ATF) in order to conduct business.
3. All small arms ammunition, primers, smokeless propellants, and black powder propellants stored or awaiting transfer at the residence shall comply with Section 3306 of the Virginia Statewide Fire Prevention Code and NFPA 495.
4. There shall be no sign identifying the businesses on the exterior of any building on the property or within the yard of the property.
5. There shall be no more than five (5) hand-to-hand transactions per month at the dwelling.
6. Delivery of firearms to the property shall be received on the applicant's property only, secured by the applicant's signature.
7. In accordance with Section 234 (d) of the City Zoning Ordinance, the use shall not create noise, dust, vibration, smell, glare, electrical interference, fire hazard, or any other hazard or

nuisance to any greater or more frequent extent than would normally be expected in the neighborhood under normal circumstances wherein no home occupation exists.

8. No more than twenty (20) percent of the floor area of the dwelling unit shall be used in conduct of the activity. In addition, all activities related to the proposed Home Occupation shall only be conducted inside of the of 170 square foot room on the property.
9. There shall be only one (1) employee associated with this home-based business.

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

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

**Virginia Beach Planning Commission
October 12, 2022, Public Meeting
Agenda Item # 5**

Virginia Aquarium Foundation (Applicant)
City of Virginia Beach (Property Owner)

Conditional Use Permit (Wind Energy Conversion System)

Address: 801 General Booth Boulevard

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Alcaraz:

Thank you. The next item is number five for Virginia Aquarium Foundation for a Conditional Use Permit at 801 General Booth Boulevard. Please come forward and state your name.

Cynthia Spanoulis:

Thank you, Mr. Vice Chair. Mr. Chair, members of the Planning Commission. I'm Cynthia Spanoulis and I represent the Virginia Aquarium Foundation.

Mr. Alcaraz:

Okay, great. And are the condition's acceptable to you?

Cynthia Spanoulis:

Yes sir.

Mr. Alcaraz:

Thank you. You may be seated.

Cynthia Spanoulis:

Thank you.

Mr. Alcaraz:

Is there any opposition of this item being placed on the consent agenda? Hearing none, I've asked Mr. Clemons to please read this for the record.

Mr. Clemons:

The applicant is requesting a Conditional Use Permit to operate a wind energy conversion system known as wind turbine for a new outdoor watershed exhibit at South Building at the Virginia Aquarium. The 25.7 acre property along General Booth Boulevard is on P-1 Preservation District and is within the Resort Area Strategic Growth Area. The Virginia Aquarium first opened in 1986 and it provides marine research conservation, the educational resources to teachers and students. Given staff's recommendation and no apparent opposition, the Commission places this item on the consent agenda.

Mr. Alcaraz:

Thank you. Mr. Chair, that was the last item for the consent agenda. The Planning Commission places the following applications on the consent agenda. Items 1, 2, 3, 4, 5, 6, and 7.

Jack Wall:

Thank you. Do I have a motion to approve the consent agenda as read by the vice chair?

Mr. Alcaraz:

Mr. Chairman, I move that these items be approved by consent.

Jack Wall:

Okay. Thank you. Is there a second?

Mr. Horsley:

Second.

Jack Wall:

Okay. Got a motion by Mr. Alcaraz, a second by Mr. Horsley. Is there anybody that needs to abstain? Any Planning Commissioners needing to abstain from these items on the consent agenda? You need to hit the second button right there.

Mr. Horsley:

Thanks.

Mr. Alcaraz:

I was the mover on that.

Ms. Cuellar:

Pardon me. I think... Yeah, I was not the mover. My finger accidentally hovered on the button.

Jack Wall:

Oh, okay.

Madam Clerk:

The vote is open.

Jack Wall:

Okay, so the vote is open. We'll just proceed. Okay.

Madam Clerk:

By vote of nine in favor, zero against, agenda items 1, 2, 3, 4, 5, 6, and 7, have all been recommended for approval by consent.

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

CONDITIONS

1. The Wind Turbine shall be constructed substantially in adherence to the site plans entitled "VIRGINIA AQUARIUM MARSH PAVILION ENHANCEMENTS", prepared by Waller Todd & Sadler and dated December 3, 2018, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
2. The Wind Turbine shall substantially adhere in appearance, size, and materials to the submitted conceptual sketch entitled "WIND TURBINE EXHIBIT CONCEPT SKETCH", depicted on page six of this report.
3. The wind turbine shall not exceed 30 feet in height.

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

Sacred Daggers, LLC (Applicant)
Pavement Paradise, LLC (Property Owner)

Alternative Compliance

Address: 529 Virginia Beach Boulevard

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Alcaraz:

Thank you. The next item is number six, Sacred Daggers for Alternative Compliance at 529 Virginia Beach Boulevard. Is there a representative here to speak for this item? Is that the one that wasn't going to be here?

Jack Wall:

I can't remember.

Mr. Alcaraz:

Is this the item that there wasn't going to be a representative? Correct. And for the record, they've accepted the conditions?

Garek Hannigan:

Yes.

Mr. Alcaraz:

Okay. Is there any opposition to this item being placed on the consent agenda? Hearing none, I ask Dee Oliver to please read this for the record.

Dee Oliver:

Thank you. This is a request for an Alternative Compliance, for a tattoo parlor located at 529 Virginia Beach Boulevard in the Vibe District. This application is requesting a special exception of Alternative Compliance for a tattoo parlor as the use is not expressly listed in the table of uses in the Oceanfront Resort Form-Based Code. The applicant will be providing traditional custom tattooing services. The property is Zoned OR, Oceanfront Resort, and it is within the Vibe Creative District. The proposed tattoo parlor will employ eight tattoo artists. The hours of operation will be 12:00 PM to 8:00 PM Tuesdays through Saturday. The business will be operated by appointment only and will not accept walk-in clients. There will also be an art gallery in the lobby to display original artwork prints by the resident artists. The applicant is proposing to remodel the interior, upfit the facade of the structure, and to add new exterior walls signage and mural work consistent. Oops. Hold on.

Dee Oliver:

Paper, there's a lot to be said for paper. Sorry. Consistent with the Vibe Creative District, the applicant has received a letter of approval from the Vibe Creative District Board and the Friends

of the Creative District Board. The Boards endorse the artisan tattoo business as the operation will be conducted by appointment only and concentrated on custom artwork tattoos, with high level focus on original artwork, specializing in providing art therapy to patients with medical scars and military veterans.

Dee Oliver:

For this reason, stated above, the staff is recommending approval of this application subject to the conditions listed and the applicant has agreed to those and therefore we have agreed to place it on the consent agenda.

Mr. Alcaraz:

Thank you. Mr. Chair, that was the last item for the consent agenda. The Planning Commission places the following applications on the consent agenda. Items 1, 2, 3, 4, 5, 6, and 7.

Jack Wall:

Thank you. Do I have a motion to approve the consent agenda as read by the vice chair?

Mr. Alcaraz:

Mr. Chairman, I move that these items be approved by consent.

Jack Wall:

Okay. Thank you. Is there a second?

Mr. Horsley:

Second.

Jack Wall:

Okay. Got a motion by Mr. Alcaraz, a second by Mr. Horsley. Is there anybody that needs to abstain? Any Planning Commissioners needing to abstain from these items on the consent agenda? You need to hit the second button right there.

Mr. Horsley:

Thanks.

Mr. Alcaraz:

I was the mover on that.

Ms. Cuellar:

Pardon me. I think... Yeah, I was not the mover. My finger accidentally hovered on the button.

Jack Wall:

Oh, okay.

Madam Clerk:

The vote is open.

Jack Wall:

Okay, so the vote is open. We'll just proceed. Okay.

Madam Clerk:

By vote of nine in favor, zero against, agenda items 1, 2, 3, 4, 5, 6, and 7, have all been recommended for approval by consent.

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

CONDITIONS

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

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

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

**Virginia Beach Planning Commission
October 12, 2022, Public Meeting
Agenda Item # 7**

Shawn Andrew Maslaney (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 1724 Baltic Avenue

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Alcaraz:

All right, thank you. The next item is number seven for Shawn Andrew Maslaney, at 1724 Baltic Avenue for Short Term Rental. Is there a representative here to speak?

Shawn Maslaney:

Afternoon thanks for having me. I'm Shawn Maslaney, the applicant. Yeah, I appreciate you guys having me. Yeah, I approve the recommended conditions. I accept them.

Mr. Alcaraz:

Thank you. You may be seated.

Shawn Maslaney:

Appreciate it.

Mr. Alcaraz:

Is there any opposition in this item being placed on the consent agenda? Hearing none. I asked Mr. Weiner to please read this for the record.

Mr. Weiner:

Thank you, Mr. Alcaraz. This is a Conditional Use Permit for a Short Term Rental at 1724 Baltic Avenue. It is in the OR district. Therefore, we have placed this on the consent agenda.

Mr. Alcaraz:

Thank you. Mr. Chair, that was the last item for the consent agenda. The Planning Commission places the following applications on the consent agenda. Items 1, 2, 3, 4, 5, 6, and 7.

Jack Wall:

Thank you. Do I have a motion to approve the consent agenda as read by the vice chair?

Mr. Alcaraz:

Mr. Chairman, I move that these items be approved by consent.

Jack Wall:

Okay. Thank you. Is there a second?

Mr. Horsley:
Second.

Jack Wall:

Okay. Got a motion by Mr. Alcaraz, a second by Mr. Horsley. Is there anybody that needs to abstain? Any Planning Commissioners needing to abstain from these items on the consent agenda? You need to hit the second button right there.

Mr. Horsley:
Thanks.

Mr. Alcaraz:
I was the mover on that.

Ms. Cuellar:
Pardon me. I think... Yeah, I was not the mover. My finger accidentally hovered on the button.

Jack Wall:
Oh, okay.

Madam Clerk:
the vote is open.

Jack Wall:
Okay, so the vote is open. We'll just proceed. Okay.

Madam Clerk:
By vote of nine in favor, zero against, agenda items 1, 2, 3, 4, 5, 6, and 7, have all been recommended for approval by consent.

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

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 1724 Baltic Avenue and the Short Term Rental use shall only occur within the dwelling unit.
2. An annual (yearly) Short Term Rental Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.
 - a) The dwelling units shall comply with all required Fire and Building code requirements.
3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.
6. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
7. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning Permit; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
8. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
9. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.

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

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

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

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

each level of these structures and placards indicating the maximum number of occupants of all exterior stairways, decks, porches, and balconies must be posted on each level of these structures.

19. Prior to approval of any Department of Planning and Community Development Short Term Rental Zoning Permit associated with the subject addresses, a parking plan consistent with the requirements of Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance, or as approved by City Council, must be submitted, and approved by 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
October 12, 2022, Public Meeting
Agenda Items # 8-14**

JD Enterprises VA, LLC (Applicant)
LOROM, Inc. (Property Owner)

Conditional Use Permits (Short Term Rentals)

Address: 516 19th Street, Units A1, A2, A3, A4 & 518 19th Street, Units A1, A4

DEFERRED FOR 30 DAYS

Jack Wall:

Thank you, Madam Clerk. The next order of business is a consideration of request to withdraw or defer an item. Please come forward if you have any items to be withdrawn. Okay. Seeing none. Please come forward if you have any items to be deferred. Okay, it's been brought to our attention that agenda items number 8 through 14 have requested a 30-day deferral. Does anybody have any objection for these items to be deferred? Do I have a motion to defer items 8 through 14 for 30 days?

Mr. Alcaraz:

Motion to defer for 30 days agenda items 8 through 14.

Jack Wall:

Okay, thank you. Do I have a second?

Mr. Weiner:

Second.

Jack Wall:

Okay, we have a motion by Mr. Alcaraz and a second by Mr. Weiner.

Madam Clerk:

Thank you. The vote is open. By vote of nine to zero agenda items 8 through 14 have been deferred for 30 days.

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