

Virginia Beach Planning Commission
November 9, 2022
Public Hearing Verbatim

Mr. Wall: I call to order the November 09, 2022, Planning Commission Public Hearing. My name is Jack Wall, and I'm the chairman of the Virginia Beach Planning Commission. Commissioners Dee Oliver, George Alvarez 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.

Ms. Cuellar: Heavenly Father, we come to you today with humility, thanking you for your guidance and wisdom. As we begin this hearing, we ask you to guide our hearts and 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, and as we make decisions today help us to promote the common good as we work together for the betterment of the great City of Virginia Beach. As your servants we seek blessing on our deliberations and our efforts here today. 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 have asked Mr. Redmond to lead us or to introduce the members of the Planning Commission.

Mr. Redmond: Thank you, Mr. Chairman. I will make a mistake. So, I apologize in advance, but I'm going to start over here on the what is my right side for if you're out there, it would be your left side, if you're watching on television. That's Kay Wilson. She is a Deputy City Attorney, and the purview of her responsibilities is Planning and Community Development. This gentleman at the end of our dias here is Michael Clemons not to be confused with the star running back when I was in college. Same name, which is not to say he's not athletic. He is a political science professor at Old Dominion University, and he represents the Centerville District. Holly Cuellar is a consultant and she serves At-Large. Absent today is Mr. John Coston, this is where he would normally sit. He is a retired fire captain. He' is unable to be with us today. My name is Dave Redmond. I am a commercial real estate broker, and I represent the Bayside District. Don Horsley serves At-Large. He is a farmer in the southern part of the city, and he is our longest serving member on and off for the better part of 40 years. Jack Wall is an engineer by trade. He represents the Rose Hall District. He has served as vice chairman and now serves as chairman of the Planning Commission. The fellow who is normally to Jack's left is the aforementioned George Alcaraz. George represents the Beach District, and he is our vice chairman. He is unable to be with us today. On the other side of that would

be Dee Oliver. Dee unfortunately is also not able to join us today. She serves At-Large, and she has a few different things she does for a living. She's an author and a business owner and does some I think some consulting of her own. She too is unable to be with us. Mr. David Wiener is a commercial salesman in the building industry. He represents the Kempsville District. He too is a former vice chairman and a former chairman of the Planning Commission. To his left is David Bradley. David represents the Princess Anne District. He is a retired budget director for the City of Virginia Beach. Barry Frankenfield who sits right next to him represents the Lynnhaven District. He is also not just a retired city employee but was once the Planning Director. He brings a wealth of knowledge in that in that context, and on the end last but not the least is Mr. Bobby Tajan. Bobby is the current Planning Director, and he has a number of very fine staff helping him out who are with us today and Bobby's is going to take a second and introduce those folks. Mr. Tajan.

Mr. Tajan: Thank you Mr. Redmond. Clerking for us today, we have Pam Sandloop and Madison Harris. Starting with the Planning Administration team, we have Hoa Dao and Marchelle Coleman, and we will call out Carolyn Smith, who is now retired because she's probably watching because she can't help herself. Also with the Planning Administration team, we have Elizabeth Nowak and Michaela McKinney, and then we also have our Zoning Administration team with our Zoning Administrator, Hannah Sabo, Garek Hannigan and Brandon Hackney.

Mr. Redmond: All right, that was a lot to have to take in, but thank you, Mr. Tajan, and thank you, Mr. Chairman.

Mr. Wall: Okay, thank you. Next I've asked Madam Clerk to describe the rules and order business for today's meeting.

Madam Clerk: Thank you, Mr. Vice-Chairman. The Virginia Beach Planning Commission takes pride in being fair and courteous to all parties in attendance. It is important that all involved understand how the Commission normally conducts its meetings. It is equally important that everyone treat each other and the members of the Commission with respect and civility. We request that cell phones be put on silent during this meeting. Following is an abbreviated explanation of the rules. The complete set of rules is located in the front of the Planning Commission agenda. The order of business for this public hearing, withdrawals, and deferrals, the chairman will ask if there are any requests to withdraw or defer an item on the agenda. Consideration of these requests will be made first. Consent agenda, the second order of business is the consideration of the consent agenda, which are those items that the Planning Commission believe are unopposed and which have favorable staff recommendation. 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. In the case of WebEx speakers, if the speaker does not respond or if a technical issue occurs, which renders the comments unintelligible, we will move on to the next speaker, or the next order of business. Please note that the actions taken by the commission today are in the form of a recommendation to the Virginia Beach City Council. The final decision to approve or disapprove an application will be made by the City Council. The Commission thanks you for your attendance, and we hope that your experience here today leaves you feeling that you have been heard and treated fairly. Thank you.

Mr. Wall: Thank you, Madam Clerk. The next order of business is consideration for withdrawals or deferrals. And we're gonna start with withdrawals. Please come forward if you have any items to be withdrawn. Okay, seeing none, we're gonna move on to deferrals. Please come forward if you have items to be deferred.

Mr. Bourdon: Good afternoon, Chairman Wall, members of the Commission. For the record Eddie Bourdon, Virginia Beach Attorney representing the applicants on cases 2 and 3, 1900 Virginia Beach Boulevard LP. We are requesting this to be deferred for 30 days. I discovered that we had failed in the use permit application to include a part of the bulk storage yard that was on the backs of lots of 6 and 7 that are depicted, and it has been a bulk storage yard since at least the early 60s, if not beyond, but that was an error. So we need to correct that error, and the landscaping plan has a fence in the wrong spot as well. So appreciate the 30-day deferral. Thank you.

Mr. Wall: Okay. Thank you. Anybody else? Madam Clerk, do we have somebody?

Madam Clerk: Thank you, Mr. Chairman. Agenda Items 8 and 9, have requested an indefinite deferral and their representative Lisa Murphy will be joining us via WebEx. Ms. Murphy begin your comments.

Ms. Murphy: Good afternoon, Chairman Wall, and members of the Planning Commission, I apologize I can't be there in person today, but actually we're requesting a 30-day deferral of items 8 and 9, so that the applicant can complete the storm water analysis and get that reviewed by staff.

Mr. Wall: Okay, thank you. Ms. Murphy, would you consider an indefinite deferral on this one?

**Virginia Beach Planning Commission
November 9, 2022, Public Meeting
Agenda Item # 1**

ORP Ventures, LLC (Applicant & Property Owner)

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

Address: 820 24th Street

RECOMMENDED FOR APPROVAL – HEARD

Madam Clerk: Thank you, Mr. Chairman. Our first item is, agenda item number 1, ORP Ventures, LLC. An application for a Subdivision Variance Section 4.4B of the Subdivision Regulations at 820 24th Street in Council District 6, formerly the Beach District.

Mr. Bourdon: Thank you. Chairman, and members of the Commission. For the record Eddie Bourdon, Virginia Beach Attorney. My clients are here today. Mr. Bouchard couldn't be here, but Josh Moto and a couple other folks in their office are here. This is an application for which I provided you all a handout this morning during at your seats for your informal. This is a unique situation, the property in question is zoned R-5D. That zoning exists only on this piece of property and the one directly adjacent to it. The property is in the original woodland subdivision from 1925, and I've provided a copy of that subdivision plat in the handout that I gave you this morning. If you look at the two maps, the zoning maps I provided, it shows you that area and I am sure if you have been in the area 24th Street, Barberton runs essentially north south, 24th Street connects Birdneck Road to the Oceanfront, fairly heavily traveled road. Everything pretty much to the north of 24th Street in this subdivision is now multifamily from anywhere from A-18, A-12, A-36. The area south of 24th Street and east of Barberton as well as a little bit to the west of Barberton is a hodgepodge. There's a significant amount of R-7.5 Single Family zoning and then there's also a fair amount of A-12 zoning and some A-18 as well with some multifamily and some duplex, triplex development. I put a summary at the bottom of the first page of the handout I've provided and I've summarized that in blocks 1 through 5 and in blocks 10 and 11, and the blocks are shown on the subdivision plat of Woodland. There are 70 plus single family homes on originally plated lots that are now zoned R-7.5, and those lots are 35 feet in width and average 4500 square feet, R-7.5 zoning requires a lot width of 75 feet and on corner lots a lot width of 85 feet. Needless to say none of those lots are anywhere near that, and they require 7500 square feet in lot size. So the lots that are out there on average are 53% below the minimum lot width requirement of 75 or 85 feet and they're 35 feet and 40% below the minimum lot size of 7500 square feet when they are mostly and I don't think there's any that are 5000 square feet, there may be one that's very elongated, but they're completely non-conforming by substantial amounts, and there are at least 17 original 35 foot wide lots that have either a duplex or a triplex on it and less than 5000 square feet. This proposal is for a subdivision of this 80 foot by 125 foot lot that zoned R-5D to 240 by 125 lots that meet the lot size requirement for a single family dwelling in R-5D of 5000 square feet, and they are 40 feet wide rather than 50. So they're 20% below the minimum lot width. Most importantly they are wider and larger than at least 95% of the existing developed or developable single family lots in this immediate

community zoned R-7.5. The proposed setbacks we have got larger setbacks, there, and that's for the purpose of having the property to the east of us, they out of the 50 foot seaward portion of the resource protection area that's applied to it now, obviously didn't exist until 1991, but our homes here will be set back 20 feet from each other, there'll be a total between the two, whereas in the rest of the community, these setbacks in R-7.5 are 5 and 10, and typically you'll have 15 feet between, but there are many that have variances and others that the 5 meets the 5, so they're actually 10 feet apart from each other in some cases. This proposal results in a less dense development per square foot, greater separation of the two units, and I've given you handouts, he's got the staff report, you can go and look for yourself. These will be extremely attractive two story homes that are totally consistent with the development pattern, again and larger in terms of the size of the lots. The properties, while mentioned this morning, there are four properties directly to the west of this that have redeveloped. The two that are immediately west, we're not actually redeveloped by the Bishards, they're the three-story units that are on single family homes, I should say. They're currently tax assessed at \$572,000 each. The two that are immediately west of that, the two-story homes, which I've given you pictured up in the handout are very similar to what you see in this application. Those were done by the Bishards, and while they're only two stories, and they have less square footage, more in keeping with the community and the three stories, their tax assessed values are \$562,000 each. All those green dots that I have on the handout showing where the single family homes are, they're typically assessed tax wise in the low to mid to upper threes, \$300,000. There are a couple that are in the fours, but overwhelmingly they're in threes. We're seeing here organic redevelopment, 24th Street didn't cost taxpayers a dime, 24th Street is a heavily traveled street, unlike 23rd and 22nd, which are dead end cul-de-sacs nicer for people to have single family homes, but all these will wind up being redeveloped on 35 foot wide lots. So frankly, there is no other way to do this. I can't do a conditional A-12 and then do this without a subdivision variance, because A-12, which there's a lot of out here doesn't allow single family homes. So there, it's common sense, this is the best way for this property to develop, putting a duplex on it other than the small little ones that exist on 23rd Street, in which there are a total of 6 of them actually, one on the corner and five that are east of the corner in little very old bungalows. It's just the best way to develop the property. There's, you know, putting a big duplex on here doesn't really make sense. It is all about quality. We want to promote quality. This isn't about quantity, it's not increasing density is trying to do a high quality job rather than do something that's going to not bring the caliber of development here up. So the three conditions that staff has put in the write up that they recommend, if you deem it in the best interest of the city to prove these subdivision variances are acceptable to my clients, and I'll be happy to answer any questions that you may have.

Mr. Wall: Are there any questions for Mr. Bourdon?

Mr. Bourdon: I should have stayed there. We have canvassed the neighborhood and absolutely no opposition from anyone.

Mr. Wall: I've got a few questions. So it's interesting that you know, I see the consistency here. I see that it's certainly consistent with the development along 24th Street, but we've looked at the subdivision variance, and I don't see a hardship. Can you answer to anything with that? I mean, it's R-5D currently, there's no reason other

than preference that it could be developed with the single family, with the subdivision variance that's being requested. So, do you have anything to have a hardship or any kind of new characteristics of the property or anything?

Mr. Bourdon: The character of everything that is around it, number one, that's as unique a situation and truly I believe is a hardship. The other thing I want to mention and thank you for indirectly reminding me. In the informal you all were shown a plat that was not in the write up. It has nothing whatsoever to do with my clients at all, and it's not in this subdivision, either not in Woodland. Those were four 25 foot wide lots that someone chose where they could have built on a 50 foot lot and a 50 foot lot chose to try to get three lots at 33 and a third foot frontage on each of those lots, and I was taken aback that that would be put up on the screen in an informal briefing where we're not asking to do 33, and a third foot wide lots were in that case, I'm sure they're mostly 50 foot lots, they're not in this subdivision. This is not that situation in any way, shape, manner or form, and it's not east of here on 24th Street. We're trying to do what fits in this community and not build duplexes instead of single family homes. Now, the other circumstance that exists is the property to the east is also zoned R-5D, and it is encumbered by the Chesapeake Bay Preservation Area ordinates, which didn't exist when Woodland was plated or when it was developed, or when this property was created, as it currently is in the R-5D category or zoning district, and in order to minimize encroachment of the development on that property, and also develop it in the same fashion, if we did 50 foot wide lots, we'd have a house that's in the resource protection seaward 50 foot from the ditch that's out there. So we're trying to do what's consistent with the pattern, and what's best for the neighborhood in terms of value long term, as opposed to building a couple of duplexes, which will not be as valuable or will not promote the single family redevelopment that this area is predominant as far as these blocks, and the longer this goes where we don't have that take hold, the greater the likelihood that the B-2 on the southwest corner of Barberton and 24th Street becomes yet more multifamily development, and that is a possibility that you can't discount or rule out. We're trying to help establish and maintain the single family residential character of these blocks and not have it turned into yet more multifamily, and that's part of the intent here is to do a quality job, and not, you know, do something that won't lift the neighborhood. It's all about quality of development as far as we're concerned.

Mr. Wall: Okay, all right. Thank you. Anything else? Any other questions? Alright. Well, I'm going to close then and open it to discussion among the Planning Commissioners. Anybody like to lead off? Mr. Redmond?

Mr. Redmond: I accept what the applicant representative just said about the quality of this project. I think that's really what this all boils down to. Mr. Chairman, because I've thought about this application, where's the hardship involved, in my view, the hardship on this property is the Zoning Ordinance is simply too inflexible to be able to account for all of these various circumstances that arise and certainly in a case, where you have the opportunity to create a higher quality development of single family homes, on larger lots, as opposed to doing a duplex, that seems to me is the highest as the best outcome that we can expect from this property, and it just it doesn't reflect that. So as I said this morning in our informal meeting, this to meet and a lot of these things do boil down to a much more simple choice than we sometimes will allow, and that is, it's either going to be a duplex, or it's going to be two single

family homes of the quality and the attractiveness that we saw on those on those elevations, and I for one, far prefer the idea of higher quality single family homes, they're small lots for sure, you'd have a duplex and it would very large on this lot, if that were the case. So to me, this is certainly a far preferable outcome, and then could be achieved by right. I think we get a broad public benefit anytime we have an aesthetic improvement like this in the neighborhood and a higher quality and higher value, and all of that I think we ought to, we ought to grab these opportunities when we can get them, so I certainly support this application. I hope you all will, too. Thanks.

Mr. Wall: Okay, Mr. Weiner.

Mr. Weiner: I want to echo a little bit about what Mr. Redmond said and I agree with him 100%, and as I said in the informal, I think we need to sit back and look at our Ordinance and maybe do some changing. How do you do that? I don't know. Let's leave that up to the professionals, but then all these different because this is very normal, what's going on down there and when you have somebody that actually wants to invest their money, and build, and tear down existing and build new, it's kind of hard for me to say no to that. So I'm gonna support this also.

Mr. Wall: Mr. Bradley?

Mr. Bradley: Similar to what's just been said, I appreciate the concern the Planning Department has, you know, talking about as far as a precedent, but when you go out and look at that site, clearly the style and the quality of the single family homes is going to be an improvement to what is there and you have two units to two units, so you're not increasing the density. So I'm gonna be supporting the application as well.

Mr. Wall: Okay, thanks. Anybody else? Mr. Frankenfield?

Mr. Frankenfield: I also support the application. I think it's very attractive. It's similar to many of the much of the infill development at the north end, and this is the more attractive approach. So I also support it.

Mr. Wall: Okay, all right. Thank you. Mr. Redmond.

Mr. Redmond: Mr. Chairman, I move approval of the application.

Mr. Wall: So we have a motion by Mr. Redmond, and second by Mr. Weiner. One thing is with the approval, there are three conditions just to make note that there are three conditions that the city has placed into the application for this application. Okay, so, like I said, we have motion by Mr. Redmond, a second by Mr. Wiener and the vote is open.

Madam Clerk: Mr. Chairman are there any abstentions?

Mr. Wall: Are there any abstentions on this one?

Madam Clerk: Vote is open. By vote of 8 to 0, agenda item number 1 has been recommended for approval.

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

CONDITIONS

1. When the Property is developed, it shall be developed substantially as shown on the exhibit entitled, "Conceptual Improvement Plan for Preliminary Subdivision of Lot B Block 10", prepared by WPL, dated August 30, 2022, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning.
2. When the site is redeveloped, the building exteriors shall substantially adhere to the renderings shown on pages 8 and 9 of this report, which has been exhibited to the Virginia Beach City Council and are on file in the Department of Planning and Community Development.
3. The proposed lots B-1 and B-2 shall only be developed with one single-family residence on each lot.

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
November 9, 2022, Public Meeting
Agenda Items # 2 & 3**

1900 Virginia Beach Boulevard, LP (Applicant & Property Owner)

Conditional Rezoning (A-12 Apartment District to Conditional B-2 Community Business District)

Conditional Use Permit (Bulk Storage Yard)

Addresses: Northern portion of 1900, 1902, 1904, 1906 Virginia Beach Boulevard & 303, 305, 307, 309, 311, 313 and 315 Maxey Drive

DEFERRED FOR 30 DAYS

Mr. Wall: Thank you, Madam Clerk. The next order of business is consideration for withdrawals or deferrals. And we're gonna start with withdrawals. Please come forward if you have any items to be withdrawn. Okay, seeing none, we're gonna move on to deferrals. Please come forward if you have items to be deferred.

Mr. Bourdon: Good afternoon, Chairman Wall, members of the Commission. For the record Eddie Bourdon, Virginia Beach Attorney representing the applicants on cases 2 and 3, 1900 Virginia Beach Boulevard LP. We are requesting this to be deferred for 30 days. I discovered that we had failed in the use permit application to include a part of the bulk storage yard that was on the backs of lots of 6 and 7 that are depicted, and it has been a bulk storage yard since at least the early 60s, if not beyond, but that was an error. So we need to correct that error, and the landscaping plan has a fence in the wrong spot as well. So appreciate the 30-day deferral. Thank you.

Mr. Wall: Alright, do I have a motion to defer items 2 and 3 for 30 days, and agenda items number 8, 9 and 12 indefinitely?

Mr. Weiner: Mr. Chairman, I move for deferral of items 2 and 3 for 30 days, and 8 and 9 indefinite, and item number 12 indefinite.

Mr. Wall: Okay, do we have a second?

Mr. Horsley: Second.

Madam Clerk: Thank you the vote is open.

Mr. Wall: Okay, are there any abstentions? Okay, so we have a motion by Mr. Weiner, and a second by Mr. Horsley.

Madam Clerk: Thank you, Mr. Chairman. By a vote of 8 to 0, agenda items 2 and 3 have been deferred for 30 days. Agenda items 8, 9, and 12 have been deferred indefinitely.

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

**Virginia Beach Planning Commission
November 9, 2022 Public Meeting
Agenda Item # 4**

Earthscapes Enterprises, LLC (Applicant)
Valianos Properties, LLC & JEM, LLC (Property Owner)

Conditional Use Permit (Bulk Storage Yard)

Addresses: 619 & 623 London Bridge 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 Mr. Wiener who is going to be acting as the vice chair in place of Mr. Alcaraz today to run that portion of the meeting.

Mr. Wiener: Thank you, Mr. Chairman. Though today we have 9 applications on the Consent Agenda. The first one is item number 4 Earthscapes Enterprise, Valianos Properties. Conditional Use Permit for bulk storage yard at 619 & 623 London Bridge Road. Is the applicant available?

Mr. Pocta: Hello, good afternoon. Mr. Chairman, members of Planning Commission. My name is Chris Pocta. I'm counsel for the applicant Earthscapes Enterprises, LLC. We appreciate being put on the consent agenda, and we also wanted to thank Ms. Coleman for her and her staff's hard work on this project.

Mr. Wiener: All the conditions acceptable?

Mr. Pocta: The conditions are acceptable.

Mr. Wiener: Thank you. Is there any opposition to this being placed on the Consent Agenda? Hearing none, we've asked Mr. Bradley to read this into the record please.

Mr. Bradley: Thank you. The applicant is requesting a Conditional Use Permit to operate a bulk storage yard on 2.45 acre portion of a parcel located in the London Bridge Industrial Park West of Naval Air Station Oceana, a by-right office building is also proposed on a property for the applicants landscaping business. The property is comprised of two parcels totaling 8.21 acres that is zoned both I-1 Light Industrial and B-2 Community Business. The applicant intends to re-subdivide the parcels to create a total of three lots. Planning staff recommended this, there are no speakers at this meeting. So, the Planning Commission decided to put it on the consent agenda.

Mr. Wiener: Thank you, Mr. Redmond. Mr. Chairman, I move for approval on the consent agenda. That's the end of our consent agenda. I move for approval on the consent agenda items 4, 7, 10, 11, 13, 14 through 19, 20, 21, 22 through 38.

Mr. Wall: Okay, all right. Thank you. So, Planning Commission places those on the consent agenda. So, the motion is...

Mr. Weiner: The Planning Commission places those agenda items on the consent agenda.

Mr. Wall: So, do I have a motion?

Mr. Weiner: We made it.

Mr. Wall: You made it right, but did you make it on?

Mr. Weiner: Yes.

Mr. Wall: I see that, just checking. So, the motion is made by Mr. Wiener? Is there a second? So, second by Ms. Cuellar. Are there any abstentions? Okay, vote is open.

Madam Clerk: Vote is open. By a vote of 8 to 0 agenda items 4, 7, 10, 11, 13, 14 through 19, 20, 21, and 22 through 38 have all been recommended for approval by consent.

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

CONDITIONS

1. 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 plan entitled, "Landscape Design", dated June 29, 2022, prepared by Earthscapes Lawn and Land Service, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
2. The outdoor storage materials shall not be stacked higher than the privacy fence.
3. The required Category VI screening surrounding the Bulk Storage Yard shall be installed and maintained for the duration of the use of the site as a Bulk Storage Yard.
4. All outdoor lights shall comply with the following:
 - a. 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.
 - b. 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
November 9, 2022, Public Meeting
Agenda Items # 5 & 6**

**Harris Teeter Properties, LLC & Courthouse Marketplace Station, LLC (Applicants)
Courthouse Marketplace Station, LLC (Property Owner)**

Modification of Proffers

Conditional Use Permit (Automobile Service Station)

Address: 2500 Nimmo Parkway

RECOMMENDED FOR APPROVAL – HEARD

Madam Clerk: Mr. Chairman, our last agenda item, if we're ready to move on, are agenda items 5 and 6, Harris Teeter Properties and Courthouse Marketplace Station, LLC, which are applications for a Modification of Proffers and a Conditional Use Permit for an Automobile Service Station at 2500 Nimmo Parkway in Council District 2, formerly the Princess Anne District.

Mr. Bourdon: Mr. Chairman for the record, Eddie Bourdon, Virginia Beach attorney representing Harris Teeter. With me today are Garrett Marovitz, who's the regional real estate manager for Harris Teeter, and Joey Racer, who is a civil engineer with Kimley-Horn, who are the civil engineers on this project, and so I don't forget, I want to thank Elizabeth for all of her hard work on this application through the Historic Review Board, as well as up to today. If I could, is there someone who is here in opposition?

Madam Clerk: We have one speaker via WebEx.

Mr. Bourdon: So, as you all are familiar with this from the briefing you had this morning, I'll start with just an editorial comment. Our Zoning Ordinance is about to be 50 years old, 1973. Now we've made a lot of changes, additions, what have you, but our definitions, i.e., service stations? Now I'm old enough, I remember when we had service stations on all the corners, okay, and this is a good thing that as a community and as a country for that matter, have progressed. We don't have service stations anymore. We have places where people get their car repaired that aren't on every street corner. We have convenience stores with fuel service, and we have grocers with fuel service. This is not a service station. I'm sorry, but that's the word we have in our Zoning Ordinance, and somewhere along the line, it would be helpful if that changed, because I can't remember the last time, I don't know that I've ever done a service station use permit. I may have, but it's been 30 plus years ago.

This project is as you all know replacing, redeveloping a bank site on this property. I had the privilege of rezoning this property in 2003 for Armada Hoffler was a part

of the whole shopping center, and, as Elizabeth pointed out this morning, I also had the privilege of modifying the proffer agreement provision that we're requesting to modify today for Wawa, who was going to build on an out parcel created, at that the time. There were no out parcels when we did the zoning on the property, and then Wawa, kind of went in hibernation for a few years, and Armada Hoffler sold the 7-Eleven, and they came in and modified it again, but that was just for their plan. But this proffer we've asked to modify, has been modified previously; in addition to that, the out parcels along Princess Anne Road, have been modified in their zoning and entirely, and that's why the condos are going up there now because there was not enough retail demand down here for all that retail space that was envisioned with this rezoning, and the proffers are a part of the zoning district of the property. So, all we're doing with the zoning district is we're changing the same thing, eliminating service station only from this property, not from all the properties, which is why we didn't do that, and back when the Wawa application came forward.

So, this property will have no direct access from Nimmo Parkway, it will remain heavily landscaped and heavily screened. The conditions that are recommended by Staff are all acceptable. The 10th one is not, and you all knew that. We have vending cabinets, and sorry, I don't have pictures to hand out everyone, but I'll pass these out if I can use them. The vending machines, again, showing my age like the gas station, or the service station, I should say, these are cabinets which people open like you're in the grocery store, and pick out a drink or what have you, and then pay for it at the kiosk. It's not a vending machine that you put cash into. It's not your, you know, not our parents' vending machines, and all that you see from the road is the black case. It faces inward to the shopping center. And so that's the only issue before us, and my clients, I've talked to them, I heard what y'all had to say in the informal about the Sandbridge gas service for Harris Teeter, and having the cabinets placed in a brick structure around them to buffer them, and we are willing to do that, my client is willing to do that. The smaller case that has the propane, couple of propane tanks that Elizabeth mentioned this morning, that, because the bollards to protect, it would be screened totally with landscaping, as opposed to brick, it sits out next to the shopping center part of the parking lot, but we would agree to those conditions that we screen that small case, which is very, very small, totally with landscaping, other than the opening that faces in inward to the site, to the parking lot, and the other cases and you've seen them by now, hopefully they've come around, we would screen with brick, and that I'm confident that that will satisfy the Historic Review Board as Elizabeth said this morning as well, and with that, if you want to add some conditions to that effect, we're amenable to those.

Lastly, I'll go ahead and address the letter that you all received that I saw this morning for the first time from Mr. Glazer, and I'll give you my two cents and I'm not trying to be the city attorney here, but proffers are a part of the zoning of the property that are created by City Council. The parties to the proffers are the owner of the property and the City Council. Proffers are not private deed restrictions. No property owner who buys a property years later has any right to veto any change to the zoning district any more than you or I do if our neighbor wants to come in and, you know, change zoning on his property. The 7-Eleven built has no exclusive within the shopping center for gasoline sales whatsoever. The gentleman who wrote the letter apparently purchased the property, the ground underneath, 7-

Eleven has got a long-term lease. Due Diligence would say you read your lease; they don't have an exclusive no way shape or form, do they. On the other hand, Harris Teeter had a height limitation, and that's why the condos that are out here on Princess Anne Road are not 35 feet wide, but are 28, and that's the way we had them rezoned because they had that in their lease; but the idea that some individual buying a piece of dirt later, one that's had the same proffer modified, could somehow have veto power if they don't agree: that isn't the law at all, and I think that's the gentleman's proposal or his suggestion, and just it doesn't have any basis whatsoever. I will be happy to answer any questions.

Mr. Wall: Are there any questions for Mr. Bourdon? Thank you.

Madam Clerk: Mr. Chairman, we have one speaker who is via WebEx, Steve Glazer. Mr. Glazer, just a reminder on speaker policy, speakers have three minutes. We are going to un-mute you, please state your name and then begin your comments.

Mr. Glazer: Hi, my name is Steve Glazer, can I join via video as well or just by verbally?

Madam Clerk: Verbally.

Mr. Glazer: I apologize for not being there in person, but regrettably, my mom recently passed away and I find myself in South Florida getting ready for a hurricane here and putting her affairs in order. I did write this letter of objection, and I believe that you've all seen it, and the basis of my objection is not a matter of whether it is a good idea or a bad idea to have an additional service station here or a fuel station here, but simply the fact that as a matter of contract law, I am an indispensable party and I have not been added as a party, and I disagree with Mr. Bourdon, I believe that his name is and in first year contract law., one knows that all parties to a contract must be available and join in any amendment to that contract. This is not a zoning issue or a land use issue. You certainly are free to rezone my property, you are free to give conditional use permits, but a proffer is a private contract, not a zoning document, it's a private contract that voluntarily is entered into and expressly states that it's voluntarily entered into by the owners of certain properties. At the time, there were three separate owners in the City of Virginia Beach. Now that agreement voluntarily entered into was memorialized by a written contract, which is the proffer agreement, and that agreement was recorded among the land records, and it encumbers the property that I bought. It encumbers the shopping center, and it also encumbers the property, which is the subject of today's hearing in this application; and I submit that there is no unilateral ability to amend a private contract without all of the parties to that contract. Now you can rezone the property, you can rezone it to permit gas stations, service stations, you can rezone it to do whatever you want, but even if you do so there is a valid and enforceable private contract that exists and encumbers this property and says that there shall not be bingo parlors or shall not be service stations. I think we all know what a service station is whether they provide the additional services that sells fuel and this is what is intended to be here, and my objection is that I am a necessary and indispensable party, and that document, I'm not objecting, in fact, I think it's wrong, but if you want to give a Conditional Use Permit, I suppose you can do so that's within your right, but I do not believe that this body or the City Council has the right without my joinder to amend the contract.

Madam Clerk: There are no more speakers Mr. Chairman.

Mr. Wall: Thank you. I guess that was three minutes?

Madam Clerk: Yes, that was three minutes

Mr. Wall: Mr. Bourdon, would you like to come up?

Mr. Weiner: I have a question for the speaker of staff for Ms. Wilson, what he said, is there any truth to that or?

Ms. Wilson: A proffer agreement is not a contract. That's not how it's governed in Virginia. I don't know where Mr. Glazer is a lawyer, but it's not considered that way in Virginia, and even if we want to take Mr. Glazer's take, then you have no authority to deal with it, because it's a private legal matter between those people. Not that I agree with that. I think it is a proffer and he does not have to be included. However, if we take his argument, you have nothing to do with that, and you can just move forward.

Mr. Wall: Are there any questions for Mr. Glazer? Okay. With that Mr. Bourdon?

Mr. Bourdon: Just ever so quickly. There are private deed restrictions placed on the entirety of the shopping center by the owner who developed the shopping center. Okay, that is enforceable. If someone were to put in their private deed restrictions, something that gave every owner the ability to approve this, that or the other thing, that would be enforceable as a contract. This is a proffer agreement between the owner of the property at the time that becomes a part of the zoning district, and that is the jurisdiction of the City Council, of the governing body. At no point did the City of Virginia Beach give up its zoning authority to anybody who comes along later and buys a piece of property that they can tell somebody what they can and can't do with theirs as far as usurping the City's zoning authority. His argument, I guess, would be if we came forward, instead of modifying the proffer and said, we want to just rezone it to straight B-2, without any proffers and get a use permit, that'd be okay. Since it doesn't make any sense from a zoning and land use standpoint, and it certainly doesn't make sense from a contract standpoint. Thank you.

Mr. Wall: Are there any questions for Mr. Bourdon?

Mr. Weiner: Mr. Bourdon, I know you said that you had no problem with modifying the enclosures around the machines and your clients don't so we're good if we modify that condition.

Mr. Bourdon: Yes, Harris Teeter will agree that the vending cabinets will be enclosed on three sides with brick. And the one that is not by the kiosk that is just a small one that's for propane, it's shown on the plan, that one will be landscaped all around.

Mr. Wall: Okay, thank you. Anybody else? Okay, I'm going close it up into discussion among the Planning Commissioners. Would anybody like to lead off?

Mr. Weiner: To Staff: how would you word that on Condition 10? Take that completely away or is it up to us to come up with the wording?

Mr. Tajan: I have taken the liberty to try to put some words together for the condition at the direction of the Commission. Mr. Weiner and Mr. Chair, if it's okay for me to propose a condition for that.

Mr. Wall: Please do that would be amended condition number 10.

Mr. Tajan: As amended, condition number 10 would read "other vending machines or merchandise display shall be screened from view from Nimmo Parkway by brick enclosure or landscaping as approved by the Director of Planning." It's good with me.

Mr. Wall: It is good with me.

Commission: That is fine with us.

Mr. Wall: Thank you. Anybody else? I'm fine with this application. I have no objections to it, and I appreciate. Mr. Weiner, you know, I just went through the Historic Courthouse District Review Committee, and they approved it. I prefer not to have outdoor vending machines, but I think you need to mitigate that, and we've also approved recently one off of Princess Anne and South Plaza and that theme and with the mitigation of the brick screening up on this application, it is acceptable.

Mr. Weiner: Mr. Chairman, I move approval of items 5 and 6 with the modification to condition number 10.

Mr. Wall: Okay, so we have motion by Mr. Weiner, and a second by Mr. Bradley. Are there any abstentions?

Madam Clerk: Vote is open. By a vote of 8 and 0, agenda items 5 and 6 have been recommend for approval with condition 10 as amended.

Mr. Wall: Thank you very much. Hope everybody has a nice Thanksgiving. So Madam Clerk, that was the last agenda item?

Madam Clerk: Yes.

Mr. Wall: Thank you all for participating in today's planning commission hearing. The meeting is adjourned.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz				
Bradley	AYE			
Clemons	AYE			
Coston				
Cuellar	AYE			
Frankenfield	AYE			
Horsley	AYE			
Oliver				
Redmond	AYE			

Wall	AYE			
Weiner	AYE			

PROFFERS

The following are modifications to proffers submitted by the applicant that were approved 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.

1. Proffer numbered “4” as contained in the 2004 Proffers is hereby deleted in its entirety and replaced with the following with respect to the Property as herein described:
 4. When the Property, which was formerly designated “Outparcel 5” on the Proffered Site Plans under Proffer numbered 1 of the 2004 Proffers, is redeveloped, no internally illuminated, building mounted signage will be permitted. The only freestanding sign permitted on the Property shall not be illuminated and shall be located along the Property’s frontage on Nimmo Parkway. The sign shall have the brick base, dimensions, and height as depicted and described on that exhibit entitled “HT #259 Fuel Center 2476 Nimmo Parkway Virginia Beach, VA 23456” dated 07/05/2022, prepared by Casco Signs Incorporated which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development (“Freestanding Sign Details”).

2. Proffer numbered “5” as contained in the 2004 Proffers is hereby deleted in its entirety and replaced with the following with respect to the Property as herein described:
 5. The following uses shall not be permitted on the Property, formerly designated “Outparcel 5” on the Proffered Site Plans under Proffer numbered 1 of the 2004 Proffers:

Automobile repair facilities, bino halls, carwash facilities, flea markets, heliports and helistops, mini-warehouses, motorhome sales, and motor vehicle sales and rentals.

3. Except for the modification by replacement of Proffer numbered “4” and “5” applicable to the Property as herein described, the remaining proffered covenants, restrictions and conditions as set forth in the 2004 Proffers are hereby ratified and affirmed.

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. When the site is redeveloped, the site layout shall be in substantial conformity with the conceptual site plan entitled, “Harris Teeter Fuel Center #239 Courthouse Marketplace Virginia Beach, Virginia,” prepared by Kimley-Horn, and dated 07/07/2022, a copy of which

is on file with the Department of Planning and has been exhibited to the Virginia Beach City Council.

2. The exterior of the proposed kiosk building, fuel canopy, and dumpster enclosure shall substantially adhere in appearance, size and materials to the elevations/renderings entitled, "Harris Teeter Fuel Center #239 Courthouse Marketplace Virginia Beach, Virginia," which have been exhibited to the Virginia Beach City Council and are on file in the Department of Planning and Community Development, and as approved by the Historical Review Board under Certificate of Appropriateness #22-07.
3. When the site is redeveloped, the site shall be landscaped in substantial conformity with the conceptual landscaping plan entitled, "Harris Teeter Fuel Center #239 Courthouse Marketplace Virginia Beach, Virginia, EX-1" prepared by Kimley-Horn, and dated 07/07/2022, a copy of which is on file with the Department of Planning and has been exhibited to the Virginia Beach City Council. A landscaping plan shall be submitted during detailed site plan review.
4. A Lighting Plan and/or Photometric Diagram Plan shall be submitted during detailed site plan review. Said plan shall include the location of all lighting fixtures mounted on buildings and poles as well as the listing of lamp type, wattage, and type of fixture. Lighting shall overlap and be uniform throughout the parking area. All lighting on the site shall be consistent with those standards recommended by the Illumination Engineering Society of North America. The plan shall include provisions for implementing low-level security lighting for non-business hours.
5. A brick monument type sign shall be installed in accordance with the City Zoning Ordinance and the Site Plan Ordinance. The sign shall substantially adhere in appearance, size and materials to the exhibit entitled, "HT #259 Fuel Center 2476 Nimmo Parkway Virginia Beach, VA 23456" dated 07/05/2022, prepared by Casco Signs Incorporated, which have been exhibited to the Virginia Beach City Council and are on file in the Department of Planning and Community Development
6. Prior to the commencement of any land disturbing activity, a stormwater plan shall be submitted for review and approval by the Development Services Center.
7. The final stormwater plan submitted to the Development Services Center (DSC) shall be in substantial conformance with the preliminary stormwater analysis, unless otherwise approved by the DSC, using the same basis of design that includes increased rainfall amounts and consideration for sea level rise.
8. A minimum of one oil/water separator shall be installed on the site to prevent sediments from being discharged into the stormwater facility.
9. Parking above the maximum number of spaces shall only be permitted with approval by the Planning Director pursuant to Section 203(b)(9) of the Zoning Ordinance.
10. ~~No outdoor vending machines and/or display of merchandise shall be permitted.~~ Outdoor vending machines or merchandise display shall be screened from view of Nimmo Parkway by a brick enclosure or landscaping as approved by the Director of Planning.

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.

PROFFERS FROM 2004 CONDITIONAL REZONING REQUEST

Proffer 1:

When the Property is developed, the grocery store/retail facility shall be developed and landscaped substantially as shown on the exhibits entitled (a) "COURTHOUSE MARKETPLACE", dated 6/3/03, prepared by Engineering Services, Inc., and (b) "PROPOSED DEVELOPMENT COURTHOUSE MARKETPLACE, Virginia Beach, VA.", dated June 03, 2003, prepared by HBA which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning (hereinafter referred to as the "Conceptual Site Plans"). A detailed landscape plan for the Property which is coordinated with the Grantee's landscaping plans for Nimmo Parkway and Ferrell Parkway/Princess Anne Road, must be approved by the Planning Director prior to issuance of a building permit. The landscape plan for the Property will require that at least thirty percent (30%) of the new trees to be planted will be "evergreen" trees.

Proffer 2:

The Conceptual Site Plan depicts outparcels and illustrates a possible development layout for each. In accordance with Section 1304 of the Comprehensive Zoning Ordinance (CZO), a General Certificate of Appropriateness shall be obtained from the Department of Planning prior to development of the Property. The General Certificate of Appropriateness may be issued following review by the Historic Review Board of the architectural style and building materials of the structures, the location, size, number and character of the proposed signage, and the proposed exterior lighting arrangements. A site plan and rendering(s) for any building(s) to be constructed on each outparcel depicted on the Conceptual Site Plan must be approved by the Planning Director, prior to the issuance of a building permit. The Planning Director shall determine that each building on an outparcel is appropriately oriented along the principal drive aisles in a manner that promotes a "main street" atmosphere.

Proffer 3:

The architectural design and building materials of the grocery store/retail structure to be constructed on the Property shall be substantially compatible with the architectural style and materials depicted on the two (2) exhibits entitled "PROPOSED DEVELOPMENT COURTHOUSE MARKETPLACE" dated June 3, 2003, prepared by HBA, which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning (hereinafter referred to as the "Elevation Plans").

Proffer 4:

When the Property is developed, no internally illuminated, building mounted signage will be permitted. Outparcels, as depicted on the Conceptual Site Plan shall be restricted to building mounted signs only. The only freestanding signage permitted on the Property, shall be one along the frontage with Ferrell Parkway /Princess Anne Road and one along the frontage of Nimmo Parkway.

Proffer 5:

The following uses shall not be permitted on the Property: automobile repair facilities, automobile service stations, bingo halls, car wash facilities, flea markets, heliports and helistops, mini-warehouses, motor home sales and motor vehicle sales and rentals. In addition, on Outparcels designated "1" and "2" on the Conceptual Site Plan, no drive through uses shall be permitted. On the Outparcel designated "3", no drive through associated with a restaurant shall be permitted.

Proffer 6:

When the Property is developed, a public use, ingress-egress easement shall be dedicated over the two drive aisles/access roads which traverse the Property perpendicular to Nimmo Parkway curb cuts on Nimmo Parkway to the northwestern boundary line of the Property, as depicted on the Conceptual Site Plan. The owner of the Property will agree to grant an appropriate ingress-egress easement to serve both "Lot 16" and "Lot 22A" as depicted on the Conceptual Site Plan, from the easternmost main drive aisle, subject to the owner(s) of Lot 16 and Lot 22A executing a reasonable shared maintenance agreement with the Party of the First Part which reflects a reasonable sharing of construction and maintenance costs for the drive aisles and associated landscaping.

Proffer 7:

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.

**Virginia Beach Planning Commission
November 9, 2022, Public Meeting
Agenda Item # 7**

Princess Anne Country Club (Applicant)
Princess Anne Country Club & Expansion One, LLC (Property Owners)

Change in Nonconformity (Expansion of Non-Conforming Use)

Addresses: 3800 Pacific Avenue, 3901 Holly Road, 488 Linkhorn Drive

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you, Mr. Bradley. Next is item number 7, Princess Anne Country Club and Expansion One, LLC, a Modification of Conditions at 3800 Pacific Avenue and 3901 Holly Road.

Mr. Nutter: Pleasure to be here. Mr. Chairman, and members of the Commission, I'm RJ Nutter to represent the applicant. We appreciate being placed on consent agenda and thank staff. They did a lot of work on this application. It is one little house but took a lot of work. So, we got there, and so thank you, appreciate it as always, and if you have any questions, I'd be happy to answer them.

Mr. Weiner: Thank you. Any opposition to this being placed on the Consent Agenda? Hearing none, Ms. Cuellar volunteered to lead us into the record.

Ms. Cuellar: Yes, the applicant is requesting a change in nonconformity to expand a non-conforming club use to include the property at 3901 Holly Road. It's a 1940's one-story bungalow. The Princess Anne Country Club members and their guests will be able to use the house for event space and overnight lodging. This use would be exclusive to club members and guests pursuant to the Princess Anne Country Club policies, and as such, is considered an accessory use to the existing club. Staff is recommending it, there are no objections. The Commission also recommends it for the consent agenda.

Mr. Weiner: Thank you, Mr. Redmond. Mr. Chairman, I move for approval on the consent agenda. That's the end of our consent agenda. I move for approval on the consent agenda items 4, 7, 10, 11, 13, 14 through 19, 20, 21, 22 through 38.

Mr. Wall: Okay, all right. Thank you. So, Planning Commission places those on the consent agenda. So, the motion is...

Mr. Weiner: The Planning Commission places those agenda items on the consent agenda.

Mr. Wall: So, do I have a motion?

Mr. Weiner: We made it.

Mr. Wall: You made it right, but did you make it on?

Mr. Weiner: Yes.

Mr. Wall: I see that, just checking. So, the motion is made by Mr. Wiener? Is there a second? So, second by Ms. Cuellar. Are there any abstentions? Okay, vote is open.

Madam Clerk: Vote is open. By a vote of 8 to 0 agenda items 4, 7, 10, 11, 13, 14 through 19, 20, 21, and 22 through 38 have all been recommended for approval by consent.

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

CONDITIONS

1. No additions to the dwelling that increase the square footage or alterations deemed substantial by the Planning Director shall be constructed.
2. The subject property shall be placed into common ownership with the Princess Anne Country Club or a single purpose entity owned wholly (100%) by the Princess Anne Country Club.
3. Dedicated, off-street parking for users of the bungalow shall be provided at the existing, adjacent surface parking at 488 Linkhorn Drive.
4. No signage for the bungalow shall be permitted except for the street address.
5. Use of the bungalow shall not be advertised as a short term rental nor on any short term rental platforms.
6. Overnight accommodations and use of the property shall be permitted only for Princess Anne Country Club members and their guests until or unless the building is returned to residential use.

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
November 9, 2022, Public Meeting
Agenda Items # 8 & 9**

Amir Yahya Razi (Applicant & Property Owner)

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

Conditional Use Permit (Automobile Repair Garage)

Address: Parcel on Holland Road, between 2980 & 3005 Holland Road

DEFERRED INDEFINITELY

Mr. Wall: Okay. Thank you. Anybody else? Madam Clerk, do we have somebody?

Madam Clerk: Thank you, Mr. Chairman. Agenda Items 8 and 9, have requested an indefinite deferral and their representative Lisa Murphy will be joining us via WebEx. Ms. Murphy begin your comments.

Ms. Murphy: Good afternoon, Chairman Wall, and members of the Planning Commission, I apologize I can't be there in person today, but actually we're requesting a 30-day deferral of items 8 and 9, so that the applicant can complete the storm water analysis and get that reviewed by staff.

Mr. Wall: Okay, thank you. Ms. Murphy, would you consider an indefinite deferral on this one?

Ms. Murphy: Yes, that would be fine. Although it's our expectation that we will be ready to go next month, but that's fine.

Mr. Wall: Alright, do I have a motion to defer items 2 and 3 for 30 days, and agenda items number 8, 9 and 12 indefinitely?

Mr. Weiner: Mr. Chairman, I move for deferral of items 2 and 3 for 30 days, and 8 and 9 indefinite, and item number 12 indefinite.

Mr. Wall: Okay, do we have a second?

Mr. Horsley: Second.

Madam Clerk: Thank you the vote is open.

Mr. Wall: Okay, are there any abstentions? Okay, so we have a motion by Mr. Weiner, and a second by Mr. Horsley.

Madam Clerk: Thank you, Mr. Chairman. By a vote of 8 to 0, agenda items 2 and 3 have been deferred for 30 days. Agenda items 8, 9, and 12 have been deferred indefinitely.

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

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

AT Associates, LLP (Applicant & Property Owner)

Modification of Conditions (Motor Vehicle Sales, Rental, & Service)

Address: 2717 Virginia Beach Boulevard

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you. Next is item number 10, AT Associates, Modification of Conditions of motor vehicle sales and services at 2717 Virginia Beach Boulevard. Please state your name for the record.

Mr. Barton: Thank you. I'm Tom Barton from Beach Ford and AT Associates. I appreciate the Commission's consideration and the hard work already put in. We're here to request that we build a 50,000 square foot commercial service center on property. We've kind of outgrown the existing service department and we quite regularly have conflicts with our retail customers versus our commercial and fleet customers. So we need more capacity, and we think the building will be a compliment to the property as it is and will help us satisfy the demand that's already there.

Mr. Weiner: Great. Are all the conditions acceptable?

Mr. Barton: Yes.

Mr. Weiner: Great. Is there any opposition to this being placed on the consent agenda, hearing none, I have asked Mr. Clemons to read this into the record please.

Mr. Clemens: The applicant has requested a Modification of Conditions, which in staff's opinion, is acceptable given the predominance of auto centric uses in the immediate vicinity. This request is consistent with the Comprehensive Plan's policies and land use goals for the Lynnhaven area, as the auto repair business provides the needed service to the area and is compatible with a number of other automobile related service uses along Virginia Beach Boulevard. A portion of this property is located within the 70 to 75 decibels, but the majority of the site is located within the greater than 75 decibel noise zone of the air installations compatible use zones. There was no anticipation of a significant increase in traffic volume with the addition of this use given that the maintenance building is close to the general public and based on the considerations that outlined above the Commission places this item on the consent agenda as subject to the conditions.

Mr. Weiner: Thank you, Mr. Redmond. Mr. Chairman, I move for approval on the consent agenda. That's the end of our consent agenda. I move for approval on the consent agenda items 4, 7, 10, 11, 13, 14 through 19, 20, 21, 22 through 38.

Mr. Wall: Okay, all right. Thank you. So Planning Commission places those on the consent agenda. So the motion is...

Mr. Weiner: The Planning Commission places those agenda items on the consent agenda.

Mr. Wall: So do I have a motion?

Mr. Weiner: We made it.

Mr. Wall: You made it right, but did you make it on?

Mr. Weiner: Yes.

Mr. Wall: I see that, just checking. So the motion is made by Mr. Wiener? Is there a second? So second by Ms. Cuellar. Are there any abstentions? Okay, vote is open.

Madam Clerk: Vote is open. By a vote of 8 to 0 agenda items 4, 7, 10, 11, 13, 14 through 19, 20, 21, and 22 through 38 have all been recommended for approval by consent.

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

CONDITIONS

1. All conditions attached to the previous Conditional Use Permit granted on February 8, 2005, are hereby deleted, and superseded by the following conditions.
2. The site shall be developed substantially in accordance with the submitted site plan entitled BEACH FORD MAINTENANCE BUILDING, 2717 Virginia Beach Boulevard, Virginia Beach, Virginia”, prepared by MSA P.C. Architecture and Engineering, dated 08/17/22. Said plan has been exhibited to the City of Virginia Beach City Council and is on file in the City of Virginia Beach Planning Department.
3. The proposed building shall be constructed substantially in accordance with the submitted architectural renderings entitled “BEACH FORD FLEET MAINTENANCE”, prepared by MSA PC. Said elevations have been exhibited to the City of Virginia Beach City Council and are on file in the City of Virginia Beach Planning Department.

4. Landscaping for the project shall meet the requirements of the Site Plan Ordinance for foundation landscaping, street frontage landscaping, and interior parking lot and display area landscaping.
5. All existing landscaping on the property shall be retained and maintained.
6. No outdoor speakers or public address system shall be permitted.
7. No motor vehicles shall be displayed on raised platforms. Vehicles shall be parked within the designated display areas. No vehicles shall be parked within any portion of the public right-of-way.
8. 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.
9. There shall be no outside storage of equipment, parts, tires, or materials.
10. No motor vehicle repair work shall take place outside of the building.
11. No advertising banners, streamers, balloons, pennants, or similar devices shall be permitted on any vehicles or the site. There shall be no signs in excess of four (4) square feet installed or displayed on the exterior or interior of the windows of the building.
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 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.
14. A Lighting Plan and/or Photometric Diagram Plan shall be submitted during detailed site plan review. Said plan shall include the location of all poles mounted and building mounted lighting fixtures, and the listing of lamp type, wattage, and type of fixture. Lighting shall overlap and be uniform throughout the parking area. All lighting on the site shall be consistent with those standards recommended by the Illumination Engineering Society of North America along with requirements of the City of Virginia Beach lighting ordinance.
15. 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 2005 CUP APPROVAL

1. The site shall be developed substantially in accordance with the submitted site plan entitled BEACH FORD SHOWROOM, 2717 Virginia Beach Boulevard, Virginia Beach, Virginia", prepared by Clark Nexsen Architecture and Engineering, dated November 1, 2004. Said plan has been exhibited to the City of Virginia Beach City Council and is on file in the City of Virginia Beach Planning Department.
2. The proposed building shall be constructed substantially in accordance with the submitted architectural renderings entitled "NEW SHOWROOM FACILITY FOR BEACH FORD", prepared by Clark Nexsen Architecture and Engineering. Said elevations have been exhibited to the City of Virginia Beach City Council and are on file in the City of Virginia Beach Planning Department.
3. Landscaping for the project shall meet the requirements of the Site Plan Ordinance for foundation landscaping, street frontage landscaping, and interior parking lot and display area landscaping.
4. No outdoor speakers or public address system shall be permitted.
5. No vehicles shall be displayed on raised platforms. Vehicles shall be parked within the designated display areas. No vehicles shall be parked within any portion of the public right-of-way.
6. No advertising banners, streamers, balloons, pennants, or similar devices shall be permitted on any vehicles or the site. There shall be no signs in excess of four (4) square feet installed or displayed on the exterior or interior of the windows of the building.
7. A Lighting Plan and/or Photometric Diagram Plan shall be submitted during detailed site plan review. Said plan shall include the location of all pole mounted and building mounted lighting fixtures, and the listing of lamp type, wattage, and type of fixture. Lighting shall overlap and be uniform throughout the parking area. All lighting on the site shall be consistent with those standards recommended by the Illumination Engineering Society of North America along with requirements of the City of Virginia Beach lighting ordinance.

**Virginia Beach Planning Commission
November 9, 2022, Public Meeting
Agenda Item # 11**

Fantasy Tattoo Company (Applicant)
WCSC, LLC (Property Owner)

Conditional Use Permit (Tattoo Parlor)

Address: 1920 Centerville Turnpike, Suite 118

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you sir. Next is item number 11, Fantasy Tattoo Company. WCSC, LLC, Conditional Use Permit for tattoo parlor at 1920 Centerville Turnpike. Please state your name for the record.

Mr. Cardona: Good afternoon. Daniel Cardona and this is Jamie Carey. We are partners in Fantasy Tattoo. Thanks so much for hearing us today.

Mr. Weiner: All the conditions are acceptable?

Mr. Cardona: Yes sir.

Mr. Weiner: Okay, great. Any opposition to this being placed on the consent agenda? Hearing none, Mr. Frankenfield has volunteered to read this into the record because he said he always wanted to get a tattoo.

Mr. Frankenfield: This applicant is requesting a Conditional Use Permit to operate a traditional tattoo parlor at the Woods Corner Shopping Center. The property meets all the requirements of staff and city ordinances and has support from 10 other retail operators in the shopping center. So for all those reasons, staff recommended approval and Planning Commission recommends consent. Thank you very much.

Mr. Weiner: Thank you, Mr. Redmond. Mr. Chairman, I move for approval on the consent agenda. That's the end of our consent agenda. I move for approval on the consent agenda items 4, 7, 10, 11, 13, 14 through 19, 20, 21, 22 through 38.

Mr. Wall: Okay, all right. Thank you. So Planning Commission places those on the consent agenda. So the motion is...

Mr. Weiner: The Planning Commission places those agenda items on the consent agenda.

Mr. Wall: So do I have a motion?

Mr. Weiner: We made it.

Mr. Wall: You made it right, but did you make it on?

Mr. Weiner: Yes.

Mr. Wall: I see that, just checking. So the motion is made by Mr. Wiener? Is there a second? So second by Ms. Cuellar. Are there any abstentions? Okay, vote is open.

Madam Clerk: Vote is open. By a vote of 8 to 0 agenda items 4, 7, 10, 11, 13, 14 through 19, 20, 21, and 22 through 38 have all been recommended for approval by consent.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz				ABSENT
Bradley	AYE			
Clemons	AYE			
Coston				ABSENT
Cuellar	AYE			
Frankenfield	AYE			
Horsley	AYE			
Oliver				ABSENT
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

**Virginia Beach Planning Commission
November 9, 2022, Public Meeting
Agenda Item # 12**

Christiana Rojas (Applicant)
Red Mill North, LLC (Property Owner)

Conditional Use Permit (Tattoo Parlor)

Address: 2133 Upton Drive, Suite 120

DEFERRED INDEFINITELY

Mr. Wall: Planning Commission has also been made aware that agenda item number 12 has requested an indefinite deferral as well and that's agenda item number 12. Christiana Rojas is the applicant and Red Mill North, LLC as the property owner.

Mr. Wall: Alright, do I have a motion to defer items 2 and 3 for 30 days, and agenda items number 8, 9 and 12 indefinitely?

Mr. Weiner: Mr. Chairman, I move for deferral of items 2 and 3 for 30 days, and 8 and 9 indefinite, and item number 12 indefinite.

Mr. Wall: Okay, do we have a second?

Mr. Horsley: Second.

Madam Clerk: Thank you the vote is open.

Mr. Wall: Okay, are there any abstentions? Okay, so we have a motion by Mr. Weiner, and a second by Mr. Horsley.

Madam Clerk: Thank you, Mr. Chairman. By a vote of 8 to 0, agenda items 2 and 3 have been deferred for 30 days. Agenda items 8, 9, and 12 have been deferred indefinitely.

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

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

Nikola Georgiev (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 303 Atlantic Avenue, Unit 1305

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you, sir. Next is item number 13, Nikola Georgiev, a Conditional Use Permit for short-term rentals at 303 Atlantic Avenue, Unit 1305. Is the representative available? No representative.

Madam Clerk: Mr. Vice Chairman, yes, he is on WebEx. Mr. Georgiev, if you would state your name, and then your comments please.

Mr. Georgiev: Good afternoon, this is Nick Georgiev, all the conditions are acceptable. My name is Nick Georgiev.

Mr. Weiner: Okay, thank you, sir. Is there any opposition to this being placed on a consent agenda? Hearing none, Mr. Redmond has agreed to read this into the record please.

Mr. Redmond: Mr. Chairman. Agenda item number 13 is a Conditional Use Permit for short-term rental by Mr. Nick Georgiev, whom we just heard from. The application broadly meets the requirements of the ordinance in all the various ways, parking and the things that we typically look for and replace it on consent. Thank you.

Mr. Weiner: Thank you, Mr. Redmond. Mr. Chairman, I move for approval on the consent agenda. That's the end of our consent agenda. I move for approval on the consent agenda items 4, 7, 10, 11, 13, 14 through 19, 20, 21, 22 through 38.

Mr. Wall: Okay, all right. Thank you. So Planning Commission places those on the consent agenda. So the motion is...

Mr. Weiner: The Planning Commission places those agenda items on the consent agenda.

Mr. Wall: So do I have a motion?

Mr. Weiner: We made it.

Mr. Wall: You made it right, but did you make it on?

Mr. Weiner: Yes.

Mr. Wall: I see that, just checking. So the motion is made by Mr. Wiener? Is there a second? So second by Ms. Cuellar. Are there any abstentions? Okay, vote is open.

Madam Clerk: Vote is open. By a vote of 8 to 0 agenda items 4, 7, 10, 11, 13, 14 through 19, 20, 21, and 22 through 38 have all been recommended for approval by consent.

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

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 303 Atlantic Avenue, Unit 1305 and the Short Term Rental use shall only occur in the principal structure.
2. An annual (yearly) Short Term Rental Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.
 - a) The dwelling unit shall comply with all required Fire and Building code requirements.
3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.
6. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
7. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be

submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.

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

monoxide detectors have been inspected within the last twelve months and are in good working order.

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

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

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

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

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

**Virginia Beach Planning Commission
November 9, 2022, Public Meeting
Agenda Items # 14-19**

208 10th Street, LLC (Applicant & Property Owner)

Conditional Use Permits (Short Term Rentals)

Addresses: 945, 965, 961, 957, 953, 949 Pacific Avenue

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you, Mr. Redmond. Next one is items number 14 through 19, Conditional Use Permits for short-term rental at 208 10th Street. Welcome sir.

Mr. Bourdon: Thank you Mr. Weiner. Mr. Chairman, and members of Commission. Again, Eddie Bourdon, Virginia Beach attorney representing 208 10th Street, LLC. All the 21 conditions as recommended in the staff report are acceptable to my clients and appreciate Brandon's work on the applications. Thank you.

Mr. Weiner: Thank you. Any opposition to this being placed on the consent agenda? Hearing none, Ms. Cuellar read this into the record please.

Ms. Cuellar: The applicant is asking for a Conditional Use Permit for short-term rentals. There are six four bedroom units. They are located in the Oceanfront Resort area and the property addresses are 945, 965, 961, 957, 953, 949 Pacific Avenue. Staff has approved it. The conditions have been accepted and we want this to be on the consent agenda.

Mr. Weiner: Thank you, Mr. Redmond. Mr. Chairman, I move for approval on the consent agenda. That's the end of our consent agenda. I move for approval on the consent agenda items 4, 7, 10, 11, 13, 14 through 19, 20, 21, 22 through 38.

Mr. Wall: Okay, all right. Thank you. So Planning Commission places those on the consent agenda. So the motion is...

Mr. Weiner: The Planning Commission places those agenda items on the consent agenda.

Mr. Wall: So do I have a motion?

Mr. Weiner: We made it.

Mr. Wall: You made it right, but did you make it on?

Mr. Weiner: Yes.

Mr. Wall: I see that, just checking. So the motion is made by Mr. Wiener? Is there a second? So second by Ms. Cuellar. Are there any abstentions? Okay, vote is open.

Madam Clerk: Vote is open. By a vote of 8 to 0 agenda items 4, 7, 10, 11, 13, 14 through 19, 20, 21, and 22 through 38 have all been recommended for approval by consent.

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

CONDITIONS

1. The following conditions shall only apply to the dwelling units addressed as 945, 949, 953, 957, 961 and 965 Pacific Avenue, and the Short Term Rental use shall only occur in the principal structures.
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. The garage space within each 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. An additional five 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. 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.
7. 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.
8. 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.

9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. Accessory structures shall not be used or occupied as Short Term Rentals.
15. 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.
16. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
17. 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.
18. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
19. 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).

20. 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.

21. 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
November 9, 2022, Public Meeting
Agenda Item # 20**

Host My Home, LLC (Applicant)
David Dowdy (Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 529 22nd Street

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you ma'am. Next is item number 20. Host My Home LLC, David Dowdy, Conditional Use Permit for short term rental of a 529 22nd Street. Welcome, please state your name for the record.

Ms. Alderman: My name is Sierra Alderman with Host My Home, LLC. I'm representing David Dowdy for 529 22nd Street. We agree to all conditions and let me know if you have any questions.

Mr. Weiner: Great. Thank you. Is there any opposition to this being placed on a consent agenda? Hearing none, Mr. Redmond would like to read this into record please.

Mr. Redmond: Thank you, Mr. Weiner. Agenda Item application number 20, Host My Home LLC is a Conditional Use Permit for short-term rental at 529 22nd street. This application broadly meets the requirements of the ordinance, finding no objectionable items we therefore recommended for consent. Thank you.

Mr. Weiner: Thank you, Mr. Redmond. Mr. Chairman, I move for approval on the consent agenda. That's the end of our consent agenda. I move for approval on the consent agenda items 4, 7, 10, 11, 13, 14 through 19, 20, 21, 22 through 38.

Mr. Wall: Okay, all right. Thank you. So Planning Commission places those on the consent agenda. So the motion is...

Mr. Weiner: The Planning Commission places those agenda items on the consent agenda.

Mr. Wall: So do I have a motion?

Mr. Weiner: We made it.

Mr. Wall: You made it right, but did you make it on?

Mr. Weiner: Yes.

Mr. Wall: I see that, just checking. So the motion is made by Mr. Wiener? Is there a second? So second by Ms. Cuellar. Are there any abstentions? Okay, vote is open.

Madam Clerk: Vote is open. By a vote of 8 to 0 agenda items 4, 7, 10, 11, 13, 14 through 19, 20, 21, and 22 through 38 have all been recommended for approval by consent.

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

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 529 22nd Street 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. 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.
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
November 9, 2022, Public Meeting
Agenda Item # 21**

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

Conditional Use Permit (Short Term Rental)

Address: 512 19th Street

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you, sir. Next is item 21, JD Enterprises for a Conditional Use Permit for short term rental at 512 19th Street. Is there any applicant? Please state your name for the record.

Mr. Taylor: Good Afternoon. My name is Justin Taylor and this is my partner Daniel Davis, we're with JD Enterprises Virginia LLC. Just want to thank the Commission for hearing our items today. We are grateful to be here. It's been a long journey so far. We agree with all the conditions and recommendations that have been made and we'll do our best to make sure they're all being followed.

Mr. Weiner: Great. Thank you, sir. Appreciate it. Any opposition to this being placed on the consent agenda? Hearing none, Mr. Redmond has agreed to read this one into the record.

Mr. Redmond: Thank you, Mr. Weiner. Agenda Item Number 21 is an application by JD Enterprises Virginia LLC for a conditional use permit, specifically a short term rental at 512 19th Street in Virginia Beach. The application broadly meets the requirements of our ordinance and finding no objectionable items, the commission has therefore placed it on our consent agenda. Thank you.

Mr. Weiner: Thank you, Mr. Redmond. Mr. Chairman, I move for approval on the consent agenda. That's the end of our consent agenda. I move for approval on the consent agenda items 4, 7, 10, 11, 13, 14 through 19, 20, 21, 22 through 38.

Mr. Wall: Okay, all right. Thank you. So Planning Commission places those on the consent agenda. So the motion is...

Mr. Weiner: The Planning Commission places those agenda items on the consent agenda.

Mr. Wall: So do I have a motion?

Mr. Weiner: We made it.

Mr. Wall: You made it right, but did you make it on?

Mr. Weiner: Yes.

Mr. Wall: I see that, just checking. So the motion is made by Mr. Wiener? Is there a second? So second by Ms. Cuellar. Are there any abstentions? Okay, vote is open.

Madam Clerk: Vote is open. By a vote of 8 to 0 agenda items 4, 7, 10, 11, 13, 14 through 19, 20, 21, and 22 through 38 have all been recommended for approval by consent.

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

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 512 19th Street. Additionally, the Short Term Rental use shall only occur within each 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 unit shall comply with all required Fire and Building code requirements.
3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.
6. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.

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

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

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

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

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

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

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

**Virginia Beach Planning Commission
November 9, 2022, Public Meeting
Agenda Items # 22-38**

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

Conditional Use Permit (Short Term Rental)

Address: 516 19th Street - Units A1, A2, A3, A4, B1, B2, B3, B4 & 518 19th Street, Units A1, A2, A3, A4, B1, B2, B3, B4

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you, Mr. Redmond. Next are items 22 through 38, JD Enterprises, Conditional Use Permit for short term rentals. State your name for the record one more time.

Mr. Taylor: Justin Taylor and this is my partner Daniel Davis, we're with the JD Enterprises VA, LLC.

Mr. Weiner: All the conditions area acceptable?

Mr. Taylor: Yes.

Mr. Weiner: Good. Any opposition to this being placed on the consent agenda? None. Mr. Redmond, one more time please.

Mr. Redmond: Mr. Weiner agenda items number 22 through 38, an application by JD Enterprises. Virginia, LLC for conditional use permits for multiple units of short term rental at 516 19th Street. The application broadly meets the requirements of our short term rental ordinance, finding no objectionable items we therefore placed it upon consent. Thank you.

Mr. Weiner: Thank you, Mr. Redmond. Mr. Chairman, I move for approval on the consent agenda. That's the end of our consent agenda. I move for approval on the consent agenda items 4, 7, 10, 11, 13, 14 through 19, 20, 21, 22 through 38.

Mr. Wall: Okay, all right. Thank you. So Planning Commission places those on the consent agenda. So the motion is...

Mr. Weiner: The Planning Commission places those agenda items on the consent agenda.

Mr. Wall: So do I have a motion?

Mr. Weiner: We made it.

Mr. Wall: You made it right, but did you make it on?

Mr. Weiner: Yes.

Mr. Wall: I see that, just checking. So the motion is made by Mr. Wiener? Is there a second? So second by Ms. Cuellar. Are there any abstentions? Okay, vote is open.

Madam Clerk: Vote is open. By a vote of 8 to 0 agenda items 4, 7, 10, 11, 13, 14 through 19, 20, 21, and 22 through 38 have all been recommended for approval by consent.

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

CONDITIONS

1. The following conditions shall only apply to the dwelling units addressed as 516 19th Street, Unit A1, A2, A3, A4, B1, B2, B3, & B4, and 518 19th Street, Unit A1, A2, A3, A4, B1, B2, B3, & B4. Additionally, the Short Term Rental use shall only occur within each dwelling unit listed.
2. The Short Term Rental located at 516 19th Street Unit A1 shall consist of only one bedroom.
3. An annual (yearly) Short Term Rental Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwellings for Short-Term Rental purposes.
 - a) The dwelling units 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.
20. Prior to approval of any Department of Planning and Community Development Short Term Rental Zoning Permit associated with the subject addresses, a new Certificate of Occupancy must be obtained from the Building Official and the structures must be consistent with the applicable requirements of the Fire and Building code.

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

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