

**Virginia Beach Planning Commission**  
**February 8, 2023**  
**Public Hearing Verbatim**

Mr. Alcaraz: Welcome. I call to order the February 8th Planning Commission Public Hearing. My name is George Alcaraz. I'm Chairman of the Virginia Beach Planning Commission. Today, Commissioners Clemons and Wall will not be in attendance. Before we get started, I have asked Commissioner Coston to lead us in prayer and the Pledge of Allegiance by Donald Horsley. Please stand.

Mr. Coston: Eternal God our Father, we thank you for this day. We thank you for the many blessings that you have bestowed upon us. God, we thank you for this great city that we live in, God, and we ask that as we come to conduct business, God, that you would grant us of your wisdom and your understanding that we may be better servants to this great city in which we live and Jesus' name we pray, Amen.

Mr. Horsley: Thank you, join me to pledge.

[Group Pledge] "I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

Mr. Alcaraz: All right, thank you. I've asked Commissioner Redmond to introduce the members of the Planning Commission.

Mr. Redmond: Thank you, Mr. Chairman. Welcome everyone. I'm gonna start on this side of the dais. That lady, about 150 yards from me is Kay Wilson. She is a Deputy City Attorney, and she is tasked among other things, with items in planning and community development, and thank you for that Kay. The next lady over is Holly Cuellar. She is a Virginia Beach Planning Commissioner, and she is a consultant. Mr. John Coston is a retired fire chief, and also serves as a Planning Commissioner. Donald Horsley is a superb farmer, by the way. He not only grows an awful lot of crops and animals and serves on the State Board of Agriculture as well. So, I'm not joking when I, when I say he's very, very good at what he does. Another person who's very good at what he does is George Alcaraz. He does a ton of things too. He is an events promoter. He's a contractor. And he serves as our Chairman; I should have mentioned by the way that Mr. Horsley is the Vice Chairman of the Commission, sorry for the oversight. Next to George, to George's left is David Bradley. David is a retired Budget Director for the city and he's a Commissioner. Dee Oliver is another one of those jacks of all trades. She is an author. She's a speaker. She is in the funeral business. David Weiner to my right previously represented Kempsville knows that territory very, very well. He's a former Vice Chairman and former Chairman of the Commission. In his professional life, he is a – he's a salesperson in the commercial building industry.

My name's Dave Redmond. I'm a commercial real estate broker. I used to represent the Bayside District. I still live there. It's still there. It somehow went away, but that's where I'm from and I have served with these folks now for some number of years, many of us are leaving. I want you all to know. It's been a great honor and pleasure and a lot of fun serving with you. You too Kay. So, thank you for that. I don't know who's gonna introduce the staff. Normally someone introduces the staff. I'll just let you all take it from here.

Mr. Alcaraz: Let me introduce our interim Planning Administrator Kailten Alcock.

Ms. Alcock: Thank you Chairman. All right, to my left here clerking today we have Pam Sandloop and Madison Eichholz. We have in the audience, interim Director Kathy Warren, interim Deputy Director Carrie Bookholt, our Zoning Administrator Hannah Sabo, and then with our Planning Administration team, we have Hoa Dao, Marchelle Coleman, Elizabeth Nowak, and Michaela McKinney.

Mr. Alcaraz: All right. Thank you. Next, I'd like to ask the clerk to describe the rules and order of business for today's meeting.

Madam Clerk: Thank you, Mr. Chairman. The Virginia Beach Planning Commission takes pride in being fair and courteous to all parties in attendance. It is important that all involved understand how the Commission normally conducts its meetings. It's equally important that everyone treat each other and the members of the commission with respect and civility. We request that cell phones be put on silent during this meeting. This is an abbreviated explanation of the rules. The complete set of rules is located in the front of the Planning Commission agenda. Following is the order of business for this public meeting. Withdrawals and deferrals, the Chairman will ask if there are any requests to withdraw or defer an item on the agenda. Consideration of those requests will be made first. Consent agenda, second order of business is consideration of the consent agenda, which are those items that the Planning Commission believes are unopposed and which have a favorable staff recommendation. Regular agenda, the Commission will then proceed with the remaining items on the agenda. When an agenda item has been called, we will recognize the applicant or the representative first. Following the applicant or representative, in-person speakers will be called next, and then any 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 a Civic League or Homeowners Association, in which case they will have 10 minutes. If a speaker does not respond, or if a technical issue occurs, which renders the comments unintelligible, we will move on to the next speaker or the next order of business. Please note that the actions taken 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.

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Mr. Alcaraz: Thank you, Madam Clerk. The next order of business is the consideration for request for withdraw or defer of an item. So as far as withdraw, anybody here want to withdraw? Seeing none, we're gonna move to the next for deferrals. Are there any items up for deferral? Okay, we were informed there was one item, madam clerk which one was that?

Madam Clerk: Number eight.

Mr. Alcaraz: Number eight for indefinite deferral.

Madam Clerk: That's correct.

Mr. Alcaraz: Any objection to that being deferred, all right, a motion. I need a motion. All right. Motion by Mr. Bradley.

Mr. Weiner: Second.

Mr. Alcaraz: Motion by Mr. Bradley and second by Mr. Weiner.

Madam Clerk: Vote is open. By recorded vote of eight in favor, zero against. Agenda item number eight has been deferred indefinitely.

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Mr. Alcaraz: All right. Thank you. Now we'll move to the consent agenda. If I could pass that on to Donald Horsley.

Mr. Horsley: Thank you, Mr. Chairman. The consent agenda today consists of five items. Item number one, the City of Virginia Beach, is an Ordinance to amend section 2004 of the City Zoning Ordinance pertaining to the dimensional and other requirements in the Historic Kempsville Area Overlay District. Ms. Hannah Sabo will read that.

Ms. Sabo: Thank you. This is an Ordinance to update section 2004A of the City Zoning Ordinance pertaining specifically to the requirements of the Historic Area Overlay District. This amendment was sponsored by Council Member Berlucchi. The existing Ordinance limits the density to a maximum of 18 units per acre for a multi-family uses, which require a Conditional Use Permit. We have received developer interest in parcels that are encumbered by environmental features. This amendment would increase the maximum density to 24 units per acre to permit a clustering of development outside of environmentally sensitive areas with a Conditional Use Permit. A Conditional Use Permit, as I said, is required in this district for a multi-family and it would only be an increase to 24 units per acre with

**Virginia Beach Planning Commission  
February 8, 2023, Public Meeting  
Agenda Item # 1**

**City of Virginia Beach** – An Ordinance to amend Section 2004 of the City Zoning Ordinance pertaining to the dimensional and other requirements in the Historic Kempsville Area Overlay District. (Sponsored by Councilman Berlucchi)

**RECOMMENDED FOR APPROVAL – CONSENT**

Mr. Horsley: Thank you, Mr. Chairman. The consent agenda today consists of five items. Item number one, the City of Virginia Beach, is an Ordinance to amend section 2004 of the City Zoning Ordinance pertaining to the dimensional and other requirements in the Historic Kempsville Area Overlay District. Ms. Hannah Sabo will read that.

Ms. Sabo: Thank you. This is an Ordinance to update section 2004A of the City Zoning Ordinance pertaining specifically to the requirements of the Historic Area Overlay District. This amendment was sponsored by Council Member Berlucchi. The existing Ordinance limits the density to a maximum of 18 units per acre for a multi-family uses, which require a Conditional Use Permit. We have received developer interest in parcels that are encumbered by environmental features. This amendment would increase the maximum density to 24 units per acre to permit a clustering of development outside of environmentally sensitive areas with a Conditional Use Permit. A Conditional Use Permit, as I said, is required in this district for a multi-family and it would only be an increase to 24 units per acre with the following considerations, property boundaries that are uniquely shaped, impacted by environmental constraints and consistent with surrounding character. So again, this is an Ordinance to amend section 2004A at the City Zoning Ordinance pertaining to the density requirements at the Historic Kempsville Overlay District.

Mr. Horsley: Thank you. Are there any questions?

Ms. Wilson: The version of this Ordinance is the one that was passed out earlier.

Mr. Alcaraz: Thank you. Are there any questions, come forward?

Mr. Redmond: Yes absolutely. I have a question. Could you repeat that Kay, I didn't hear you?

Ms. Wilson: The version of that Ordinance is the one that was passed out to you earlier at informal.

Mr. Redmond: Okay. Thank you.

Mr. Horsley: Okay. Any objection to this approval of this ordinance? Hearing none, we'll move along.

Mr. Horsley: Thank you Mr. Wiener. So, Mr. Chairman, we have items number one, The City of Virginia Beach, items two and three, Rudolf Development General Booth, LLC and Atlow Group Inc. And items number six and seven, SXCW Properties, LLC. I motion to approve these items on the consent agenda.

Mr. Alcaraz: All right, thank you Mr. Horsley. So I have a motion to approve consent as read by the Vice Chair. Is there a second?

Mr. Redmond: Mr. Chairman?

Mr. Alcaraz: Yes.

Mr. Redmond: I'd like to make a disclosure before we move the vote. While I'm going to support the overall package of consent, I'm specifically abstaining from agenda item number one. The developer of that parcel that's referenced in this is a client of mine.

Mr. Alcaraz: Understood. Thank you.

Mr. Redmond: Thank you.

Mr. Alcaraz: All right. Do we have a second? Ms. Cuellar

Madam Clerk: Mr. Chairman that was a motion by Mr. Horsley with a second by Ms. Cuellar. Thank you. Vote is open. By a vote of eight in favor, zero against agenda items two and three, six and seven have been recommended for approval by consent. Agenda item number one by a vote of seven in favor, zero against with an abstention by Mr. Redmond has been recommended for approval by consent.

Mr. Alcaraz: All right, thank you.

	AYE 7	NAY 0	ABS 1	ABSENT 2
Alcaraz	AYE			
Bradley	AYE			
Clemons				ABSENT
Coston	AYE			
Cuellar	AYE			
Horsley	AYE			
Oliver	AYE			
Redmond			ABSTAIN	
Wall				ABSENT
Weiner	AYE			

**Virginia Beach Planning Commission  
February 8, 2023, Public Meeting  
Agenda Items # 2 & 3**

**Rudolf Development General Booth, LLC & Atlow Group, Inc (Applicants)  
Rudolf Development General Booth, LLC (Property Owner)**

**Modification of Proffers**

**Conditional Use Permit (Indoor Recreational Facility)**

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

**RECOMMENDED FOR APPROVAL – CONSENT**

Mr. Horsley: Next two items are item number two and item number three, Rudolf Development General Booth, LLC & Atlow Group, Inc. A Modification of Proffers and Conditional Use Permit for Indoor Recreational Facility. Mr. Bourdon.

Mr. Bourdon: Thank you Mr. Horsley, Mr. Chairman, members of Commission, Eddie Bourdon, Virginia Beach Attorney representing the applicant. First of all, I wanna thank Hoa for his work on this application. It's been through a couple of iterations. All five conditions as recommended in the use permit portion of this are acceptable to my client. We will make the revision to the proffer agreement in all future. In this case, it's an amendment to the proffer agreement, proffer agreements to delete the reference to the district name and/or number. And we appreciate being on the consent agenda.

Mr. Horsley: Thank you, Mr. Bourdon. Any objections to this application? Hearing none, Mr. Bradley will read that.

Mr. Bradley: Thank you. The applicant Rudolf Development General Booth, LLC seeks a Modification of Proffers to a Conditional Rezoning approved by City Council in 2003. Proposed modifications include changes to the proffered site layout, and building design. In addition, the co-applicant Atlow Group Incorporated seeks a Conditional Use Permit to construct and operate a 32,625 square feet indoor recreation facility. Staff recommended this, there's no known opposition to it, so the Planning Commission placed it on the consent agenda.

Mr. Horsley: Thank you Mr. Wiener. So, Mr. Chairman, we have items number one, The City of Virginia Beach, items two and three, Rudolf Development General Booth, LLC and Atlow Group Inc. And items number six and seven, SXCW Properties, LLC. I motion to approve these items on the consent agenda.

Mr. Alcaraz: All right, thank you Mr. Horsley. So I have a motion to approve consent as read by the Vice Chair. Is there a second?

Mr. Redmond: Mr. Chairman?

Mr. Alcaraz: Yes.

Mr. Redmond: I'd like to make a disclosure before we move the vote. While I'm going to support the overall package of consent, I'm specifically abstaining from agenda item number one. The developer of that parcel that's referenced in this is a client of mine.

Mr. Alcaraz: Understood. Thank you.

Mr. Redmond: Thank you.

Mr. Alcaraz: All right. Do we have a second? Ms. Cuellar

Madam Clerk: Mr. Chairman that was a motion by Mr. Horsley with a second by Ms. Cuellar. Thank you. Vote is open. By a vote of eight in favor, zero against agenda items two and three, six and seven have been recommended for approval by consent. Agenda item number one by a vote of seven in favor, zero against with an abstention by Mr. Redmond has been recommended for approval by consent.

Mr. Alcaraz: All right, thank you.

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

## PROFFERS

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

Solely with respect to the Property herein described, the five (5) proffers contained in the 2003 Proffers are deleted and replaced with the following proffers:

### Proffer 1:

When the Property is developed and landscaped, it shall be substantially as depicted on the exhibit entitled "Conceptual Site Design – Parcel B", prepared by WPL and dated October 15, 2022, which has been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning and Community Development ("hereinafter "Site Plan").

**Proffer 2:**

When the building shown on the Site Plan is developed, the architectural design, exterior building materials and colors shall be substantially as depicted and described on the pages number 2 and 3 of the renderings designated "South Elevation – View Towards Parking"; "North Elevation – View Towards One Life Fitness"; "East Elevation – View Towards Wooded Area"; and "West Elevation – View Towards General Booth Blvd.", on that exhibit entitled "Skyzone Elevations", dated October 15, 2022, prepared by Cuboid Architecture, which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning and Community Development ("hereinafter "Renderings").

**Proffer 3:**

The proffers, covenants, restrictions and conditions contained in the 2003 Proffers remain in full force and effect solely as to the balance of the original Parcel therein described.

**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. Any onsite signage shall meet the requirements of the City Zoning Ordinance, unless otherwise approved by the Board of Zoning Appeals, and there shall be no neon, other than individual channel letters lighted with internal neon and as approved by the Zoning Administrator, or electronic display signs or accents installed on any wall area of the exterior of the building, in or on the windows, or on the doors. There shall be no window signage permitted. The building signage shall not be a "box sign" and the proposed sign package shall be submitted to the Department of Planning for review and approval.
2. A Landscape Plan shall be submitted at the time of final site plan review reflective of the location and plant material depicted on the exhibit entitled "Conceptual Planting Plan", prepared by WPL and dated October 15, 2022, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development.
3. When developed, a photometric plan for the exterior portions of the Property shall be provided as part of the final site plan submittal. The exterior lighting shall be no taller than 20 feet in height, with the exception of any lighting of the overflow parking area on the eastern side of the property and the driveway leading to it which shall not exceed 14 feet in height. All lighting shall be shielded and directed down and inward toward the property and away from adjacent properties.
4. Any trash compactors or dumpsters located on the Property when developed shall be screened in accordance with the Virginia Beach Landscaping Guide.
5. The final stormwater management plan submitted to the Development Services Center (DSC) shall be in substantial conformance with the preliminary stormwater analysis utilizing the same basis of design.



**Virginia Beach Planning Commission  
February 8, 2023, Public Meeting  
Agenda Items # 4 & 5**

**1900 Virginia Beach Blvd., LP** (Applicant & Property Owner)

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

**Conditional Use Permit** (Bulk Storage Yard)

**Addresses:** 1900, 1902, 1904, 1906, and 1912 Virginia Beach Boulevard; 303, 305, 307, 309, 311, 313 and 315 Maxey Drive

**RECOMMENDED FOR APPROVAL – HEARD**

Mr. Alcaraz: The next order of business is our regular agenda, Madam Clerk, are we ready for the last item?

Madam Clerk: Yes, sir. Mr. Chairman, our one agenda item for today are agenda items four and five, 1900 Virginia Beach Boulevard, LP. It's a request for a Conditional Rezoning, A-12 Apartment District, to Conditional B-2 Community Business District, and a Conditional Use Permit for a bulk storage yard at 1900, 1902, 1904, 1906, and 1912 Virginia Beach Boulevard, 303, 305, 307, 309, 311, 313 and 315 Maxey Drive in Council District 6.

Mr. Bourdon: Thank you. Mr. Chairman, members of the Commission, for the record, Eddie Bourdon, Virginia Beach Attorney representing the applicant, 1900 Virginia Beach Boulevard, LP. Actually, Marchelle Coleman did a great job this morning in the informal in describing the situation. It's set forth in your write-up as well from staff, the northern portion of these three parcels, the northern two parcels that have always been in joint ownership with the three parcels that are zoned B-2 and front on Virginia Beach Boulevard are zoned A-12 and they cannot be developed as residential and haven't been able to be developed in that manner since 2004, I believe, was when we adopted all the recommendations of the MOU and consequently, it's use as a bulk storage yard, which is a nonconforming, but legally nonconforming use that has been there since the very early 1960s and was confirmed as being legally nonconforming by Pat Janice when he was a Zoning Administrator. As I was involved in that back in the 90s, the owner has determined that it's in the best interest of the future with he's getting up in age to go ahead and comply with what the ordinances we adopted to protect Oceana require and that is that we only have compatible uses in this area. It's an APZ-1 in the highest noise zone, so the request to simply rezone the piece from A-12 to B-2, which is consistent with the property in front of it, consistent with the property to the west of it along Virginia Beach Boulevard in that area. So, it's totally consistent with existing zoning. We've proffered that any development of the property in the future would have to comply with Article 18, the Zoning Ordinance, which means only uses that are deemed compatible in the use tables in our ordinance for APZ-1 in the highest noise zone can go on this property. The use permit for the bulk storage yard, which has been there for 50 years plus is compatible with NAS Oceana. We appreciate the staff's work on this. The conditions as recommended for the use

permit are acceptable, if the Commissioners would like to add a condition that there not be any porta-potties in the storage yard we have no objection to that whatsoever and with that I'll be happy to answer any questions. Appreciate the opportunity to rebut.

Mr. Alcaraz: Yeah, thank you. Any questions for Mr. Bourdon? Ms. Oliver.

Ms. Oliver: So that condition would be great if we could add that to the application.

Mr. Bourdon: Yeah, we have no aversion, if staff will write up a condition that, you know, there not be any, there are facilities in the building that work and so we have no problem whatsoever with the condition that they not have any porta-potty. And there are none out there at this juncture but there was one out there a few months ago.

Mr. Alcaraz: All right. Thank you.

Mr. Bourdon: Mm-hmm.

Mr. Alcaraz: Madam Clerk, any speakers? None.

Madam Clerk: No. Mr. Chairman, no speakers.

Mr. Alcaraz: Okay. Thank you. So, we're in closed session, so is there any comments so we can move forward? Ms. Oliver, are you good?

Ms. Oliver: I'm great. I think we should make a motion to go ahead and accept this.

Mr. Alcaraz: Your issues taken care of.

Ms. Oliver: Yes, thank you.

Mr. Alcaraz: All right. I have a motion by Ms. Oliver. Do I have a second?

Mr. Coston: Second.

Mr. Alcaraz: Second by Mr. Coston.

Madam Clerk: Thank you, Mr. Chairman that was conditions as amended, correct?

Mr. Alcaraz: Yes.

Madam Clerk: Thank you. Vote is open. By vote of eight in favor, zero against agenda items number four and five have been recommended for approval with the conditions as amended.

Mr. Alcaraz: All right, thank you. And that is the end of today's hearing. Thank you.

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

## PROFFERS

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

### Proffer 1:

The Property shall only be used for one (1) or more of the principal uses or conditional uses permissible in the Zoning District which are also designated as compatible (“C”) with flight operations at N.A.S. Oceana Naval Air Base in the Land Use Tables contained in Article 18, Section 1804(b), Table 1 and Table 2 as of the date this Agreement is put to record in the land records maintained by the Clerk of the Circuit Court of the City of Virginia Beach, Virginia.

### Proffer 2:

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

**Staff Comments:** Staff has reviewed the Proffers listed above and finds them acceptable. The City Attorney’s Office has reviewed the agreement and found it to be legally sufficient and in acceptable legal form.

## CONDITIONS

1. The outdoor storage area shall be fenced and screened as depicted on the Landscape Plan entitled, “Landscape Plan for Bulk Storage Yard Lots 90, 91, & 6, 7, 8, Plat of Maxey Manor, Virginia Beach, Virginia”, dated January 10, 2023, prepared by Commonwealth Engineering Group, LTD, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development. This is a deviation to the Category VI screening required by the Zoning Ordinance around the perimeter of a Bulk Storage Yard.
2. A solid privacy fence with a minimum height of six feet shall be installed and maintained surrounding the Bulk Storage Yard as shown on the Landscape Plan identified above in Condition 1 and shall be maintained for the duration of the use as a Bulk Storage Yard.

Evergreen plant material shall be installed and maintained inside the fence along the northern and western property lines in lieu of the required plants outside of the fence and shall be installed outside the fence in all other areas. As noted above in Condition 1, this is a deviation to the Category VI screening required by the Zoning Ordinance around the perimeter of a Bulk Storage Yard.

3. Should outdoor lighting be installed within the Bulk Storage Yard area, a Lighting Plan shall be provided to the Department of Planning and Community Development for review and approval. All outdoor lights shall comply with the following:
  - a. 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.
4. Except for construction or events, the use of portable restrooms on the property shall be prohibited.

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Agenda Items # 6 & 7**

**SXCW Properties II, LLC** (Applicant)  
**Victor Alpha Associates, LLC** (Property Owner)

**Conditional Use Permits** (Car Wash Facility & Automobile Service Station)

**Address:** 5480 Virginia Beach Boulevard

**RECOMMENDED FOR APPROVAL – CONSENT**

Mr. Horsley: Thank you, Mr. Bradley. The next items are items number six and seven together SXCW Properties II, LLC for a Conditional Use Permit for a car wash and an automobile service station. Yes sir.

Mr. Pocta: Good afternoon. Chris Pocta. Thank you, members of the Planning Commission, for receiving this application and considering it, this is a request for Conditional Use Permit applications for a car wash facility and an automobile service station. We want to thank Marchelle Coleman and the rest of the Planning staff for their help and we thank you for placing us on the consent agenda. The conditions are acceptable. Thank you.

Mr. Horsley: Thank you sir. Is there any objection to this application? Hearing none, Mr. Weiner will read this into the record.

Mr. Weiner: Thank you Mr. Horsley. This is Conditional Use Permits for a car wash, and an automobile service station. The applicant is requesting two Conditional Use Permits to operate a 4,114 square foot single bay automated car wash facility in automobile service station with 10 fuel pumps on a B-2 Community Business District zoned property near the intersection of Virginia Beach Boulevard and Davis Street. We agree with staff, and I put this on a consent agenda.

Mr. Horsley: Thank you Mr. Wiener. So, Mr. Chairman, we have items number one, The City of Virginia Beach, items two and three, Rudolf Development General Booth, LLC and Atlow Group Inc. And items number six and seven, SXCW Properties, LLC. I motion to approve these items on the consent agenda.

Mr. Alcaraz: All right, thank you Mr. Horsley. So I have a motion to approve consent as read by the Vice Chair. Is there a second?

Mr. Redmond: Mr. Chairman?

Mr. Alcaraz: Yes.

Mr. Redmond: I'd like to make a disclosure before we move the vote. While I'm going to support the overall package of consent, I'm specifically abstaining from agenda item number one. The developer of that parcel that's referenced in this is a client of mine.

Mr. Alcaraz: Understood. Thank you.

Mr. Redmond: Thank you.

Mr. Alcaraz: All right. Do we have a second? Ms. Cuellar

Madam Clerk: Mr. Chairman that was a motion by Mr. Horsley with a second by Ms. Cuellar. Thank you. Vote is open. By a vote of eight in favor, zero against agenda items two and three, six and seven have been recommended for approval by consent. Agenda item number one by a vote of seven in favor, zero against with an abstention by Mr. Redmond has been recommended for approval by consent.

Mr. Alcaraz: All right, thank you.

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

## CONDITIONS

1. The applicant/owner shall submit a subdivision plat to the Department of Planning & Community Development to create two separate lots. Said plat shall be subject to the review and approval of the Department of Planning & Community Development, and plat shall be recorded with the City of Virginia Beach Circuit Court Clerk's Office within 365 days from the date of the City Council action.
2. When the site is developed, it shall be in substantial conformance with the submitted Conceptual Site Plan exhibit entitled "SAM'S XPRESS CAR WASH – 5476 VIRGINIA BEACH BLVD., VA VIRGINIA", prepared by Eagle Engineering, dated 02/07/23, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
3. A Landscape Plan shall be submitted at the time of final site plan review reflective of the location and plant material depicted on the site layout exhibit referenced in Condition 2 above, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development. A 4-foot wide buffer with a, 8-foot tall privacy fence and evergreen shrubs shall be installed along the eastern property line. This is a deviation to the 15-foot wide Category IV buffer requirement adjacent to residential or apartment zoning districts.

4. The hedgerow of evergreen shrubs proposed along Virginia Beach Boulevard shall be three (3) to four (4) feet in height at installation and maintained at a minimum of 10 feet. This is a deviation to the street frontage requirements per the Virginia Beach Landscaping Guide.
5. The exterior of the proposed building, fuel canopy, vacuum canopy, vending enclosure, and dumpster enclosure shall substantially adhere in appearance, size, and materials to the elevations entitled "Sam's Xpress Car Wash – Color Elevations – 5480 Virginia Beach Blvd, Virginia Beach, VA," prepared by Oakline Studio Architecture + Design, and dated November 30, 2022, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
6. 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 and Community Development is required for all signage installed on the site.
7. The freestanding sign shall be monument style with a brick base that matches the brick exterior of the car wash building and substantially adhere in appearance, size, and materials to the submitted freestanding sign exhibit entitled, "SXCW VB Blvd. - Virginia Beach, VA" prepared by ASI Signage Innovations", which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
8. Outdoor vending machines and/or display of merchandise may be permitted only if fully screened from view from the right-of-way as approved by the Planning Director.
9. When developed, a photometric plan for the exterior portions of the property shall be provided as part of the final site plan submittal. All exterior lighting shall be no taller than 14 feet in height and all lighting shielded and directed down and inward to the property and away from adjacent properties.
10. The hours of operation of the Car Wash Facility shall be limited to the hours of 7:30 a.m. to 9:00 p.m. daily and the Automobile Service Station shall be limited to the hours of 6:00 a.m. to 10:00 p.m. daily.
11. Signage for the site shall be limited to:
  - a. Directional signs
  - b. One (1) pricing board sign
  - c. One (1) monument-style freestanding sign, no more than eight (8) feet in height, set on a brick base to match the building brick and two (2) building and/or canopy signs.
  - d. No striping shall be permitted on the fuel canopy. Signage on the canopy shall not be internally or externally illuminated.
  - e. There shall be no other signs, neon signs, or neon accents installed on any wall area of the building, on the windows and/or doors, canopy, light poles or any other portion of the site.
  - f. Any onsite signage shall meet the requirements of the City Zoning Ordinance, unless otherwise approved by the Board of Zoning Appeals, and there shall be no neon, other than individual channel letters lighted with internal neon and as approved by the Zoning Administrator, or electronic display signs or accents, installed on any wall area of the exterior of the building, in or on the windows, or on the doors. There shall be no window signage permitted. The building signage shall not be a "box sign" and the proposed sign package shall be submitted to the Zoning Administrator.

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

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



**Virginia Beach Planning Commission  
February 8, 2023, Public Meeting  
Agenda Item # 8**

**Jihyeon Son** (Applicant)  
**SCI Lynnhaven Fund, LLC** (Property Owner)

**Conditional Use Permit** (Tattoo Parlor)

**Address:** 2077 Lynnhaven Parkway, Suite 103

**DEFERRED INDEFINITELY**

Mr. Alcaraz: Thank you, Madam Clerk. The next order of business is the consideration for request for withdraw or defer of an item. So as far as withdraw, anybody here want to withdraw? Seeing none, we're gonna move to the next for deferrals. Are there any items up for deferral? Okay, we were informed there was one item, madam clerk which one was that?

Madam Clerk: Number eight.

Mr. Alcaraz: Number eight for indefinite deferral.

Madam Clerk: That's correct.

Mr. Alcaraz: Any objection to that being deferred, all right, a motion. I need a motion. All right. Motion by Mr. Bradley.

Mr. Weiner: Second.

Mr. Alcaraz: Motion by Mr. Bradley and second by Mr. Weiner.

Madam Clerk: Vote is open. By recorded vote of eight in favor, zero against. Agenda item number eight has been deferred indefinitely.

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