

Virginia Beach Planning Commission
March 8, 2023 Public Hearing Verbatim

Mr. Alcaraz: I call to order the March 8, 2023 Planning Commission Public Hearing. My name is George Alcaraz. I'm the Chairman of the Virginia Beach Planning Commission. Before we get started, I ask that we stand and Commissioner Coston to lead us into prayer and followed by the Pledge of Allegiance by Commissioner Horsley.

Mr. Coston: Eternal God our Father, we thank you for this glorious day which you have bestowed upon us. We pray to God as we enter this meeting, God, that you would grant us of your wisdom and your strength that we might be better servants to the citizens of Virginia Beach. We ask that you bless these proceedings and let all outcomes be positive and Jesus' name we pray, Amen.

Mr. Horsley: Join me in the 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: Thank you. Now at this time we usually have one of our Commissioners introduce our – our staff and our Commissioners, but I'd like to just start at the end and we'll go right down the list and we'll end up at Ms. Kaitlen over there to see if she can introduce her staff.

Ms. Wilson: Okay. I'm Kay Wilson, I'm the Deputy City Attorney for land use and I represent the Planning Commission.

Mr. Plumlee: Thank you, my name is Brian Plumlee and I'm clearly a brand new member of the Planning Commission and, I look forward to working with everyone. I'm a local attorney. I've been working in Virginia Beach for over 20 years. I previously served on the Virginia Beach Wetlands Board, so I sort of know where things are, and I hope to be of some assistance.

Mr. Alcaraz: Great.

Mr. Clemons: Good afternoon, everybody. I'm Michael Clemons. I'm a Professor at Old Dominion University. This is about my sixth month on the Planning Commission. I represent a District two.

Mr. Horsley: My name is Don Horsley. I'm the Vice Chairman of the Planning Commission and I'm an At-Large representative. I am a farmer in Virginia Beach.

Mr. Alcaraz: Thank you. Again, my name is George Alcaraz. I am in District five. I am a contractor and this is going to be my fifth year on Planning Commission.

Ms. Cuellar: My name is Holly Cuellar. I represent District eight. I grew up in District eight and currently live there now with my family, and I was just reappointed to start a full four year term starting in March.

Mr. Coston: My name is John Coston. I'm a retired Virginia Beach fire captain and I represent District nine.

Mr. Parks: I am William Parks, representative of District 10. I am an architect here in Virginia Beach, and I'm also one of the new members.

Ms. Alcock: I am Kaitlen Alcock, and I am interim Planning Administrator for the Planning Department, and to my left clerking today we have Pam Sandloop and Madison Eichholz. We have our interim Planning Director Kathy Warren, interim Deputy Planning Director Carrie Bookholt, and our Zoning Administrator Hannah Sabo, with our Planning Administration team; we have Marchelle Coleman, Michaela McKinney and Elizabeth Nowak. With our Zoning team, we have our Deputy Zoning Administrator Brandon Hackney and Garrett Hannigan. And then with our IT team, we have Johnnie Horne and Elyssa Huertez as well as Emily Archer with our Economic Development Office.

Mr. Alcaraz: All right. Thank you. Mr. Horsley has asked for a few minutes to say something.

Mr. Horsley: At this time, I would like to – to just let people know that we are very sad in the passing of one of our former Planning Commissioners and former chairman of the planning commission, Mr. Tom Betz a week or so ago, Tom was a very, very good Planning Commissioner and very good citizen of Virginia Beach and very good close friend of most of us who remember him being on the Planning Commission for many years. So at this time, I would just like to ask for just a brief moment of silence. Thank you.

Ms. Alcaraz: Thank you, Mr. Horsley. Mr. Plumlee, Mr. Parks welcome board. Next, we will ask the clerk to describe the rules.

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 these requests will be made first. Consent agenda, the

second order of business is consideration of the consent agenda, which are those items that the Planning Commission believe are unopposed and which have 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 the representatives, speakers will be called next. Speakers in support or opposition have 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 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. Alcaraz: Thank you. Before we start, a word for the Commissioners, to make sure if you do make a motion, make sure you push the motion on your computer in front of you. And also if you second it, please second it so that we can get the vote in process. Thank you.

Mr. Alcaraz: The next order of business, I am just gonna ask just for, just for clarity, are there any withdrawals? There are none. Any deferrals, there are none. So at this time, the next order of business is the consent agenda, which I'm gonna pass over to Vice Chair Horsley.

Mr. Horsley: Thank you, Mr. Chairman. First item on our consent agenda, the City of Virginia Beach, it's an Ordinance to Amend the Section 102 of the City Zoning Ordinance pertaining to use of civil penalties. We ask our staff, Ms. Sabo to speak.

Ms. Sabo: Thank you. Good afternoon. This amendment proposes to amend Section 104 of the City Zoning Ordinance, which prescribes how violations and penalties of the Ordinance are assessed. Section 104-B lists specific sections of the Ordinance for which a penalty can be assessed. Specifically, those sections relating to signage and short term rentals. Through the enforcement of short-term rental, staff identified changes to that section that would streamline the process by clarifying the sections that could be assessed as a civil penalty. The proposed amendment has a following updates, language added to include any section that applies to the use of the property as a short-term rental as a civil penalty, and then removes section 1903, which was a typographical error in the originally adopted Ordinance. If approved, this section 104-B would continue to allow staff to enforce the short-term rental ordinance as civil penalties.

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

City of Virginia Beach – An Ordinance to amend Section 104 of the City Zoning Ordinance pertaining to the use of civil penalties.

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Horsley: Thank you, Mr. Chairman. First item on our consent agenda, the City of Virginia Beach, it's an Ordinance to Amend the Section 102 of the City Zoning Ordinance pertaining to use of civil penalties. We ask our staff, Ms. Sabo to speak.

Ms. Sabo: Thank you. Good afternoon. This amendment proposes to amend Section 104 of the City Zoning Ordinance, which prescribes how violations and penalties of the Ordinance are assessed. Section 104-B lists specific sections of the Ordinance for which a penalty can be assessed. Specifically, those sections relating to signage and short term rentals. Through the enforcement of short-term rental, staff identified changes to that section that would streamline the process by clarifying the sections that could be assessed as a civil penalty. The proposed amendment has a following updates, language added to include any section that applies to the use of the property as a short-term rental as a civil penalty, and then removes section 1903, which was a typographical error in the originally adopted Ordinance. If approved, this section 104-B would continue to allow staff to enforce the short-term rental ordinance as civil penalties.

Mr. Horsley: Thank you. That now concludes the consent agenda.

Mr. Alcaraz: Yeah, read the numbers that are in consent please.

Mr. Horsley: All right. The item numbers on consent, item number one, number three, number four, number five, number six, number seven, number eight, number nine, number ten, number eleven, number twelve, thirteen, fourteen, fifteen, sixteen, and seventeen.

Mr. Alcaraz: All right, thank you. Do I have a motion to approve by consent as read by the Vice Chair?

Mr. Horsley: So moved.

Mr. Plumlee: Second and I do have four items to abstain from.

Mr. Alcaraz: We have a second by Mr. Plumlee. Okay and then any abstentions, and that would be Mr. Plumlee. Go ahead.

Mr. Plumlee: I abstain from items 4, 11, 14, and 15. I don't know if that means you need a second on those, separate from mine, okay, good. All right, thank you.

Mr. Alcaraz: All right, so we have a second.

Madam Clerk: Thank you. The vote is open.

Mr. Alcaraz: Oh sorry, hold. Mr. Clemons voting screen is not working. Can you take his verbal?

Madam Clerk: Oh, Mr. Clemons, I'm sorry. Aye or nay?

Mr. Clemons: Aye.

Madam Clerk: Thank you. And to clarify, Mr. Plumlee, you're abstaining from four items 4, 11, 14, and 15?

Mr. Plumlee: Correct.

Madam Clerk: Okay.

Mr. Alcaraz: That's correct.

Madam Clerk: By vote of seven to zero agenda items one, three, five, six, seven, eight, nine, 10, 12, 13, 16, and 17 have been recommended for approval by consent by a vote of six in favor, zero against with an abstention by Commissioner Plumlee, agenda items 4, 11, 14 and 15 have been recommended for approval by consent.

	AYE 7	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

Virginia Beach Planning Commission
March 8, 2023, Public Meeting
Agenda Item # 2

City of Virginia Beach Development Authority (Applicant)
City of Virginia Beach Development Authority & YCH, LLC (Property Owners)

Modification of Proffers

Address: Parcels between 2009 Hudome Way to Tournament Drive & parcel on the southeast corner of Princess Anne Road & Tournament Drive

RECOMMENDED FOR APPROVAL – HEARD

Mr. Alcaraz: All right. So now we'll move on to the next, the regular agenda, which we have one item, it's not, there's no opposition, but just for clarity, we want to go ahead and hear it just so that the public can hear exactly what the Virginia Beach Development Authority is offering. Thank you.

Madam Clerk: Thank you Mr. Chairman. Our final agenda item is agenda item number two, City of Virginia Beach Development Authority. It's an application for a Modification of Proffers on parcels located between 2009 Hudome Way to Tournament Drive, and a parcel on the Southeast corner of Princess Anne Road and Tournament Drive located in council District two.

Ms. Archer: Good afternoon. Thank you, Commissioner, members of the Commission; I'm Emily Archer with Economic Development, a project coordinator with the office, representing the Virginia Beach Development Authority for this application. I have a few slides if you allow me to go through them to help explain that. This is located off of Hudome way in Princess Anne Road in District two. Existing conditions, it's mostly open farm field at the moment. We are requesting the Modification of Proffers really to update the design guidelines for the business park. Everything in yellow that you see is owned by the Virginia Beach Development Authority and will be applied to this updated proffers and design guidelines. In January, there are two other owners within the Innovation Park, YCH, LLC and Acoustical Sheet Metal, and they were both notified in January and asked if they would like to be party to this application. YCH, LLC in red up on the screen, asked to be a co-applicant. I don't see them here but, so everything except what is shown in orange will fall under these new proffers that we're requesting. And the orange will remain under the old 2016 proffers. A little bit about the Innovation Park, it's 150 acre Business Park that was conveyed to the Virginia Beach Development Authority in 2016 by Council. It currently is governed by existing proffers and guidelines that were adopted in 2016. It is also highlighted for vision in the ITA, Interfacility Traffic Area plan in 2017.

You can see that, the vision was to incorporate regional trail network that the wooded area be preserved, which is mostly wetlands that the development be consistent with the design guidelines adopted at that time and that the stormwater best management practices be employed. Many of those still remain but what has changed is that the park was initially envisioned to house biomedical office buildings, and we found that that biomedical ecosystem of Virginia Beach really

needed to boost first. We have since opened a bio-accelerator at Bendix Road for small incubator kind of businesses to help build up that ecosystem within Virginia Beach that will hopefully lead to more larger developments that could still go within the Innovation Park. And then also within that time, the market has really shifted to more industrial sectors growing within our economy, while the focus still remains technology and manufacturing supporting the field of scientific innovations. The density of the park has also changed based on the updated stormwater regulations for the city requiring larger BMPs and more of them to accommodate the development that was envisioned there. So why this is really needed is to keep up with market future and current marking conditions within the city. As I mentioned, the existing design guidelines really built, designed for that medical office user and we're finding as more industrial users come in, it's the, the guidelines isn't in the document as needed to address those type of larger format industrial buildings to still achieve the static qualities as the park was always envisioned to achieve the higher level of statics within the park.

So update to the guidelines to help permit those types of buildings to come in, and provide developers and staff guidance on how to get there with every applicant. The guidelines are broken into overall changes highlighted here, but also a building section and a site plan section are briefly covered the changes in those sections. The change of the cover on the name from Virginia Beach Bio Park to the Innovation Park of course, the whole document has been reformatted with updated photos of Princess Anne Commons in context of the park and it's very user friendly and easier to kind of find the information you need, as well as there's another end section that talks all about the approval process with VBDA for guidance on what steps the applicant will be asked to follow. In the site design section, there's been a lot of editing of the landscape and planting requirements. There's an existing typewritten section under the existing appendix guidelines that have been incorporated into the text and edited for clarity and redundancy with our zoning landscape ordinance. There are still requirements for landscape and planting as well above and beyond the landscape ordinance such as enhanced entry drives as you see on the screen, irrigation around all planting beds and sod rather than seed for grass area. There's a new fencing section that talks about if fencing is required for security. It should only be in the rear side of the property and coupled with planting and decorative and sustainable in nature. Outdoor amenity spaces are encouraged in the new document and there's a new signage section that dresses, signage requirements again above and beyond what's in the signage ordinance for the city. In the building design category as mentioning there's more examples and guidance for advanced manufacturing and light industrial facilities, including a wider material pallet. More guidance provided for outdoor staging and storage, provided that if they're, if they are employing those uses that they're in the rear of the property and screened you around with walls and landscape material, there's an existing parking structure section in the existing design guidelines that we felt the park would never really achieve that level of density to require parking structure and that has been removed. And then, can see a bit about our schedule. Signs are posted around the park. It's been to be the Development Authority as well as the ITA Committee last week here today and hopefully City Council in April. Thank you.

Mr. Alcaraz: Thank you, Ms. Archer for doing that, thank you. Is there any questions for Ms Archer? Okay, go ahead.

Mr. Horsley: I don't, I don't really have any questions. I just got a couple of comments that, you know, after seeing and hearing your presentation this morning and understanding what we had established years ago is the Biomedical Park isn't, coming to fruition and we've going to try to do some type of industrial there, I think that's probably a wise decision and the main thing that we want to concur with, and I think we do, is that it has to be done in a very tasteful manner because this is on the gateway to coming into the city hall and we wanna make sure it's done in a very tasteful and lovely manner that people would, they come and visit our city so, and I think according to the information you provide us this morning, it seems like that's headed in that direction. So I have no problem with changing to Innovation Park. I don't think that's a, I think, I think that's probably a very good move, so I would support the application.

Mr. Alcaraz: Alright, thank you Mr. Horsley. Is there any other comments or questions? None, like to entertain a motion.

Mr. Horsley: Having said what I did before, I'll make a motion that we'll approve the application.

Mr. Plumlee: I'll second.

Mr. Alcaraz: Second by, Mr. Plumlee, thank you.

Madam Clerk: The vote is open.

Madam Clerk: Mr. Clemons can I get your verbal vote? Aye or nay?

Mr. Clemons: Aye.

Madam Clerk: Thank you. By recorded vote of seven in favor, zero against agenda item number two has been recommended for approval.

	AYE 7	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	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 is hereby removed and released from the Existing Proffers and said Property will now be subject to the proffers contained herein.

Proffer 2:

Excluding the Property specifically described on Exhibit A, the remaining parcels of land located within the Innovation Park and not owned by the Applicants shall remain subject to the Existing Proffers, which remain in full force and affect.

Proffer 3:

Further conditions may be required by the City during detailed Site Plan review and administration of applicable City codes by all City agencies and departments.

Proffer 4:

Fencing on the Property, other than for screening purposes and where it is necessary for the security of certain facilities or necessary to funnel visitors to designated entry points, is prohibited. The VBDA shall approve all proposed fences for material, color, location, coupled plantings and overall impact.

Proffer 5:

Temporary facilities, other than construction related facilities, shall not be permitted within the front yards and when located in the rear yards, shall be removed immediately upon completion of the permanent facility.

Proffer 6:

All loading/service, refuse, outdoor storage and staging areas must be concealed from public right-of-way view to the greatest extent possible and located at the rear of the building. Year-round screening may consist of walls and plant materials. Wall screening materials must be compatible with the primary structure. The extent of the screen wall and plantings shall be subject to VBDA approval.

Proffer 7:

Those uses permitted in I-1 are permitted on the Property. Those uses requiring a Conditional Use Permit from City Council shall continue to do so.

Proffer 8:

The Innovation Park Design and Development Guidelines, dated January 2023, is attached hereto as Exhibit B and incorporated herein by reference for additional specifications, conditions and requirements related to design requirements, improvements by VBDA, site design, parking, fencing, landscape and plantings, signage, building design, building materials and palette, and exterior lighting in the Innovation Park.

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.

2016 PROFFERS THAT REMAIN IN EFFECT FOR THE REMAINDER OF THE PARK

Proffer 1:

The following, which are listed in Section 1001(a) of the Zoning Ordinance as principal and conditional uses in the I-1 Light Industrial District, shall be the only uses permitted on the Property. Any principal or conditional use listed in Section 1001(a), but not listed below, shall not be permitted on the Property:

- a. Building-mounted antennas, as specified in Section 1001(a);
- b. Business, medical, financial, nonprofit, professional and similar office buildings;
- c. Communication towers, as specified in Section 1001(a);
- d. Fiber-optics transmission facilities;
- e. Manufacturing, processing, extracting, packaging or fabricating establishments; provided that the following uses shall not be allowed: (i) Explosive manufacturing, storage and distribution; (ii) petroleum processing; (iii) processing or outside storage of salvage, scrap or junk;
- f. Printing, lithographic or publishing establishments;
- g. Public buildings and grounds;
- h. Public schools, colleges and universities, and private schools, colleges and universities having similar academic curriculums;
- i. Public utilities installations and substations including offices, as specified in Section 1001(a);
- j. Public utility transformer stations and major transmission lines and towers (fifty thousand (50,000) volts or more);
- k. Radio or television transmission and relay stations;
- l. Small wireless facilities, as specified in Section 1001(a);
- m. Vocational, technical, industrial and trade schools;
- n. Wholesaling, warehousing, storage or distribution establishments; and
- o. Wind energy conversion systems, as specified in Section 1001(a).

Proffer 2:

Accessory structures and uses shall be permitted as set forth in Section 1001(b) of the Zoning Ordinance.

Proffer 3:

The architectural style, exterior building materials, and site design shall be substantially in accordance with the "Design and Development Guidelines – Princess Anne Commons Biomedical Park."

Virginia Beach Planning Commission
March 8, 2023, Public Meeting
Agenda Item # 3

Born Primitive, LLC (Applicant)
Modern Savage Investments, LLC (Property Owner)

Modification of Proffers

Address: Southeastern corner of the intersection of Virginia Beach Boulevard & North Oceana Boulevard

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Horsley: Thank you. Next item on our consent agenda is item number three, Born Primitive, LLC, Modern Salvage Investments, LLC. It's on the consent agenda, Mr. Bourdon.

Mr. Bourdon: Thank you, Commissioner Horsley. Mr. Chairman, members of the Commission, Eddie Bourdon Virginia Beach Attorney representing the applicant, welcome Mr. Parks and Mr. Plumlee. We appreciate being on the consent agenda and appreciate all of the work from Marchelle and keeping us in line to, to get here. Thank you very much.

Mr. Horsley: Thank you. Mr. Plumlee, would you read.

Mr. Plumlee: I was remiss not telling you that I'm representing District six and this is in my District. The applicant seeks to amend proffers associated with the Conditional Rezoning approved by city in 2004. It's now proposing to develop the site with one building consisting of 34,000 approximate square foot warehouse with 7,000 of office space. There has been no objection from the communities in the immediate surrounding area and, it's received staff recommendation for approval. The proposed hours of operation are 9:00 a.m. to 6:00 p.m.

Mr. Horsley: Thank you, Mr. Plumlee.

Mr. Horsley: Thank you. That now concludes the consent agenda.

Mr. Alcaraz: Yeah, read the numbers that are in consent please.

Mr. Horsley: All right. The item numbers on consent, item number one, number three, number four, number five, number six, number seven, number eight, number nine, number 10, number 11, number 12, 13, 14, 15, 16, and 17.

Mr. Alcaraz: All right, thank you. Do I have a motion to approve by consent as read by the Vice Chair?

Mr. Horsley: So moved.

Mr. Plumlee: Second and I do have four items to abstain from.

Mr. Alcaraz: We have a second by Mr. Plumlee. Okay and then any abstentions, and that would be Mr. Plumlee. Go ahead.

Mr. Plumlee: I abstain from items 4, 11, 14, and 15. I don't know if that means you need a second on those, separate from mine, okay, good. All right, thank you.

Mr. Alcaraz: All right, so we have a second.

Madam Clerk: Thank you. The vote is open.

Mr. Alcaraz: Oh sorry, hold. Mr. Clemons voting screen is not working. Can you take his verbal?

Madam Clerk: Oh, Mr. Clemons, I'm sorry. Aye or nay?

Mr. Clemons: Aye.

Madam Clerk: Thank you. And to clarify, Mr. Plumlee, you're abstaining from four items 4, 11, 14, and 15?

Mr. Plumlee: Correct.

Madam Clerk: Okay.

Mr. Alcaraz: That's correct.

Madam Clerk: By vote of seven to zero agenda items one, three, five, six, seven, eight, nine, 10, 12, 13, 16, and 17 have been recommended for approval by consent by a vote of six in favor, zero against with an abstention by Commissioner Plumlee, agenda items 4, 11, 14 and 15 have been recommended for approval by consent.

	AYE 7	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

PROFFERS

The following are proffers submitted by the applicant as part of a Conditional Zoning Agreement (CZA). The applicant, consistent with Section 107(h) of the City Zoning Ordinance, has voluntarily submitted these proffers in an attempt to "offset identified problems to the extent that the proposed rezoning is acceptable," (§107(h)(1)). Should this application be approved, the

proffers will be recorded at the Circuit Court and serve as conditions restricting the use of the property as proposed with this change of zoning.

Proffer 1:

When the Property is developed, it shall be developed substantially as shown on the exhibit entitled, "CONCEPTUAL SITE LAYOUT FOR BORN PRIMITIVE WAREHOUSE VIRGINIA BEACH, VIRGINIA", dated 01/03/23, prepared by TRC Engineers, Inc., which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning (hereinafter "Concept Plan").

Proffer 2:

When the Property is developed, it shall be landscaped substantially as depicted on the exhibit entitled "CONCEPTUAL PLANTING PLAN & SCHEDULE FOR BORN PRIMITIVE WAREHOUSE, VIRGINIA BEACH, VIRGINIA", dated 01/03/2023, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning (hereinafter "Landscape Plan").

Proffer 3:

When the Property is developed, the exterior of the warehouse with ancillary office area shown on the Concept Plan shall be substantially similar in appearance to and shall utilize the external building materials and architectural features as depicted on the exhibit entitled "NEW WAREHOUSE FOR BORN PRIMITIVE, OCEANA COMMERCE CENTER, VIRGINIA BEACH, VA", dated 01/03/23, prepared by Covington, Hendrix, Anderson Architects, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning (hereinafter referred to as the "Elevations").

Proffer 4:

When the Property is developed as depicted on the Concept Plan, Landscape Plan and Elevations, its use shall be for office/warehouse.

Proffer 5:

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

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

**Virginia Beach Planning Commission
March 8, 2023, Public Meeting
Agenda Item # 4**

Kempes Village Two, LLC (Applicant & Property Owner)

Modification of Conditions

Address: East of the intersection at Oakmeads Crest & Princess Anne Road

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Horsley: All right, the next item is item number four, Kempes Village Two, LLC, Modification of Conditions.

Mr. Beaman: Thank you, Mr. Vice Chair, members of the Commission. For the record, my name is Rob Beaman, local land use attorney with the Troutman Pepper Law Firm here today on behalf of the applicant. We have had a chance to read the conditions that are acceptable and we appreciate being on the consent agenda. Thank you very much.

Mr. Horsley: Thank you, Mr. Beaman. And I'll read the verbatim on this one. The staff's opinion that the Modification of Conditions to Multi-Family Conditional Use is acceptable. The Comprehensive Plan recommends residential uses. We just passed last month a change in the zoning of density and Council passed it last night, and it similarly applies to this application. It'll complete the development in the Kempesville area, Historic area and it'll all look like, looks the same people did the same work, and I think it's very well, very well done. So we put it on our consent agenda.

Mr. Horsley: Thank you. That now concludes the consent agenda.

Mr. Alcaraz: Yeah, read the numbers that are in consent please.

Mr. Horsley: All right. The item numbers on consent, item number one, number three, number four, number five, number six, number seven, number eight, number nine, number 10, number 11, number 12, 13, 14, 15, 16, and 17.

Mr. Alcaraz: All right, thank you. Do I have a motion to approve by consent as read by the Vice Chair?

Mr. Horsley: So moved.

Mr. Plumlee: Second and I do have four items to abstain from.

Mr. Alcaraz: We have a second by Mr. Plumlee. Okay and then any abstentions, and that would be Mr. Plumlee. Go ahead.

Mr. Plumlee: I abstain from items 4, 11, 14, and 15. I don't know if that means you need a second on those, separate from mine, okay, good. All right, thank you.

Mr. Alcaraz: All right, so we have a second.

Madam Clerk: Thank you. The vote is open.

Mr. Alcaraz: Oh sorry, hold. Mr. Clemons voting screen is not working. Can you take his verbal?

Madam Clerk: Oh, Mr. Clemons, I'm sorry. Aye or nay?

Mr. Clemons: Aye.

Madam Clerk: Thank you. And to clarify, Mr. Plumlee, you're abstaining from four items 4, 11, 14, and 15?

Mr. Plumlee: Correct.

Madam Clerk: Okay.

Mr. Alcaraz: That's correct.

Madam Clerk: By vote of seven to zero agenda items one, three, five, six, seven, eight, nine, 10, 12, 13, 16, and 17 have been recommended for approval by consent by a vote of six in favor, zero against with an abstention by Commissioner Plumlee, agenda items 4, 11, 14 and 15 have been recommended for approval by consent.

	AYE 6	NAY 0	ABS 1	ABSENT 0
Alcaraz	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee			ABSTAIN	

CONDITIONS

1. All conditions attached to the existing Conditional Use Permits approved by the Virginia Beach City Council on April 10, 2012 shall be null and void and replaced with the conditions listed below.
2. The site shall be developed substantially as shown on the submitted Site Plan, entitled "Overall Development of 525 Kempsville", prepared by AES Consulting Engineers, and dated January 17, 2023, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
3. The maximum number of dwelling units shall not exceed 186.

4. The applicant shall provide parking per the parking evaluation submitted by AES Consulting Engineers dated February 13, 2023 and as approved by the Zoning Administrator on February 20, 2023.
5. Exterior building materials and colors for the buildings to be constructed on the site shall be substantially as shown on the submitted elevations entitled "Historic Kempsville Apartments, Virginia Beach, Virginia," prepared by TS3 Architecture, and dated January 26, 2023, which have been exhibited to the Virginia Beach City Council and are on file in the Department of Planning and Community Development.
6. Site and building identification signs shall be substantially as shown on Sheet A-7 submitted with the 2012 Conditional Use Permit application and entitled "Hampton Roads Housing Company and Ripley Heatwole Company, Inc." and dated January 26, 2011, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
7. The additional monument-style sign to be installed along Princess Anne Road shall be substantially as shown on the exhibit entitled "Brick Monument with Cement Caps", which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
8. The applicant shall provide for public pedestrian connectivity via the "Nature Trail," as depicted on the Site Plan referenced in Condition 1.
9. The conditions of the Chesapeake Bay Preservation Area Board approval on February 27, 2012 shall remain in effect and shall be met

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.

2012 APPROVED CONDITIONS

1. The site shall be developed substantially as shown on the submitted Site Plan, entitled "Kempes Village Site Plan E, prepared for Hampton Roads Housing Company and Ripley Heatwole Company, Inc.", and dated February 29, 2012, except as modified below by Condition 2.
2. The maximum number of dwelling units located on the site shall not exceed 170. The applicant shall provide between 5,000 and 15,000 square feet of non-residential use within either the Cottages building(s) or the Schoolhouse building; however, the applicant shall provide the required number of parking spaces for such use per Section 203 of the City Zoning Ordinance.

3. The buildings to be constructed on the site shall be substantially as shown on Sheets A-4 through A-6 submitted with the Conditional Use Permit application and entitled "Hampton Roads Housing Company and Ripley Heatwole Company, Inc." and dated January 26, 2012.
4. Exterior building materials and colors for the buildings to be constructed on the site shall be substantially as shown on Sheet A-8 submitted with the Conditional Use Permit application and entitled "Hampton Roads Housing Company and Ripley Heatwole Company, Inc." and dated January 26, 2012.
5. Site and building identification signs shall be substantially as shown on Sheet A-7 submitted with the Conditional Use Permit application and entitled "Hampton Roads Housing Company and Ripley Heatwole Company, Inc." and dated January 26, 2012.
6. The applicant shall conduct a Traffic Impact Study (TIS) and submit said study to the Department of Public Works / Traffic Engineering for review and approval. The applicant shall then collaborate with Traffic Engineering pertaining to any recommendations from the TIS regarding improvements to the adjacent roadways that the TIS concludes are directly attributable to the development project.
7. The applicant shall provide for public pedestrian connectivity via the "Nature Trail," as depicted on the Site Plan referenced in Condition 1.
8. The applicant shall cause an Archaeological Survey to be conducted of the site prior to any land disturbance.
9. None of the above conditions relieve the applicant of meeting the conditions of the Chesapeake Bay Preservation Area Board approval on February 27, 2012.

**Virginia Beach Planning Commission
March 8, 2023, Public Meeting
Agenda Item # 5**

B and B Associates of Virginia, Inc (Applicant)
Indian River Apartments, LLC (Property Owner)

Change in Nonconformity (Expansion of Apartment Complex)

Address: 1008 Mineola Drive

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Horsley: The next item on the consent agenda is item number five B and B Associates of Virginia, Inc, Indian River Apartment, LLC.

Ms. Smith: Thank you, Mr. Vice Chairman. For the record, my name is Lindsey Kearney Smith with the Kearney Patterson Mead Law Firm in Newport News here on behalf of the applicant. We've had the opportunity to review the conditions and they're acceptable and we thank you and Michaela for her work.

Mr. Horsley: Thank you. We will ask Ms. Cuellar to read this.

Ms. Cuellar: Thank you. This is a request to expand a nonconforming use to add an additional building to the Indian River Apartment and Townhouse Complex. The new building will be used as a leasing office and amenity space for the complex. The amenities include that are proposed an outdoor patio and fitness facility. The Commission was invited to visit the site last week, and given that there is staff approval and Commission approval and no objections, we therefore put this on the consent agenda.

Mr. Horsley: Thank you. That now concludes the consent agenda.

Mr. Alcaraz: Yeah, read the numbers that are in consent please.

Mr. Horsley: All right. The item numbers on consent, item number one, number three, number four, number five, number six, number seven, number eight, number nine, number 10, number 11, number 12, 13, 14, 15, 16, and 17.

Mr. Alcaraz: All right, thank you. Do I have a motion to approve by consent as read by the Vice Chair?

Mr. Horsley: So moved.

Mr. Plumlee: Second and I do have four items to abstain from.

Mr. Alcaraz: We have a second by Mr. Plumlee. Okay and then any abstentions, and that would be Mr. Plumlee. Go ahead.

Mr. Plumlee: I abstain from items 4, 11, 14, and 15. I don't know if that means you need a second on those, separate from mine, okay, good. All right, thank you.

Mr. Alcaraz: All right, so we have a second.

Madam Clerk: Thank you. The vote is open.

Mr. Alcaraz: Oh sorry, hold. Mr. Clemons voting screen is not working. Can you take his verbal?

Madam Clerk: Oh, Mr. Clemons, I'm sorry. Aye or nay?

Mr. Clemons: Aye.

Madam Clerk: Thank you. And to clarify, Mr. Plumlee, you're abstaining from four items 4, 11, 14, and 15?

Mr. Plumlee: Correct.

Madam Clerk: Okay.

Mr. Alcaraz: That's correct.

Madam Clerk: By vote of seven to zero agenda items one, three, five, six, seven, eight, nine, 10, 12, 13, 16, and 17 have been recommended for approval by consent by a vote of six in favor, zero against with an abstention by Commissioner Plumlee, agenda items 4, 11, 14 and 15 have been recommended for approval by consent.

	AYE 7	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

CONDITIONS

1. The proposed expansion shall be developed substantially as depicted on the conceptual site plan entitled "Indian River Apartments- Leasing Office 1008 Mineola Drive", prepared by AES Consulting Engineers, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
2. The exterior of the proposed building expansion shall substantially adhere in appearance, size, and materials to the submitted elevations entitled "Indian River Garden Apartments- Exterior Elevations", dated December 9, 2022, prepared by Beacon Architecture and

Design, which has been exhibited to the Virginia Beach City Council is on file in the Department of Planning & Community Development.

3. A Landscape Plan shall be submitted to the Development Services Center of the Department of Planning and Community Development for review and ultimate approval prior to the issuance of a Certificate of Occupancy. The Landscaping Plan shall address all requirements of the Landscaping Guide including, but not limited to, the installation of street frontage plantings, building foundation plantings, and interior display plantings. All landscaping shall be maintained on-site in accordance with the approved Landscape Plan.
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.

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
March 8, 2023, Public Meeting
Agenda Item # 6**

David C. & Meril B. Gerstenmaier (Applicant)

Street Closure

Address: 650 S. Atlantic Avenue & Lot 22, block 20, Croatan Beach

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Horsley: Thank you. The next item is item number six, David & Merrill Gerstenmaier probably butchered that, but anyway, Mr. Bourdon.

Mr. Bourdon: Again, Mr. Chairman, members of the Commission, Eddie Bourdon Virginia Beach Attorney representing the Gerstenmaiers, this is typical Street Closure, alley closure in Croatan. The four conditions as recommended by staff are acceptable to the Gerstenmaiers and appreciate being on the consent agenda. Thank you.

Mr. Horsley: Thank you Mr. Bourdon. Mr. Alcaraz is gonna read that one.

Mr. Alcaraz: Sorry, this is for the Gerstenmaier who is asking for a Street Closure for 15-foot portion of an unimproved alley adjacent to 650 South Atlantic Avenue at Lot 22 and Block 20 of Croatan Beach and we put this on the consent agenda, thank you.

Mr. Horsley: Thank you Mr. Chairman.

Mr. Horsley: Thank you. That now concludes the consent agenda.

Mr. Alcaraz: Yeah, read the numbers that are in consent please.

Mr. Horsley: All right. The item numbers on consent, item number one, number three, number four, number five, number six, number seven, number eight, number nine, number ten, number eleven, number twelve, thirteen, fourteen, fifteen, sixteen, and seventeen.

Mr. Alcaraz: All right, thank you. Do I have a motion to approve by consent as read by the Vice Chair?

Mr. Horsley: So moved.

Mr. Plumlee: Second and I do have four items to abstain from.

Mr. Alcaraz: We have a second by Mr. Plumlee. Okay and then any abstentions, and that would be Mr. Plumlee. Go ahead.

Mr. Plumlee: I abstain from items four, eleven, fourteen, and fifteen. I don't know if that means you need a second on those, separate from mine, okay, good. All right, thank you.

Mr. Alcaraz: All right, so we have a second.

Madam Clerk: Thank you. The vote is open.

Mr. Alcaraz: Oh sorry, hold. Mr. Clemons voting screen is not working. Can you take his verbal?

Madam Clerk: Oh, Mr. Clemons, I'm sorry. Aye or nay?

Mr. Clemons: Aye.

Madam Clerk: Thank you. And to clarify, Mr. Plumlee, you're abstaining from four items 4, 11, 14, and 15?

Mr. Plumlee: Correct.

Madam Clerk: Okay.

Mr. Alcaraz: That's correct.

Madam Clerk: By vote of seven to zero agenda items one, three, five, six, seven, eight, nine, 10, 12, 13, 16, and 17 have been recommended for approval by consent by a vote of six in favor, zero against with an abstention by Commissioner Plumlee, agenda items 4, 11, 14 and 15 have been recommended for approval by consent.

	AYE 7	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

CONDITIONS

1. The City Attorney's Office will make the final determination regarding ownership of the underlying fee. The purchase price to be paid to the City shall be determined according to the "Policy Regarding Purchase of City's Interest in Streets Pursuant to Street Closures," approved by City Council. Copies of the policy are available in the Department of Planning and Community Development.
2. The applicant, or the applicant's successors or assigns, shall resubdivide the properties and vacate internal lot lines to incorporate the closed area into the adjoining parcels. The resubdivision plat must be submitted and approved for recordation prior to the final street closure approval.

3. The applicant or the applicant's successors or assigns shall verify that no private utilities exist within the right-of-way proposed for the closure. If private utilities do exist, easements satisfactory to the utility company, must be provided.
4. Closure of the rights-of-way shall be contingent upon compliance with the above stated conditions within 365 days of approval by City Council. If the conditions noted above are not accomplished and the final plats are not approved for recordation within one year of the City Council vote to close the right-of-way this approval shall be considered null and void.

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

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

**Virginia Beach Planning Commission
March 8, 2023, Public Meeting
Agenda Item # 7**

Duy Vu (Applicant)
Davisville Properties, LLC (Property Owner)

Conditional Use Permit (Tattoo Parlor)

Address: 737 First Colonial Road, Unit 212

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Horsley: The next item number seven is the application for Mr. Duy Vu, applicant Davisville Properties, LLC, Conditional Use Permit for Tattoo Parlor. Is the applicant here or representative of the applicant?

Mr. Coston: I think that's the one who will be absent.

Mr. Horsley: Okay, we'll have Mr. Plumlee to read this.

Mr. Plumlee: Thank you. The applicant is requesting a Conditional Use Permit to operate a Tattoo Parlor specifically for the application of permanent makeup. Staff has indicated in its report it's acceptable given that the use is compatible with other existing commercial business. There are no identified secondary effects and the conditions in my understanding were agreed to, and there's been no opposition, therefore, we placed it on the consent agenda.

Mr. Horsley: Thank you, Mr. Plumlee.

Mr. Horsley: Thank you. That now concludes the consent agenda.

Mr. Alcaraz: Yeah, read the numbers that are in consent please.

Mr. Horsley: All right. The item numbers on consent, item number one, number three, number four, number five, number six, number seven, number eight, number nine, number 10, number 11, number 12, 13, 14, 15, 16, and 17.

Mr. Alcaraz: All right, thank you. Do I have a motion to approve by consent as read by the Vice Chair?

Mr. Horsley: So moved.

Mr. Plumlee: Second and I do have four items to abstain from.

Mr. Alcaraz: We have a second by Mr. Plumlee. Okay and then any abstentions, and that would be Mr. Plumlee. Go ahead.

Mr. Plumlee: I abstain from items 4, 11, 14, and 15. I don't know if that means you need a second on those, separate from mine, okay, good. All right, thank you.

Mr. Alcaraz: All right, so we have a second.

Madam Clerk: Thank you. The vote is open.

Mr. Alcaraz: Oh sorry, hold. Mr. Clemons voting screen is not working. Can you take his verbal?

Madam Clerk: Oh, Mr. Clemons, I'm sorry. Aye or nay?

Mr. Clemons: Aye.

Madam Clerk: Thank you. And to clarify, Mr. Plumlee, you're abstaining from four items 4, 11, 14, and 15?

Mr. Plumlee: Correct.

Madam Clerk: Okay.

Mr. Alcaraz: That's correct.

Madam Clerk: By vote of seven to zero agenda items one, three, five, six, seven, eight, nine, 10, 12, 13, 16, and 17 have been recommended for approval by consent by a vote of six in favor, zero against with an abstention by Commissioner Plumlee, agenda items 4, 11, 14 and 15 have been recommended for approval by consent.

	AYE 7	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

CONDITIONS

1. A business license for the Tattoo Parlor shall not be issued to the applicant without the approval of the Health Department to ensure compliance with the provisions of Chapter 23-51 of the City Code.
2. This Conditional Use Permit for a Tattoo Parlor shall be limited to the application of permanent make-up. No other form of tattooing shall be permitted.
3. The actual application of permanent make-up shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.

4. 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 signage 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 Department of Planning & Community Development for the installation of any new signs.

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

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

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

Elizabeth Darling (Applicant)

Procopis John Damalas Family Limited Partnership (Property Owner)

Conditional Use Permit (Tattoo Parlor)

Address: 1776 Laskin Road, Unit 104

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Horsley: Item number eight is the next item. Elizabeth Darling, the applicant for Conditional Use Permit for a Tattoo Parlor.

Ms. Darling: Hi I was here this morning and I know that it was moved to consent, so I appreciate that I was working with Michaela, but I'm not really sure what else to say. So if you have questions, I can answer them.

Mr. Horsley: Their conditions are they acceptable, the conditions?

Ms. Darling: They are.

Mr. Horsley: They are acceptable. Thank you.

Ms. Darling: Thank you.

Mr. Horsley: We've asked Mr. Coston if he would read this.

Mr. Coston: The applicant has requested a Conditional Use Permit to operate a Tattoo Parlor for traditional tattooing within an existing unit at Damalas Centre Shopping Centre. The Shopping Centre is located at along Laskin Road on property zoned B-2 Community Business District. The staff has recommended approval and the commission has concurred and therefore we have placed this item on the consent agenda.

Mr. Horsley: Thank you Mr. Coston.

Mr. Horsley: Thank you. That now concludes the consent agenda.

Mr. Alcaraz: Yeah, read the numbers that are in consent please.

Mr. Horsley: All right. The item numbers on consent, item number one, number three, number four, number five, number six, number seven, number eight, number nine, number 10, number 11, number 12, 13, 14, 15, 16, and 17.

Mr. Alcaraz: All right, thank you. Do I have a motion to approve by consent as read by the Vice Chair?

Mr. Horsley: So moved.

Mr. Plumlee: Second and I do have four items to abstain from.

Mr. Alcaraz: We have a second by Mr. Plumlee. Okay and then any abstentions, and that would be Mr. Plumlee. Go ahead.

Mr. Plumlee: I abstain from items 4, 11, 14, and 15. I don't know if that means you need a second on those, separate from mine, okay, good. All right, thank you.

Mr. Alcaraz: All right, so we have a second.

Madam Clerk: Thank you. The vote is open.

Mr. Alcaraz: Oh sorry, hold. Mr. Clemons voting screen is not working. Can you take his verbal?

Madam Clerk: Oh, Mr. Clemons, I'm sorry. Aye or nay?

Mr. Clemons: Aye.

Madam Clerk: Thank you. And to clarify, Mr. Plumlee, you're abstaining from four items 4, 11, 14, and 15?

Mr. Plumlee: Correct.

Madam Clerk: Okay.

Mr. Alcaraz: That's correct.

Madam Clerk: By vote of seven to zero agenda items one, three, five, six, seven, eight, nine, 10, 12, 13, 16, and 17 have been recommended for approval by consent by a vote of six in favor, zero against with an abstention by Commissioner Plumlee, agenda items 4, 11, 14 and 15 have been recommended for approval by consent.

	AYE 7	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

CONDITIONS

1. A business license for the Tattoo Parlor shall not be issued to the applicant without the approval of the Health Department to ensure compliance with the provisions of Chapter 23-51 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 signage 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 Department of Planning & Community Development for the installation of any new signs.

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

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

Virginia Beach Planning Commission
March 8, 2023, Public Meeting
Agenda Item # 9

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

Conditional Use Permit (Tattoo Parlor)

Address: 2077 Lynnhaven Parkway, Suite 103

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Horsley: The next item is number nine, Jihyeon Son, Lynnhaven Fund, LLC Conditional Use Permit for a Tattoo Parlor.

Ms. Son: Thank you. My name is Jihyeon Son and I'm requesting for a Conditional Use Permit for a Tattoo Parlor, and I appreciate your consent.

Mr. Horsley: Are the conditions acceptable?

Ms. Son: Yes.

Mr. Horsley: Thank you.

Ms. Son: Thank you.

Mr. Horsley: We've asked Ms. Cuellar to read this one.

Ms. Cuellar: Thank you. The applicant is requesting a Conditional Use Permit to operate a Tattoo Parlor specifically for the application of permanent makeup known as microblading, within an existing beauty salon at the Salem Cross Shopping Center. The shopping center is located along Lynnhaven Parkway on the property zoned B-2 Community Business District. The applicant has met all the conditions and on staff's recommendation for approval we have placed this on the consent agenda.

Mr. Horsley: Thank you. That now concludes the consent agenda.

Mr. Alcaraz: Yeah, read the numbers that are in consent please.

Mr. Horsley: All right. The item numbers on consent, item number one, number three, number four, number five, number six, number seven, number eight, number nine, number 10, number 11, number 12, 13, 14, 15, 16, and 17.

Mr. Alcaraz: All right, thank you. Do I have a motion to approve by consent as read by the Vice Chair?

Mr. Horsley: So moved.

Mr. Plumlee: Second and I do have four items to abstain from.

Mr. Alcaraz: We have a second by Mr. Plumlee. Okay and then any abstentions, and that would be Mr. Plumlee. Go ahead.

Mr. Plumlee: I abstain from items 4, 11, 14, and 15. I don't know if that means you need a second on those, separate from mine, okay, good. All right, thank you.

Mr. Alcaraz: All right, so we have a second.

Madam Clerk: Thank you. The vote is open.

Mr. Alcaraz: Oh sorry, hold. Mr. Clemons voting screen is not working. Can you take his verbal?

Madam Clerk: Oh, Mr. Clemons, I'm sorry. Aye or nay?

Mr. Clemons: Aye.

Madam Clerk: Thank you. And to clarify, Mr. Plumlee, you're abstaining from four items 4, 11, 14, and 15?

Mr. Plumlee: Correct.

Madam Clerk: Okay.

Mr. Alcaraz: That's correct.

Madam Clerk: By vote of seven to zero agenda items one, three, five, six, seven, eight, nine, 10, 12, 13, 16, and 17 have been recommended for approval by consent by a vote of six in favor, zero against with an abstention by Commissioner Plumlee, agenda items 4, 11, 14 and 15 have been recommended for approval by consent.

	AYE 7	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

CONDITIONS

1. A business license for the Tattoo Parlor shall not be issued to the applicant without the approval of the Health Department to ensure compliance with the provisions of Chapter 23-51 of the City Code.

2. This Conditional Use Permit for a Tattoo Parlor shall be limited to the application of permanent make-up. No other form of tattooing shall be permitted.
3. The actual application of permanent make-up shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
4. 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 signage 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 Department of Planning & Community Development for the installation of any new signs.

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

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

**Virginia Beach Planning Commission
March 8, 2023, Public Meeting
Agenda Item # 10**

Oanh Khau (Applicant)
Sam Cape Henry Plaza, LLC (Property Owner)

Conditional Use Permit (Tattoo Parlor)

Address: 2817 Shore Drive, Suite 112

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Horsley: Next item is item number 10, Oanh Khau, Sam Cape Henry Plaza, LLC Conditional Use Permit for Tattoo Parlor. Is the applicant or a representative here? So, they're not here, so assume the conditions will have to be acceptable. We've asked Ms. Cuellar if she would read this.

Ms. Cuellar: This business is in District eight and the applicant is requesting a Conditional Use Permit to operate a Tattoo Parlor specifically for the application of permanent makeup known as microblading. It's located within a beauty salon at the Cape Henry Plaza Shopping Center. And given that there is no opposition, and the applicant is agreeable to the conditions, staff and the Commission recommended this for the consent agenda.

Mr. Horsley: Thank you Ms. Cuellar.

Mr. Horsley: Thank you. That now concludes the consent agenda.

Mr. Alcaraz: Yeah, read the numbers that are in consent please.

Mr. Horsley: All right. The item numbers on consent, item number one, number three, number four, number five, number six, number seven, number eight, number nine, number 10, number 11, number 12, 13, 14, 15, 16, and 17.

Mr. Alcaraz: All right, thank you. Do I have a motion to approve by consent as read by the Vice Chair?

Mr. Horsley: So moved.

Mr. Plumlee: Second and I do have four items to abstain from.

Mr. Alcaraz: We have a second by Mr. Plumlee. Okay and then any abstentions, and that would be Mr. Plumlee. Go ahead.

Mr. Plumlee: I abstain from items 4, 11, 14, and 15. I don't know if that means you need a second on those, separate from mine, okay, good. All right, thank you.

Mr. Alcaraz: All right, so we have a second.

Madam Clerk: Thank you. The vote is open.

Mr. Alcaraz: Oh sorry, hold. Mr. Clemons voting screen is not working. Can you take his verbal?

Madam Clerk: Oh, Mr. Clemons, I'm sorry. Aye or nay?

Mr. Clemons: Aye.

Madam Clerk: Thank you. And to clarify, Mr. Plumlee, you're abstaining from four items 4, 11, 14, and 15?

Mr. Plumlee: Correct.

Madam Clerk: Okay.

Mr. Alcaraz: That's correct.

Madam Clerk: By vote of seven to zero agenda items one, three, five, six, seven, eight, nine, 10, 12, 13, 16, and 17 have been recommended for approval by consent by a vote of six in favor, zero against with an abstention by Commissioner Plumlee, agenda items 4, 11, 14 and 15 have been recommended for approval by consent.

	AYE 7	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

CONDITIONS

1. A business license for the Tattoo Parlor shall not be issued to the applicant without the approval of the Health Department to ensure compliance with the provisions of Chapter 23-51 of the City Code.
2. This Conditional Use Permit for a Tattoo Parlor shall be limited to the application of permanent make-up. No other form of tattooing shall be permitted.
3. The actual application of permanent make-up shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
4. 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 signage 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 Department of Planning & Community Development for the installation of any new signs.

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

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

**Virginia Beach Planning Commission
March 8, 2023, Public Meeting
Agenda Item # 11**

Joe White (Applicant)
Pembroke Square Associates, LLC (Property Owner)

Alternative Compliance

Address: 4564 Virginia Beach Boulevard

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Horsley: Next item is number 11 is Joe White, Pembroke Square Associates, LLC for an Alternative Compliance. Is there a representative? Yes sir.

Mr. White: Hi, I'm Joe White. I'm representing Kohl's and the additional square footage of the Sephora logo to name and to their signage, just looking for additional square footage.

Mr. Horsley: So are the conditions acceptable?

Mr. White: Yes.

Mr. Horsley: All right. Thank you, sir. I've asked Mr. Parks if he would read this one.

Mr. Parks: Thank you. The applicant is requesting wall signage larger than 60 square feet, which is the maximum size permitted by the Central Business Core Zoning Regulations. There's an existing 160.1 square foot wall sign on the facade. The applicant is requesting an additional 57.7 square foot sign below the existing sign, which would total 217.8 square feet of wall signage. Section 2205 of the City Zoning Ordinance allows for City Council to grant special exceptions to Alternative Compliance for signage that does not conform to the signage regulations of the Central Business Core Form Based Code. This additional signage will keep in with the branding for Sephora and Kohl and with no opposition and CBC approval. The Planning Commission recommends, and staff recommends this be on the consent agenda.

Mr. Horsley: Thank you sir.

Mr. Horsley: Thank you. That now concludes the consent agenda.

Mr. Alcaraz: Yeah, read the numbers that are in consent please.

Mr. Horsley: All right. The item numbers on consent, item number one, number three, number four, number five, number six, number seven, number eight, number nine, number 10, number 11, number 12, 13, 14, 15, 16, and 17.

Mr. Alcaraz: All right, thank you. Do I have a motion to approve by consent as read by the Vice Chair?

Mr. Horsley: So moved.

Mr. Plumlee: Second and I do have four items to abstain from.

Mr. Alcaraz: We have a second by Mr. Plumlee. Okay and then any abstentions, and that would be Mr. Plumlee. Go ahead.

Mr. Plumlee: I abstain from items 4, 11, 14, and 15. I don't know if that means you need a second on those, separate from mine, okay, good. All right, thank you.

Mr. Alcaraz: All right, so we have a second.

Madam Clerk: Thank you. The vote is open.

Mr. Alcaraz: Oh sorry, hold. Mr. Clemons voting screen is not working. Can you take his verbal?

Madam Clerk: Oh, Mr. Clemons, I'm sorry. Aye or nay?

Mr. Clemons: Aye.

Madam Clerk: Thank you. And to clarify, Mr. Plumlee, you're abstaining from four items 4, 11, 14, and 15?

Mr. Plumlee: Correct.

Madam Clerk: Okay.

Mr. Alcaraz: That's correct.

Madam Clerk: By vote of seven to zero agenda items one, three, five, six, seven, eight, nine, 10, 12, 13, 16, and 17 have been recommended for approval by consent by a vote of six in favor, zero against with an abstention by Commissioner Plumlee, agenda items 4, 11, 14 and 15 have been recommended for approval by consent.

	AYE 6	NAY 0	ABS 1	ABSENT 0
Alcaraz	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee			ABSTAIN	

CONDITIONS

1. The sign shall be installed substantially as shown in the plan set, entitled "Kohl's + Sephora", prepared by Jones Sign Company, and dated August 31, 2021, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
2. Existing foundation landscaping shall remain and be maintained. Any modification to the existing landscaping shall be reviewed and approved through the Development Services Center of the Department of Planning and Community Development.

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

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

**Virginia Beach Planning Commission
March 8, 2023, Public Meeting
Agenda Item # 12**

Ocean Chillin, LLC (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 303 Atlantic Avenue, Unit 300

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Horsley: Next item is item number 12, Ocean Chillin, LLC, Conditional Use Permit for Short-Term Rental.

Ms. Lane: Good afternoon, Michelle Partridge Lane representing Ocean Chillin, LLC Short-Term Rental Conditional Use Permit, and all conditions are acceptable.

Mr. Horsley: Thank you, ma'am. We've asked Ms. Cuellar if she would fill in for Mr. Wiener since he retired as a short-term rental specialist.

Ms. Cuellar: Quite a few applicants today for Short Term Rentals. In review of the applications, we found that all of the applicants are in compliance with the zoning for a Short-Term Rental at the oceanfront and there is no known opposition. All of which are approved for recommendation on the consent agenda.

Mr. Horsley: Thank you. That now concludes the consent agenda.

Mr. Alcaraz: Yeah, read the numbers that are in consent please.

Mr. Horsley: All right. The item numbers on consent, item number one, number three, number four, number five, number six, number seven, number eight, number nine, number ten, number eleven, number twelve, thirteen, fourteen, fifteen, sixteen, and seventeen.

Mr. Alcaraz: All right, thank you. Do I have a motion to approve by consent as read by the Vice Chair?

Mr. Horsley: So moved.

Mr. Plumlee: Second and I do have four items to abstain from.

Mr. Alcaraz: We have a second by Mr. Plumlee. Okay and then any abstentions, and that would be Mr. Plumlee. Go ahead.

Mr. Plumlee: I abstain from items four, eleven, fourteen, and fifteen. I don't know if that means you need a second on those, separate from mine, okay, good. All right, thank you.

Mr. Alcaraz: All right, so we have a second.

Madam Clerk: Thank you. The vote is open.

Mr. Alcaraz: Oh sorry, hold. Mr. Clemons voting screen is not working. Can you take his verbal?

Madam Clerk: Oh, Mr. Clemons, I'm sorry. Aye or nay?

Mr. Clemons: Aye.

Madam Clerk: Thank you. And to clarify, Mr. Plumlee, you're abstaining from four items 4, 11, 14, and 15?

Mr. Plumlee: Correct.

Madam Clerk: Okay.

Mr. Alcaraz: That's correct.

Madam Clerk: By vote of seven to zero agenda items one, three, five, six, seven, eight, nine, 10, 12, 13, 16, and 17 have been recommended for approval by consent by a vote of six in favor, zero against with an abstention by Commissioner Plumlee, agenda items 4, 11, 14 and 15 have been recommended for approval by consent.

	AYE 7	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 303 Atlantic Avenue, Unit 300 and the Short Term Rental use shall only occur in the principal structure.
2. An annual 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

Department of Planning and Community Development; however, the 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 Department of Planning and Community Development 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 Department of Planning and Community Development 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 and Community Development 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 Department of Planning and Community Development 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 Department of Planning and Community Development 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 and Community Development / Development Services Center and Department of Planning and Community Development / 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
March 8, 2023, Public Meeting
Agenda Item # 13

Michael Biondolillo (Applicant)
Helen A. Lewis (Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 2113 Atlantic Avenue, Unit 2C

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Horsley: Next item is item number 13, Michael Biondolillo, Conditional Use Permit for a Short Term Rental also.

Ms. Chapman: Good afternoon. My name is Margie Chapman. I'm here on behalf of the applicant and we accept your conditions.

Mr. Horsley: Thank you, ma'am. Ms. Cuellar.

Ms. Cuellar: This application is compliant for a short-term rental and the staff and commission recommended for approval.

Mr. Horsley: Thank you. That now concludes the consent agenda.

Mr. Alcaraz: Yeah, read the numbers that are in consent please.

Mr. Horsley: All right. The item numbers on consent, item number one, number three, number four, number five, number six, number seven, number eight, number nine, number 10, number 11, number 12, 13, 14, 15, 16, and 17.

Mr. Alcaraz: All right, thank you. Do I have a motion to approve by consent as read by the Vice Chair?

Mr. Horsley: So moved.

Mr. Plumlee: Second and I do have four items to abstain from.

Mr. Alcaraz: We have a second by Mr. Plumlee. Okay and then any abstentions, and that would be Mr. Plumlee. Go ahead.

Mr. Plumlee: I abstain from items 4, 11, 14, and 15. I don't know if that means you need a second on those, separate from mine, okay, good. All right, thank you.

Mr. Alcaraz: All right, so we have a second.

Madam Clerk: Thank you. The vote is open.

Mr. Alcaraz: Oh sorry, hold. Mr. Clemons voting screen is not working. Can you take his verbal?

Madam Clerk: Oh, Mr. Clemons, I'm sorry. Aye or nay?

Mr. Clemons: Aye.

Madam Clerk: Thank you. And to clarify, Mr. Plumlee, you're abstaining from four items 4, 11, 14, and 15?

Mr. Plumlee: Correct.

Madam Clerk: Okay.

Mr. Alcaraz: That's correct.

Madam Clerk: By vote of seven to zero agenda items one, three, five, six, seven, eight, nine, 10, 12, 13, 16, and 17 have been recommended for approval by consent by a vote of six in favor, zero against with an abstention by Commissioner Plumlee, agenda items 4, 11, 14 and 15 have been recommended for approval by consent.

	AYE 7	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 2113 Atlantic Avenue, Unit 2C and the Short Term Rental use shall only occur in the principal structure.
2. An annual 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) 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 Department of Planning and Community Development; however, the 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 Department of Planning and Community Development 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 Department of Planning and Community Development 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 and Community Development 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 Department of Planning and Community Development 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 Department of Planning and Community Development 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 and Community Development / Development Services Center and Department of Planning and Community Development / 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
March 8, 2023, Public Meeting
Agenda Item # 14

AS-SXM, LLC (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 1800 Baltic Avenue

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Horsley: Thank you. Next item number 14, it's AS-SXM, LLC Conditional Use Permit for Short-Term Rental.

Mr. Bourdon: Eddie Bourdon representing AS-SXM, LLC and while I'm up here, the next one Prodan Management Group, LLC and the 18 recommended conditions in both cases are acceptable to the applicant. Thank you.

Mr. Horsley: Thank you sir. Ms. Cuellar will you read the first one and then you read the second one?

Ms. Cuellar: Thank you so much, both applications AS-SXM and the Prodan Management Group are in compliant for a short-term rental, recommended for consent from staff and the commission. No known opposition.

Mr. Horsley: Thank you. That now concludes the consent agenda.

Mr. Alcaraz: Yeah, read the numbers that are in consent please.

Mr. Horsley: All right. The item numbers on consent, item number one, number three, number four, number five, number six, number seven, number eight, number nine, number 10, number 11, number 12, 13, 14, 15, 16, and 17.

Mr. Alcaraz: All right, thank you. Do I have a motion to approve by consent as read by the Vice Chair?

Mr. Horsley: So moved.

Mr. Plumlee: Second and I do have four items to abstain from.

Mr. Alcaraz: We have a second by Mr. Plumlee. Okay and then any abstentions, and that would be Mr. Plumlee. Go ahead.

Mr. Plumlee: I abstain from items 4, 11, 14, and 15. I don't know if that means you need a second on those, separate from mine, okay, good. All right, thank you.

Mr. Alcaraz: All right, so we have a second.

Madam Clerk: Thank you. The vote is open.

Mr. Alcaraz: Oh sorry, hold. Mr. Clemons voting screen is not working. Can you take his verbal?

Madam Clerk: Oh, Mr. Clemons, I'm sorry. Aye or nay?

Mr. Clemons: Aye.

Madam Clerk: Thank you. And to clarify, Mr. Plumlee, you're abstaining from four items 4, 11, 14, and 15?

Mr. Plumlee: Correct.

Madam Clerk: Okay.

Mr. Alcaraz: That's correct.

Madam Clerk: By vote of seven to zero agenda items one, three, five, six, seven, eight, nine, 10, 12, 13, 16, and 17 have been recommended for approval by consent by a vote of six in favor, zero against with an abstention by Commissioner Plumlee, agenda items 4, 11, 14 and 15 have been recommended for approval by consent.

	AYE 6	NAY 0	ABS 1	ABSENT 0
Alcaraz	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee			ABSTAIN	

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 1800 Baltic Avenue and the Short Term Rental use shall only occur in the principal structure.
2. An annual 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) 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 Department of Planning and Community Development; however, the 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 Department of Planning and Community Development 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 Department of Planning and Community Development 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 and Community Development 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 Department of Planning and Community Development 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 Department of Planning and Community Development 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 and Community Development / Development Services Center and Department of Planning and Community Development / 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
March 8, 2023, Public Meeting
Agenda Item # 15**

Prodan Management Group, LLC (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 508 18th Street

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Horsley: Thank you. Next item number 14, it's AS-SXM, LLC Conditional Use Permit for Short-Term Rental.

Mr. Bourdon: Eddie Bourdon representing AS-SXM, LLC and while I'm up here, the next one Prodan Management Group, LLC and the 18 recommended conditions in both cases are acceptable to the applicant. Thank you.

Mr. Horsley: Thank you sir. Ms. Cuellar will you read the first one and then you read the second one?

Ms. Cuellar: Thank you so much, both applications AS-SXM and the Prodan Management Group are in compliant for a short-term rental, recommended for consent from staff and the commission. No known opposition.

Mr. Horsley: Thank you. That now concludes the consent agenda.

Mr. Alcaraz: Yeah, read the numbers that are in consent please.

Mr. Horsley: All right. The item numbers on consent, item number one, number three, number four, number five, number six, number seven, number eight, number nine, number 10, number 11, number 12, 13, 14, 15, 16, and 17.

Mr. Alcaraz: All right, thank you. Do I have a motion to approve by consent as read by the Vice Chair?

Mr. Horsley: So moved.

Mr. Plumlee: Second and I do have four items to abstain from.

Mr. Alcaraz: We have a second by Mr. Plumlee. Okay and then any abstentions, and that would be Mr. Plumlee. Go ahead.

Mr. Plumlee: I abstain from items 4, 11, 14, and 15. I don't know if that means you need a second on those, separate from mine, okay, good. All right, thank you.

Mr. Alcaraz: All right, so we have a second.

Madam Clerk: Thank you. The vote is open.

Mr. Alcaraz: Oh sorry, hold. Mr. Clemons voting screen is not working. Can you take his verbal?

Madam Clerk: Oh, Mr. Clemons, I'm sorry. Aye or nay?

Mr. Clemons: Aye.

Madam Clerk: Thank you. And to clarify, Mr. Plumlee, you're abstaining from four items 4, 11, 14, and 15?

Mr. Plumlee: Correct.

Madam Clerk: Okay.

Mr. Alcaraz: That's correct.

Madam Clerk: By vote of seven to zero agenda items one, three, five, six, seven, eight, nine, 10, 12, 13, 16, and 17 have been recommended for approval by consent by a vote of six in favor, zero against with an abstention by Commissioner Plumlee, agenda items 4, 11, 14 and 15 have been recommended for approval by consent.

	AYE 6	NAY 0	ABS 1	ABSENT 0
Alcaraz	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee			ABSTAIN	

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 503 18th Street and the Short Term Rental use shall only occur in the principal structure.
2. An annual 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) 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 Department of Planning and Community Development; however, the 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 Department of Planning and Community Development 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 Department of Planning and Community Development 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 and Community Development 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 Department of Planning and Community Development 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 Department of Planning and Community Development and shall be provided during the yearly permit process.

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

19.

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 and Community Development/ Development Services Center and Department of Planning and Community Development / 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
March 8, 2023, Public Meeting
Agenda Items # 16 - 17**

Caymus Properties, Inc. (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 509 19th Street & 511 19th Street

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Horsley: And the last item on consent agenda item number 16 and 17 Caymus Properties Inc, Conditional Use Permit for a Short-Term Rental. Ms. Cuellar.

Ms. Moneymaker: Good afternoon. My name is Rachel Moneymaker. I am the property manager and I'm here on behalf of the applicant and all conditions are acceptable.

Mr. Horsley: Thank you. Now Ms. Cuellar.

Ms. Cuellar: Thank you so much, Caymus Properties for a short term rentals and compliance with their application, staff is recommending it and the commission for the consent agenda and there's no known opposition.

Mr. Horsley: Thank you. That now concludes the consent agenda.

Mr. Alcaraz: Yeah, read the numbers that are in consent please.

Mr. Horsley: All right. The item numbers on consent, item number one, number three, number four, number five, number six, number seven, number eight, number nine, number 10, number 11, number 12, 13, 14, 15, 16, and 17.

Mr. Alcaraz: All right, thank you. Do I have a motion to approve by consent as read by the Vice Chair?

Mr. Horsley: So moved.

Mr. Plumlee: Second and I do have four items to abstain from.

Mr. Alcaraz: We have a second by Mr. Plumlee. Okay and then any abstentions, and that would be Mr. Plumlee. Go ahead.

Mr. Plumlee: I abstain from items 4, 11, 14, and 15. I don't know if that means you need a second on those, separate from mine, okay, good. All right, thank you.

Mr. Alcaraz: All right, so we have a second.

Madam Clerk: Thank you. The vote is open.

Mr. Alcaraz: Oh sorry, hold. Mr. Clemons voting screen is not working. Can you take his verbal?

Madam Clerk: Oh, Mr. Clemons, I'm sorry. Aye or nay?

Mr. Clemons: Aye.

Madam Clerk: Thank you. And to clarify, Mr. Plumlee, you're abstaining from four items 4, 11, 14, and 15?

Mr. Plumlee: Correct.

Madam Clerk: Okay.

Mr. Alcaraz: That's correct.

Madam Clerk: By vote of seven to zero agenda items one, three, five, six, seven, eight, nine, 10, 12, 13, 16, and 17 have been recommended for approval by consent by a vote of six in favor, zero against with an abstention by Commissioner Plumlee, agenda items 4, 11, 14 and 15 have been recommended for approval by consent.

	AYE 7	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

CONDITIONS

1. The following conditions shall only apply to the two, three-bedroom single-family dwellings addressed as 509 and 511 19th Street, and the Short Term Rental use shall only occur in the principal structures of each property.
2. An annual 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) 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 Department of Planning and Community Development; however, the 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 Department of Planning and Community Development 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.
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