

Virginia Beach Planning Commission
April 12, 2023
Verbatim

Mr. Alcaraz: Welcome to the April 12, 2023 Virginia Beach Planning Commission public hearing. My name is George Alcaraz. I'm the Chairman of the Planning Commission. Today, Mr. Parks will not be in attendance, one of our Commissioners. Before we get started, I'd ask Commissioner Coston to lead us in the prayer, followed by the Pledge of Allegiance by Mr. Horsley.

Mr. Coston: Eternal God our Father, we thank you for this glorious day which you have made. God, we thank you for this wonderful city in which we live. Wish to God that as we come to deliberate the issues before us today, that you would grant us of your wisdom, your knowledge, and your understanding that we may be better servants to those who whom we have been entrusted to serve. In Jesus' name we pray, Amen.

Mr. Horsley: Would you 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. I'd like to get started by, I'm gonna introduce our City Attorney representative Kay Wilson over there. And then, as we have some new Commissioners today every individual Commissioner will introduce themselves. If you can start, Mr. Anderson?

Mr. Anderson: Hi, I'm Mike Anderson. I'm District 3, live in Larkspur which is at the Mt. Trashmore area.

Mr. Plumlee: Bryan Plumlee. I'm in District 6. I've lived in that District for about 25 years and I'm an attorney in Virginia Beach.

Mr. Coston: My name is John Coston and I've lived in Virginia Beach all my life and for the past almost 20 years in District 9. I'm a retired fire captain and pleased to be here to serve today.

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

Mr. Alcaraz: Thank you. My name is George Alcaraz. I'm the Chairman. I own a couple of restaurants, live at the beach and I'm in District 5.

Mr. Clemons: Good afternoon, everyone. My name is Michael Clemons. I'm District 2. I've lived in the Virginia Beach for more than 30 years and am a professor at Old Dominion University.

Ms. Cuellar: My name is Holly Cuellar. I represent District 8, and live in the Kings Grant area of Virginia Beach.

Ms. Estaris: Good afternoon. I'm Naomi Estaris. I represent District 1. I live in the Kempsville community.

Ms. Alcock: I am Kaitlen Alcock, interim Planning Administrator for the Planning Department. To my left clerking today we have Pam Sandloop and Madison Eichholz. Out in the audience with staff, we have interim Deputy Director of the Planning Department, Carrie Bookholt. With our Planning Administration team, we have Hoa Dao, Marchelle Coleman, Elizabeth Nowak and Michaela McKinney. With our Zoning group, we have Zoning Administrator, Hannah Sabo, Pam Witham and Garek Hannigan. And then with our IT team, we have Johnnie Horne, and I believe Rachel Foster is around here somewhere.

Mr. Alcaraz: All right Kaitlen. Thank you so much. I'd like to thank Mr. Anderson and Ms. Estaris, for their first meetings here.

Ms. Estaris: Thank you.

Mr. Alcaraz: We'll make it easy for you. Okay, the next thing I'd like to do is get the clerk to describe the rules in order of business for today's meeting.

Madam Clerk: Thank you, Mr. Chairman. The Virginia Beach Planning Commission takes pride in being fair and courteous to all parties and attendance. It is important that all individuals understand how the Commission normally conducts its meetings. It is equally important that everyone treat each other and the members of the Commission with respect and civility. We request that cell phones be put on silent during this meeting. Following is an abbreviated explanation of the rules. The complete set of rules is located in the front of the Planning Commission agenda, the order of business for this public, withdrawals and deferrals. The Chairman will ask if there are any requests to withdraw or defer an item on the agenda. Consideration of these requests will be made first. Consent agenda, the second order of business is the consideration of the consent agenda, which are those items that the Planning Commission believe are unopposed and which have favorable staff recommendation. Regular agenda, the Commission will then proceed with the remaining items on the agenda. When an agenda item has been called, we'll recognize the applicant or the representative first. Following the applicant or the representative, in-person speakers will be called next, and then the speakers participating via WebEx. Speakers in support or

opposition of an agenda item will have three minutes to speak unless they're representing a large group such as the Civic League or Homeowners Association, in which case they will have 10. If a speaker does not respond, or if a technical issue occurs which renders the comments unintelligible, we will move on to the next speaker or the next order of business. Please note that the actions taken by the Commission today are in the form of a recommendation to the Virginia Beach City Council. The final decision to approve or disapprove an application will be made by the City Council. The Commission thanks you for your attendance and we hope that your experience here today leaves you feeling that you have been heard and treated fairly. Thank you.

Mr. Alcaraz: Alright, thank you. The next order of business is consideration for request for withdrawal or defer of any item. So I'm gonna ask, are there any applicants attending that need to withdraw their agenda item? None, thank you. Are there any applicants that would like to defer their agenda item? Okay, thank you. So now, Mr. Horsley, as Vice Chair, can you take it from here and you'll be handling the consent agenda.

Mr. Horsley: Thank you Mr. Chairman. We have several items on our consent agenda this morning. We'll start out with item number one as City of Virginia Beach, it's an Ordinance to Amend Section 5.3.7 of the Oceanfront Resort Form-Based Code. And we're going to ask Zoning Administrator Hannah Sabo to read that.

Ms. Sabo: Good afternoon. This Ordinance proposes to amend the Oceanfront Resort Form-Based Code to permit up to two one year extensions for temporary commercial parking lots through 2026. Temporary commercial parking lots are permitted as a limited use and specific areas of the Oceanfront Resort District, perimeter landscaping and surface treatments are required for these commercial temporary parking lots. As currently written, the Ordinance limits the operation of these temporary commercial parking lots to one year, and no extensions are currently permitted. The Ordinance amendment seeks to provide a solution for temporary parking for the temporary reduction in parking in the resort area expected through 2026 due to the construction of the Atlantic Park Project. If approved, this amendment would amend the Oceanfront Resort Form-Based Code to permit up to two one year extensions for temporary commercial parking lots through 2026. The date is based on the anticipated construction for Atlantic Park, after which additional parking spaces will be available and the Resort Advisory Commission has written a letter of support for this amendment and staff does recommend approval.

Mr. Horsley: Thank you. Is there an opposition to this application? Hearing none, we'll move forward.

Virginia Beach Planning Commission
April 12, 2023, Public Meeting
Agenda Item # 1

City of Virginia Beach – An Ordinance to amend Section 5.3.7 of the Oceanfront Resort Form-Based Code pertaining to Temporary Commercial Parking Lots.

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Horsley: Thank you Mr. Chairman. We have several items on our consent agenda this morning. We'll start out with item number one as City of Virginia Beach, it's an Ordinance to Amend Section 5.3.7 of the Oceanfront Resort Form-Based Code. And we're going to ask Zoning Administrator Hannah Sabo to read that.

Ms. Sabo: Good afternoon. This Ordinance proposes to amend the Oceanfront Resort Form-Based Code to permit up to two one year extensions for temporary commercial parking lots through 2026. Temporary commercial parking lots are permitted as a limited use and specific areas of the Oceanfront Resort District, perimeter landscaping and surface treatments are required for these commercial temporary parking lots. As currently written, the Ordinance limits the operation of these temporary commercial parking lots to one year, and no extensions are currently permitted. The Ordinance amendment seeks to provide a solution for temporary parking for the temporary reduction in parking in the resort area expected through 2026 due to the construction of the Atlantic Park Project. If approved, this amendment would amend the Oceanfront Resort Form-Based Code to permit up to two one year extensions for temporary commercial parking lots through 2026. The date is based on the anticipated construction for Atlantic Park, after which additional parking spaces will be available and the Resort Advisory Commission has written a letter of support for this amendment and staff does recommend approval.

Mr. Horsley: Thank you. Is there an opposition to this application? Hearing none, we'll move forward.

Mr. Horsley: Now I'll go back over the consent agenda. Item number one, City of Virginia Beach, item number two and three, Princess Anne Village, LLC, item number seven and the eight, Wynn Minwer and Julia Subeh, item number nine Christina Danielle Patterson. Item number 11 Bold Beauty Ink. LLC. Items number 12, 13, 14, and 15 short-term rentals. Mr. Chairman, I will make a motion that we approve the consent agenda as read.

Mr. Alcaraz: Thank you. Do I have a second?

Mr. Plumlee: Second.

Mr. Alcaraz: Is there any abstaining? None.

Madam Clerk: I'm sorry, who made the second? Mr. Plumlee. Okay, thank you. Vote is open. By a recorded vote of eight in favor, zero against agenda items number one, two, and three, seven and eight, nine, 11, 12, 13, 14, and 15 have all been recommended for approval by consent.

	AYE 8	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Anderson	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris	AYE			
Horsley	AYE			
Parks				ABSENT
Plumlee	AYE			

**Virginia Beach Planning Commission
April 12, 2023, Public Meeting
Agenda Items # 2 & 3**

**Princess Anne Village, LLC (Applicant)
Princess Anne Village, LLC, City of Virginia Beach (Property Owners)**

Conditional Rezoning (AG-2 Agricultural District to PD-H2 Planned Unit Development (R-10 Residential District))

Modification of Proffers

Addresses: 2369, 2373, 2375, 2377, 2381, 2385 Princess Anne Road & 2393, 2401, 2413 North Landing Road, parcel between 2393 North Landing Road & 2385 Princess Anne Road

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Horsley: The next items are items number two and three Princess Anne Village, LLC.

Mr. Nutter: Thank you, Mr. Horsley it's a pleasure to be here. My name is R. J. Nutter and I represent the applicant. We appreciate being on the consent agenda and thank you for your that opportunity, happy to answer any questions but thank you again for being on this agenda. Thank you.

Mr. Horsley: Thank you, Mr. Nutter. Is there any opposition? Hearing none, we have asked Mr. Michael Clemons to read this into the record.

Mr. Clemons: Thank you very much. The applicant seeks to rezone the 0.88-acre parcel located at 2377 Princess Anne Road from AG-2 Agricultural District to Conditional PD-H2 Planned Unit District, and to amend proffers associated with the Conditional Rezoning approved by City Council on January 18th, 2022. The 2022 proffered conceptual plan depicts 89 dwelling units, which includes 73 lots, 16 garage apartments, and one commercial parcel, which will result in an overall density of 2.45 units per acre and with the incorporation of this new lot, 93 units are proposed, again 77 lots and 16 garage apartment and one commercial parcel. Now, while the conceptual plan has changed slightly with the additional lot in keeping with the previous plan, each dwelling is proposed to be rear-loading and accessed by one way by one way alley. Five open spaces that were depicted on the previous plan will remain and be available to residents. The parcel that's to be incorporated into this development is located within the courthouse, historic and cultural district overlay. As such, the applicant of course, appeared before the Historical Review Board and they received the Certificate of Appropriateness to demolish the existing structure to be replaced with the new one. I kind of lost my place here. The request to rezone 2377 Princess Anne Road and the Modification of Proffers to incorporate this parcel into the Princess Anne Village development are acceptable. The proposed neo-traditional residential community meets the recommendations of the Comprehensive Plan by providing a variety of dwelling styles that are compatible with the surrounding area. Given no apparent opposition that we are aware of, this item was placed on the consent agenda.

Mr. Horsley: Thank you, Mr. Clemons.

Mr. Horsley: Now I'll go back over the consent agenda. Item number one, City of Virginia Beach, item number two and three, Princess Anne Village, LLC, item number seven and the eight, Wynn Minwer and Julia Subeh, item number nine Christina Danielle Patterson. Item number 11 Bold Beauty Ink. LLC. Items number 12, 13, 14, and 15 short-term rentals. Mr. Chairman, I will make a motion that we approve the consent agenda as read.

Mr. Alcaraz: Thank you. Do I have a second?

Mr. Plumlee: Second.

Mr. Alcaraz: Is there any abstaining? None.

Madam Clerk: I'm sorry, who made the second? Mr. Plumlee. Okay, thank you. Vote is open. By a recorded vote of eight in favor, zero against agenda items number one, two, and three, seven and eight, nine, 11, 12, 13, 14, and 15 have all been recommended for approval by consent.

	AYE 8	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Anderson	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris	AYE			
Horsley	AYE			
Parks				ABSENT
Plumlee	AYE			

PROFFERS FOR CONDITIONAL REZONING

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 when developed shall be incorporated into the adjacent development known as Princess Anne Village and shall be subject to the Proffers for Princess Anne Village as approved and recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach in 2023, and as may be amended.

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.

PROFFERS FOR MODIFICATION OF PROFFERS

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

Proffer 1:

When developed, the lot dimensions, setbacks, height and other development criteria set forth in the City Zoning Ordinance shall be as set out in the Princess Anne Village Residential Development Criteria dated February 27, 2023 (the "Development Criteria"), a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning. The Development Criteria shall be in lieu of all corresponding criteria in the Virginia Beach Zoning Ordinance applicable to the R-10 zoning district.

Proffer 2:

When developed, the project shall be developed in substantial conformity with the conceptual site plan consisting of 3 pages entitled a "Conceptual Site Plan with Context", "Conceptual Site Plan" and "Program and Parking" dated January 31, 2023, (the "Concept Plan"), a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning.

Proffer 3:

When developed, the number of single family residential homes located on the Property shall not exceed a total of 77 homes and 16 Garage Apartments.

Proffer 4:

Residential structures constructed on the Property shall be in substantial conformity with the conceptual architectural renderings consisting of 2 pages entitled Home Styles, Princess Anne Village, "Elevations", a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and which have been approved by the Virginia Beach Historical Review Board on July 18, 2018.

Proffer 5:

When developed, access to the Property from North Landing Road shall be landscaped and contain a monument-styled free standing sign substantially as shown on exhibit entitled "Monument Sign", a copy of which has been exhibited to the Virginia Beach City Council and is on file unless modified by the Virginia Beach Historical Review Board with the Virginia Beach Department of Planning.

Proffer 6:

When developed the entrance open space areas shall be in substantial conformity with the elevation entitled "Entrance Way" dated June 4, 2021, a copy of which has been exhibited a copy of which has been exhibited to the Virginia Beach City Council and is on file unless

modified by the Virginia Beach Historical Review Board with the Virginia Beach Department of Planning.

Proffer 7:

When developed, there should be a pedestrian trail system on the Property and that will connect to the adjacent City trail system as shown on the concept plan.

Proffer 8:

When developed, a linear open space area along Princess Anne Road within the residential zones will be subdivided as shown on the elevation site plan entitled "Linear Open Space", dated June 4th, 2021, a copy of which has been exhibited to the Virginia Beach City Council and is on file unless modified by the Virginia Beach Historical Review Board with the Virginia Beach Department of Planning.

Proffer 9:

When developed, the Applicant will construct turn lanes at the vehicular entrance to Princess Anne Village substantially as shown on the Concept Plan.

Proffer 10:

When developed, the street widths, curb heights, centerline radii, rear lane, rear alley street signage and trail widths shall be developed in substantial conformity with the 3-page exhibit entitled "Thoroughfare Types" dated January 31, 2023, a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning.

PROFFERS RELATING TO THE CONDITIONAL B-2 PORTION OF PRINCESS ANNE VILLAGE TO REMAIN:

Proffer 11:

Vehicular access to the portion of the Property zoned Conditional B-2 shall be from the road system within Princess Anne Village and not directly from the North Landing Road.

Proffer 12:

When developed, only the following uses shall be permitted on the Property zoned Conditional B-2: Restaurants with no drive-through, office, and retail.

Proffer 13:

The height of any principal structure on the Property zoned Conditional B-2 shall not exceed 45 feet. The exterior design and building materials shall be complimentary to the building materials and architectural designs of the homes in Princess Anne Village and shall be subject to approval by the Virginia Beach Historic Review Board.

Proffer 14:

Any freestanding sign on the portion of the Property zoned Conditional B-2 shall be a monument style sign, externally lit, and shall not exceed 8 feet in height. The final design and building materials of any freestanding sign shall be subject to approval of the Virginia Beach Historic Board.

Proffer 15:

Further conditions lawfully imposed by applicable development ordinances may be required by Grantee during detailed site plan and/or subdivision review and administration of applicable City

Codes by all relevant City agencies and departments to meet all applicable City Code requirements.

Proffer 16:

All references hereinabove to zoning districts and to applicable regulations refer to the Zoning Ordinance of the City of Virginia Beach, in force as of the date the conditional zoning amendment is approved by Grantee.

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.

PREVIOUS PROFFERS FROM 2022 AGREEMENT

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

Proffer 1:

When developed, the lot dimensions, setbacks, height and other development criteria set forth in the City Zoning Ordinance shall be as set out in the attached exhibit entitled Princess Anne Village Residential Development Criteria dated August 25, 2021 (the "Development Criteria"), a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning. The Development Criteria shall be in lieu of all corresponding criteria in the Virginia Beach Zoning Ordinance applicable to the R-10 zoning district.

Proffer 2:

When developed, the project shall be developed in substantial conformity with the conceptual site plan consisting of 3 pages entitled "Conceptual Site Plan with Context", "Conceptual Site Plan" and "Program and Parking" dated May 28th, 2021, (the "Concept Plan"), a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning.

Proffer 3:

When developed, the number of single family residential homes located on the Property shall not exceed a total of 73 homes and 16 Garage Apartments.

Proffer 4:

Residential structures constructed on the Property shall be in substantial conformity with the conceptual architectural renderings consisting of 2 pages entitled Home Styles, Princess Anne Village, "Elevations", a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and which have been approved by the Virginia Beach Historical Review Board on July 18, 2018.

Proffer 5:

When developed, access to the Property from North Landing Road shall be landscaped and contain a monument-styled free standing sign substantially as shown on exhibit entitled "Monument Sign", a copy of which has been exhibited to the Virginia Beach City Council and is

on file unless modified by the Virginia Beach Historical Review Board with the Virginia Beach Department of Planning.

Proffer 6:

When developed the entrance open space areas shall be in substantial conformity with the elevation entitled "Entrance Way" dated June 4, 2021, a copy of which has been exhibited a copy of which has been exhibited to the Virginia Beach City Council and is on file unless modified by the Virginia Beach Historical Review Board with the Virginia Beach Department of Planning.

Proffer 7:

When developed, there should be a pedestrian trail system on the Property and that will connect to the adjacent City trail system as shown on the concept plan.

Proffer 8:

When developed, a linear open space area along Princess Anne Road within the residential zones will be subdivided as shown on the elevation site plan entitled "Linear Open Space", dated June 4th, 2021, a copy of which has been exhibited to the Virginia Beach City Council and is on file unless modified by the Virginia Beach Historical Review Board with the Virginia Beach Department of Planning.

Proffer 9:

When developed, the Applicant will construct turn lanes at the vehicular entrance to Princess Anne Village substantially as shown on the Concept Plan.

Proffer 10:

When developed, the street widths, curb heights, centerline radii, rear lane, rear alley street signage and trail widths shall be developed in substantial conformity with the 3 page exhibit entitled "Thoroughfare Types" dated May 28th, 2021, a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning.

PROFFERS RELATING TO THE CONDITIONAL B-2 PORTION OF PRINCESS ANNE VILLAGE:

Proffer 11:

Vehicular access to the portion of the Property zoned Conditional B-2 shall be from the road system within Princess Anne Village and not directly from the North Landing Road.

Proffer 12:

When developed, only the following uses shall be permitted on the Property zoned Conditional B-2: Restaurants with no drive-through, office, and retail.

Proffer 13:

The height of any principal structure on the Property zoned Conditional B-2 shall not exceed 45 feet. The exterior design and building materials shall be complimentary to the building materials and architectural designs of the homes in Princess Anne Village and shall be subject to approval by the Virginia Beach Historic Review Board.

Proffer 14:

Any freestanding sign on the portion of the Property zoned Conditional B-2 shall be a monument style sign, externally lit, and shall not exceed 8 feet in height. The final design and building materials of any freestanding sign shall be subject to approval of the Virginia Beach Historic Board.

Proffer 15:

Further conditions lawfully imposed by applicable development ordinances may be required by Grantee during detailed site plan and/or subdivision review and administration of applicable City Codes by all relevant City agencies and departments to meet all applicable City Code requirements.

Proffer 16:

All references hereinabove to zoning districts and to applicable regulations refer to the Zoning Ordinance of the City of Virginia Beach, in force as of the date the conditional zoning amendment is approved by Grantee.

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
April 12, 2023, Public Meeting
Agenda Item # 4

Patricia A. Gandy (Applicant)
Scott M. & Patricia A. Gandy (Property Owners)

Conditional Use Permit (Home-Based Wildlife Rehabilitation Facility)

Address: 102 Willow Drive

RECOMMENDED FOR APPROVAL – HEARD

Mr. Alcaraz: Thank you. All right if you had an application that was on the consent agenda, your request will be scheduled for the next upcoming City Council meeting. Staff will contact you for that date for those applicants on the consent agenda, if you'd like to stay, you may. If not we're gonna go ahead to the next order of business and that is for the items that need to be read. Madam clerk, you may proceed.

Madam Clerk: Thank you, Mr. Chairman. Next agenda item is agenda item number four, Patricia A. Gandy. It's an application for a Conditional Use Permit, a Home-Based Wildlife Rehabilitation Facility at 102 Willow Drive in Council District six. Would the applicant or representative please step to the podium.

Mr. Alcaraz: Hi, if you would state your name please.

Ms. Gandy: Patricia Gandy. I'm very hard of hearing so Rose is coming with me.

Mr. Alcaraz: Okay. You're the owner, so you're just gonna voice what you're doing.

Ms. Gandy: I am the owner 102 Willow Drive, yes.

Mr. Alcaraz: So if she can just say what she'd like to do.

Ms. Chandler: Yeah. Well, I'm also a Rehabber. Rose Chandler, I'm up here in approval and support for her too. But if she has trouble hearing, I'll let her know what you said.

Mr. Alcaraz: Did you have anything to say?

Ms. Chandler: Well, I heard you might have questions or concerns, so that's why it had come up.

Mr. Alcaraz: We were actually on consent, but we were asked to hear you, so good. Is any questions for the applicant? Mr. Plumlee go ahead.

Mr. Plumlee: I would just like you to describe what the activity is going to be in the area just briefly if you could.

Ms. Chandler: So in the state of Virginia, all animals, the Game Warden will tell you they're all owned by the State of Virginia. So we don't own them, we don't play with them, you know, we bring them in, we take care of them, we rescue, rehab and

rehabilitate and get them back into the wild. There are four levels of rehabbers from CAT1 to CAT4. Mainly in this area, we have CAT1 and CAT2. I'm a CAT2, which is orphaned, injured, sick, anything, I can take in anything. CAT1 are extremely vital to us because they can take in just the uninjured, the ones that aren't sick, the orphan babies, which helps relieve us to take in ones that actually need a lot more care, like broken wings, broken legs, you know, anything from eagles to little possums, squirrels, anything. Like me today, I have 135 ducklings that just came in, in over a week. Because we don't have a wildlife center here, it's dependent on us rehabbers to take them all in. And we rely on folks like Patty that become CAT1 and just keep the little babies in their house until they get just a little bit old enough to bring to us so we can finish the job and get them back into the wild.

Mr. Plumlee: Is she planning to be a category 1 or a category 4?

Ms. Gandy: I'm currently at category 4, I help at other rehab facilities. I'm going for my category one.

Mr. Plumlee: Can you describe the types of animals that you would be taking in under category 1?

Ms. Gandy: Well, they'll all be short term and I work with people like Rose to get them out to the other category rehabbers. But primarily it'll be baby squirrels, baby possums, when I get my federal permit; it would be baby ducklings, baby birds, things like that.

Mr. Alcaraz: Good. Any other questions? Okay, you may be seated. Thank you. Oh, sorry and all the conditions that are placed on this permit are agreeable to you?

Ms. Gandy: Yes sir.

Mr. Alcaraz: Thank you. For formalities are there any opposition to this agenda item? All right. Having none, we'll close it to discussion. If not, I'll take a motion.

Mr. Plumlee: I'll move to approve.

Mr. Alcaraz: Thank you Mr. Plumlee. I have a motion. Do I have a second?

Mr. Clemons: I'll second.

Mr. Alcaraz: Second by Mr. Clemons.

Madam Clerk: The vote is open. By a vote of eight in favor, zero against agenda item number four has been recommended for approval.

Mr. Alcaraz: Thank you.

	AYE 8	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Anderson	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris	AYE			
Horsley	AYE			
Parks				ABSENT
Plumlee	AYE			

CONDITIONS

1. The applicant shall comply with all the provisions of Section 242.3 of the City Zoning Ordinance pertaining to a Home-Based Wildlife Rehabilitation Facility.
2. The applicant shall comply with all provisions established for wildlife rehabilitation by the Virginia Department of Wildlife Resources.
3. The application shall comply with all rabies immunization protocols as established for wildlife rehabilitation by the Virginia Department of Wildlife Resources.
4. No animals shall be dropped-off between the hours of 10:00 p.m. and 7:00 a.m.
5. No animals shall be released at the subject site or within the neighborhood.
6. Animal waste shall be removed daily in a lawful manner.
7. All animals shall be properly and humanely contained either in the dwelling unit or within the pre-release structure. Animals shall not be allowed to roam freely out of these structures at any time. If any animal does escape, the City of Virginia Beach Animal Control Department shall be notified immediately.

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
April 12, 2023, Public Meeting
Agenda Items # 5-6

Amir Yahya Razi (Applicant & Property Owner)

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

Conditional Use Permit (Automobile Repair Garage)

Address: Parcel on Holland Road, between 2989 & 3005 Holland Road

RECOMMENDED FOR APPROVAL – HEARD

Mr. Alcaraz: Our next agenda items are number five and six, Amir Yahya Razi. They are applications for a Conditional Rezoning (AG-2 Agricultural District to Conditional B-2 Community Business District), and a Conditional Use Permit (Automobile Repair Garage) on a parcel on Holland Road between 2989 and 3005 Holland Road in Council District two. Would the applicant or the applicant's representative, please step to the podium.

Mr. Alcaraz: Hi, can you state your name, please?

Ms. Murphy: Sure. For the record, my name is Lisa Murphy, local zoning attorney. Good afternoon Chairman, Vice Chairman, members of Planning Commission and staff. As I said, my name is Lisa Murphy. I'm here today on behalf of the applicant, Amir Razi, who is also the owner of the property. As your staff report indicates we're requesting a Conditional Rezoning from AG-2 to B-2 Community Business District. And that would be in order to construct a 7,000 square foot building that will have his automobile repair garage in about half of the building and then the other half of the building would be potential retail tenants and users. As you know, this part of the city in particular is in the highest noise zone, so it's in the APZ-2 zone, and it's also subject to restrictions. So there's not a whole lot that you can do with this particular property. In addition, as part of the Proffers that Mr. Razi has made for the Conditional Rezoning, we've Proffered away certain other retail uses that would be prohibited in the APZ-2. So again, there are very few retail uses that would be appropriate. The layout includes approximately 24 parking spaces. The building itself would be oriented towards Holland Road, there would be no heavy automobile repair such as body work, engine repair, or painting that would be offered from the facility. As you look at that, the sort of the short side of the building again, is oriented towards Holland Road. The overhead doors to bring the folks into the repair garage would be on the south side and the north side of the building. So, they'd come in the north and exit the south. The building itself is going to be a mix of red brick and veneer and EFIS that's neutral tones. And then you'll have the awnings, the green awnings, sort of overhanging the glass, windows and doors to soften the appearance of that. It'll be very similar in appearance to many of the other automotive uses and other uses in that general vicinity. I know there was a concern that there may be too many automobile repair facilities in this particular section of Holland Road. But obviously that's not something that's within your

purview, whether or not there are too many of anything. And also given the restrictions, the Navy restrictions on the property and the land in this area, that's why you're seeing a lot of this particular type of use. So, you can't have a restaurant, you can't have certain other types of retail facilities. So there is a bit of a limitation there. I mentioned the building itself. We've proffered the building elevations. We've proffered the site layout. The applicant and his engineers have spent a tremendous amount of time doing a preliminary storm water analysis because this is in the Southern Rivers Watershed and as you saw in the staff report, staff concur that the proposed buyer retention facility that would be in the front of the property, there you go, would be able to accommodate sufficiently the stormwater because it's under an acre of proposed development. It doesn't trigger the pollutant load calculation. So it's really just the retention of stormwater that we have to do. Also, as the staff report indicates, placing the stormwater facility in the front of the property and then adding landscaping to the front really softens the appearance that you'll have along Holland Road. At the rear of the property, the closest residential property line is about 75 feet away. The way the property lays out, there's a piece that comes between this property and the residential neighborhood that would be to the west and the south of it. So there's also a nice buffer of mature vegetation and some wetlands back in that area as well. So, we feel like the layout of the site is appropriate. We've dealt with the stormwater, and we'll continue to work with staff on that. Staff is recommending approval. We would request that you recommend approval as well, and I'm happy to answer any questions that you have.

Mr. Alcaraz: Thank you. Are there any questions? All right. Thank you. Do we have any speakers?

Madam Clerk: Yes sir, we have one speaker signed up via WebEx.

Mr. Alcaraz: All right.

Madam Clerk: April Burke, we're going to unmute your audio feed. You have three minutes. Please begin your comments by stating your name.

Ms. Burke: I am April Burke and I currently reside at the property next to the unmarked property on Holland Road. I reside at 3005 Holland Road in Virginia Beach. I'm speaking today in opposition to Mr. Razi's application to build on the unnumbered lot next to my residence, located at 3005 Holland Road. There are several reasons for this. My family and I have lived in this residence for the past eight years. We haven't had to worry about anyone to the direct sides of us at all. I have two teenage daughters. We have a pool in the rear of our house as well as we have a detached garage back there. My kids like to hang out there often. My concern is with all this traffic coming in and out, I've seen some endangered species such as butterflies, woodpeckers, and currently they have started demolishing the lot next to that closest to the church, and it's just taken so many homes away from these animals. Due to the vegetation, the ground is so wet over here, it would take so much for them to get it level as I already know because the house is currently sinking, regardless to do that they would have to push the water one way and it's probably going to end up being my way as it happened when they did the road. I didn't even get a notice about today and I am the direct neighbor. I do know that I have to contact them and get my name

on the list. Anyway, we have deers, owls, woodpeckers, foxes, coyotes. We've seen it all. I have animals. I don't wanna have to worry about possible rift graph. People coming in and out messing with my property, constant fear of will they dispose of their oil and antifreeze properly, like I said, I'm in a rent to own process currently, and we've been here eight years, you know, if they are going to be our neighbors, are they gonna install a 12-foot privacy fence? So I don't have to currently look at the overflow, I'd have to currently, you know, constantly hear the tools and everything like that because my window for my living room is directly where the building is going to be built, not even 10 feet away and all that in consideration, I just worry about people looking over into my yard when my kids are out there with their friends, in today's day and age and that's just some of the reasons why I am opposed to Mr. Razi's application.

Mr. Alcaraz: All right. Thank you. Are there any questions? All right. Thank you for calling in. Ms. Murphy, would you like to come up and rebut?

Ms. Murphy: Just wanted to address a couple of issues first with regard to stormwater. So, and I touched on this briefly in my presentation as the staff report indicates and as your professional stormwater engineers indicate right now the water is flowing towards Holland Road and to the rear of the property. And that's because this property in its natural state. It hasn't been developed at all because of the strict regulations as you know that the city has, this site will have to be designed so that there is no stormwater coming off of the site. It's all got to be treated onsite and released slowly into the system. So, the stormwater situation will actually be better, not worse with the proposed project and the engineering that we've discussed. As the staff report indicates there is no, no real traffic impact from the proposed use itself. It's a rather small building, the animal, the endangered species, or any of the species living on the property, I think that's more because of the fact that it's currently undeveloped property, but the property owner does have a right to be able to develop his property. I think that covers it. There is a privacy fence that's on the caller's property blocking it from the road, but there will be natural buffering between the properties. Some of that mature vegetation will be there. I don't think there's much of an issue with, you know, looking from this property onto the other property, the noise question as is indicated in a staff report, all of the work is gonna be done inside the building itself, so there shouldn't be any noise outside. There won't be any junk vehicles or work performed outside, so that should limit the noise. And again, it's in the highest noise zone for the Navy in the city as well. So there's already a little bit of noise there.

Mr. Alcaraz: All right. Any questions? Yes, Mr. Horsley.

Mr. Horsley: The buffer between this property and that, you are sure that that's gonna be a pretty dense buffer?

Ms. Murphy: Well, there's already natural vegetation there, and if you look at the site layout, this is the property to the south, so there will be landscaping on this side of the property line, on the applicant's side of the property line that will also provide vegetation and screening.

Mr. Horsley: So, the idea of people peeking into the swimming pool and things like that, it's kind of?

Ms. Murphy: Yeah, I wouldn't think there would be much of a problem there.

Mr. Horsley: Okay. Thank you.

Ms. Murphy: You're welcome.

Mr. Alcaraz: Mr. Plumlee.

Mr. Plumlee: Are we able to put up the aerial that was shown during the informal, take a look at that. So, this person that called in, I think is on the left side of that rectangle, will there be a remaining screen, tree screen post-development of the applicant's site?

Ms. Murphy: It's kind of hard to tell, but, there is vegetation already on the caller's property, on the applicant's property, there will be a landscape buffer in between the uses. If you go back to the other slide, you can see landscape buffer.

Mr. Plumlee: So that will be like five feet, 10 feet. What is the distance? Are you aware? Oh, there it is, okay.

Ms. Murphy: Yeah, there you go. Yeah, so there is a buffer between the uses just based on the, the Zoning Ordinance. And then you've got a 15-foot landscape buffer as well. So really, you've got the 15-foot landscape buffer, then the parking, and then the building. I would think it's another 50-feet or so, even before you get to the building.

Mr. Plumlee: And with the BMP there and there's a representation from the applicant's engineering firm that there will be no volume going offsite of stormwater.

Ms. Murphy: Correct. And nor will staff allow the stormwater to go offsite that is correct, yes.

Mr. Plumlee: Thank you.

Mr. Alcaraz: Any other question? I just want to ask about the sign and did it go up as soon as you got it?

Ms. Murphy: Oh, the sign has been up for months.

Mr. Alcaraz: It's still up?

Ms. Murphy: It's still up. And it was actually, I think it was in the winter when the sign went up. The only thing that's really held us up in the process has been the review of the stormwater, preliminary stormwater analysis, and there's been some back and forth between staff and the engineer of record. So, yeah the sign's been up for a long time now.

Mr. Alcaraz: All right. Thank you.

Ms. Murphy: Thank you.

Mr. Alcaraz: Oh, Mr. Plumlee?

Mr. Plumlee: I was just gonna ask if Ms. Wilson could address the notice issue. I think it was brought up during the informal; and it might be useful too.

Mr. Alcaraz: Sure. Outline that.

Ms. Wilson: Yes, there was a concern whether or not she had received notice. As a tenant, she really isn't supposed to receive notice, those notices go to the owner. So even if we had her on the list, she would not have received personal notice. There was a sign that was present and has been present for months because this has taken a while to get this application here. And thirdly, there is a provision in the Zoning Ordinance that discusses if you appear even by Zoom, that you waive any rights you might have by not having been notified because they are notified. They appeared.

Mr. Plumlee: Thank you.

Ms. Wilson: Thank you.

Mr. Alcaraz: All right, we'll close it. Any discussion on this agenda item?

Mr. Horsley: Mr. Chairman, I've seen a lot of properties along this quarter developed in this manner and it's about the only thing that can be done in this, in this area with the fly zone, the AICUZ and whatever. And with the stormwater regulations we have now, that stormwater doesn't bother me at all because it's not going to get approved if the stormwater regulations are not met. Stormwater regulations met and provided there is gonna be a buffer on both sides, in fact, because it'd be the other side is not developed. I move that this application be approved.

Mr. Alcaraz: All right, I have a motion by Mr. Horsley. Do I have a second?

Mr. Coston: Second.

Mr. Alcaraz: Second by Mr. Coston. And anybody abstaining? No.

Madam Clerk: Vote is open. By vote of eight in favor, zero against agenda items number five and six have been recommended for approval.

Mr. Alcaraz: All right, thank you.

	AYE 8	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Anderson	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			

Estaris	AYE			
Horsley	AYE			
Parks				ABSENT
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 shall be developed in substantial conformity with the conceptual site plan entitled “Cogent Center Preliminary Development Plan, Virginia Beach, Virginia”, prepared by AES Consulting Engineers dated February 23, 2023 (“Conceptual Site Plan”), which has been exhibited to the Virginia Beach City Council (“City Council”) and is on file with the Virginia Beach Department of Planning (“Planning Department”).

Proffer 2:

The architectural design and building materials of the building built on the Property shall be substantially compatible with the architectural design and building materials depicted on the building elevation plan entitled “Cogent Center, Virginia Beach, Virginia”, dated November 1, 2022, prepared by CL Pincus Jr. & Co., which has been exhibited to City Council and is on file with the Planning Department.

Proffer 3:

The Property shall be landscaped in substantial conformity with the conceptual landscape plan entitled “Cogent Center Conceptual Landscape Plan, Virginia Beach, Virginia” prepared by AES Consulting Engineers dated February 23, 2023, which has been exhibited to City Council and is on file with the Planning Department.

Proffer 4:

The following uses otherwise permitted by right or permitted with a conditional use permit in the B-2 Community Business District shall be prohibited: (i) animal hospitals and veterinary establishments, pounds, shelters, commercial kennels; (ii) assembly uses; (iii) bars, nightclubs, wine tasting rooms and eating and drinking establishments (as principle or accessory uses); (iv) business and vocational schools; (v) colleges and universities; (vi) child-care education centers; (vii) hospitals and sanitariums; (viii) medical and dental offices and clinics; (ix) open air markets; (x) outdoor cafes; (xi) outdoor plazas; (xii) riding academies; (xiii) recreational campgrounds; and (xiv) recreational and amusement facilities of an outdoor nature; provided, however, recreational and amusement facilities, which are partially or temporarily enclosed on a seasonal basis may be permitted with approval of City Council, with sufficient safeguards to preserve and protect the existing character of adjacent properties.

Proffer 5:

All onsite signage shall meet the requirements of the City Zoning Ordinance, unless otherwise approved by the Board of Zoning Appeals. The proposed sign package will be submitted to the Zoning Administrator for review and approval prior to the issuance of a sign permit.

Proffer 6:

The final stormwater management plan submitted to the Development Services Center (DSC) shall be in substantial conformance with the preliminary stormwater analysis provided by AES Consulting Engineers dated October 27, 2022 and shall utilize the same basis of design.

Proffer 7:

All lighting on the Property shall be limited to that necessary for security purposes and to comply with applicable laws and shall be shielded to prevent glare and spillover onto adjacent properties.

Proffer 8:

The Effective Date of this Agreement shall be the date this Agreement is approved by City Council.

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.

RECOMMENDED CONDITIONS FOR CONDITIONAL USE PERMIT

1. All automobile repairs must take place inside the building.
2. No outside storage of equipment, parts, or materials shall be permitted, including tires.
3. The development of the site shall substantially conform to the site layout entitled Cogent Center Preliminary Development Plan, Virginia Beach, Virginia", prepared by AES Consulting Engineers dated February 23, 2023 ("Conceptual Site Plan").
4. The site shall be landscaped in substantial conformity with the conceptual landscape plan entitled "Cogent Center Conceptual Landscape Plan, Virginia Beach, Virginia" prepared by AES Consulting Engineers dated February 23, 2023, which has been exhibited to City Council and is on file with the Planning Department. The street frontage screening, interior parking lot coverage and foundation screening shall meet or exceed the minimum requirements of the City's Zoning Ordinance. A landscape plan shall be submitted during site plan review for review and approval.
5. The architectural design and materials of the building shall be substantially compatible with the architectural design and building materials depicted on the building elevation plan entitled "Cogent Center, Virginia Beach, Virginia", dated November 7, 2022, prepared by CL Pincus Jr. & Co., which has been exhibited to City Council and is on file with the Planning Department.
6. No outside storage of vehicles in a state of obvious disrepair shall be permitted. If vehicles in this condition require storage, then such vehicles shall be stored within the building.

7. The freestanding monument sign to be erected on the Property as designated on the Site Plan shall not exceed a height of eight feet (8') and shall be constructed with materials compatible to the proposed building.
8. The freestanding monument sign referenced in Condition 7 shall be landscaped per the landscape and screening requirements in the Zoning Ordinance.
9. A photometric plan for the exterior portions of the property shall be provided as part of the final site plan submittal. All exterior lighting shall be no taller than 14 feet in height and all lighting shielded and directed down and inward to the property and away from adjacent properties.

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
April 12, 2023, Public Meeting
Agenda Items # 7-8**

The Minwer & Julia Subeh Revocable Joint Trust dtd. 8/29/2013 (Applicant & Property Owner)

Rezoning (B-2 Community Business District to I-1 Light Industrial District)

Conditional Use Permit (Bulk Storage Yard)

Address: 728 S. Military Highway

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Horsley: Next item on that consent agenda is item number seven and eight. Mr. Fine glad to have you with us today.

Mr. Fine: I'm Morris Fine, an attorney and I represent Mr. and Mrs. Subeh and I appreciate being on the consent docket and agreed to the conditions that are set forth in the record.

Mr. Horsley: Thank you sir. Is there any opposition to this item? He accepted the conditions that were offered with the report with the city. Sorry, he didn't hear that. Hearing no opposition, we will ask Holly Cuellar if she would read this in to the record.

Ms. Cuellar: Thank you. The applicant is requesting to rezone the property at 728 South Military Highway from B-2 Community Business to I-1 Light Industrial, as well as a Conditional Use Permit for a Bulk Storage Yard. Having that there's no opposition, the staff is recommended for approval and the Commission is recommending it for the consent agenda.

Mr. Horsley: Thank you Commissioner Cuellar. Now I'll go back over the consent agenda. Item number one, City of Virginia Beach, item number two and three, Princess Anne Village, LLC, item number seven and the eight, Wynn Minwer and Julia Subeh, item number nine Christina Danielle Patterson. Item number 11 Bold Beauty Ink. LLC. Items number 12, 13, 14, and 15 short-term rentals. Mr. Chairman, I will make a motion that we approve the consent agenda as read.

Mr. Alcaraz: Thank you. Do I have a second?

Mr. Plumlee: Second.

Mr. Alcaraz: Is there any abstaining? None.

Madam Clerk: I'm sorry, who made the second? Mr. Plumlee. Okay, thank you. Vote is open. By a recorded vote of eight in favor, zero against agenda items number one, two, and three, seven and eight, nine, 11, 12, 13, 14, and 15 have all been recommended for approval by consent.

	AYE 8	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Anderson	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris	AYE			
Horsley	AYE			
Parks				ABSENT
Plumlee	AYE			

CONDITIONS

1. The bulk storage yard shall be enclosed with Category VI screening, as required by the City's Landscaping Guide and as shown in the conceptual landscape plan titled "HERC RENTALS – 728 SOUTH MILITARY HIGHWAY" prepared by WPL and dated February 28, 2023.
2. As noted on the concept landscape plan titled "HERC RENTALS – 728 SOUTH MILITARY HIGHWAY" prepared by WPL and dated February 28, 2023, fencing used at 728 S Military Highway shall be at least six feet in height and shall be opaque. No chain link fencing with or without slats shall be used to screen the bulk storage yard on 728 S Military Highway.
3. The site shall be landscaped in accordance with the City's Landscaping Guide and as shown in the conceptual landscape plan title "HERC RENTAL – 728 SOUTH MILITARY HIGHWAY" prepared by WPL and dated February 28, 2023, including the required street frontage landscaping.
4. This Conditional Use Permit will be valid so long as the bulk storage yard is being operated in tandem with the operator on the adjacent property known as 716 S Military Highway. In the event the tandem operation should cease, a new Conditional Use Permit shall be required.
5. There shall be no signs which contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving devices on the site or the vehicles. There shall be no signs which are pasted or attached to utility poles, trees, or fences, or in an unauthorized manner to walls or other signs. There shall be no portable or nonstructural signs, or electronic display signs on the site.
6. Signage on the site must be in accordance with sign regulations outlined in the Zoning Ordinance.

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

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

Virginia Beach Planning Commission
April 12, 2023, Public Meeting
Agenda Item # 9

Christina Danielle Patterson (Applicant)
JN & RBD, LLC (Property Owner)

Conditional Use Permit (Tattoo Parlor)

Address: 328 Office Square Lane, Suite 203

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Horsley: The next item on that consent agenda is item number nine, Christina Danielle Patterson. Is the representative here? Seeing none. Is there any opposition to this application? Seeing none, we've asked Commissioner Coston, if he would read this in the record.

Mr. Coston: 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 office suite at the Kempsville Commons condominium. The applicant intends to operate a vocational school to teach the application of permanent makeup as well as offer paid services to the public. Offices are located along Office Square Lane and Home Center Drive on Property Zone B-2 Community Business District. The staff has recommended approval and the Commission has deliberated and decided to place this item on the consent agenda.

Mr. Horsley: Thank you, Commissioner Coston.

Mr. Horsley: Now I'll go back over the consent agenda. Item number one, City of Virginia Beach, item number two and three, Princess Anne Village, LLC, item number seven and the eight, Wynn Minwer and Julia Subeh, item number nine Christina Danielle Patterson. Item number 11 Bold Beauty Ink. LLC. Items number 12, 13, 14, and 15 short-term rentals. Mr. Chairman, I will make a motion that we approve the consent agenda as read.

Mr. Alcaraz: Thank you. Do I have a second?

Mr. Plumlee: Second.

Mr. Alcaraz: Is there any abstaining? None.

Madam Clerk: I'm sorry, who made the second? Mr. Plumlee. Okay, thank you. Vote is open. By a recorded vote of eight in favor, zero against agenda items number one, two, and three, seven and eight, nine, 11, 12, 13, 14, and 15 have all been recommended for approval by consent.

	AYE 8	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Anderson	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris	AYE			
Horsley	AYE			
Parks				ABSENT
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 makeup. No other form of tattooing shall be permitted.
3. The actual application of permanent makeup 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
April 12, 2023, Public Meeting
Agenda Item # 10

Commonwealth Catholic Charities (Applicant)
Catholic Diocese of Richmond (Property Owner)

Modification of Conditions

Address: 642 North Lynnhaven Road

RECOMMENDED FOR APPROVAL – HEARD

Madam Clerk: Our final agenda item for the day is agenda item number 10, Commonwealth Catholic Charities. It's an application for a Modification of Conditions, a Group Home at 642 North Lynnhaven Road in Council District eight. Would the applicant or the applicant's representative please step to the podium.

Mr. Alcaraz: Sir if you could just state your name for the record.

Mr. Brown: I'm Jay Brown from Commonwealth Catholic Charities.

Mr. Alcaraz: How are you today?

Mr. Brown: I'm doing well, Mr. Chairman. How are you?

Mr. Alcaraz: Yeah, fine. Good. Just go ahead and speak your case.

Mr. Brown: Sure. I'd like to take this opportunity to say thank you, Mr. Chairman, Mr. Vice Chairman, members of Commission, I'd also like to introduce Ms. Loretta Jackson, who's here with me. She serves as the local program manager of our ministry serving vulnerable children. We at Commonwealth Catholic Charities have partnered with the Commonwealth of Virginia's Department of Social Services and the Federal Department of Health and Human Services to provide quality care for unaccompanied children and refugee minors for well over 40 years. We're seeking a Modification of Conditions under an existing Conditional Use Permit that allows the operation of a group home for children, as staff has pointed out in their report. The existing limitation on the length of stay for children in our care is in conflict with the City's Zoning Ordinance and while we originally sought to extend the length of stay, we are satisfied with the staff recommendation to the length of stay condition be eliminated. I'd like to take the opportunity to thank Ms. McKinney and city staff for their professionalism and their assistance in this matter. We accept the conditions listed in the staff report and we appreciate your consideration of our application. I'm happy to answer any questions.

Mr. Alcaraz: Sure. Are there any questions at this time? So, I'm going to ask the other speakers to come up and then I'll give you a chance to rebut.

Madam Clerk: Mr. Chairman, we have five speakers signed up today. The first speaker, I'm calling Chris Carrasco to be followed by Don Landeskey.

Mr. Alcaraz: Hi if you can just state your name.

Ms. Carrasco: Good afternoon. I'm Reverend Dr. Chris Carrasco. I'm the pastor of King's Grant Presbyterian Church. We're located on 745 Little Neck Road right across the street from St. Nick's Catholic Church. And I would like to speak in favor of this application. I think CCC has a long track record of serving the most vulnerable in our nation. And I look forward to partnering with them in helping to provide meals or donations or any way that we can assist in this wonderful mission outreach service project that they have serving unaccompanied minors. So, we have, we are actually very excited about this opportunity and look forward to partnering with St. Nick's in the future for this ministry that we can provide with them. Thank you.

Mr. Alcaraz: All right. Thank you for coming up.

Madam Clerk: Next speaker Don Landeskey to be followed by Jim Zucchini.

Mr. Alcaraz: How are you sir? If you could just state your name.

Mr. Landeskey: I hope everybody can hear me. My name is Don Landeskey. I've been a resident of Virginia Beach Little Neck for over 50 years in the same house, a resident and a member of St. Nicholas Church for over 50 years and almost drive the same vehicle for 50 years, a little consistency. I'm opposed to this as a church member and what this is bringing to our community. The business, Commonwealth Catholic Charities will be bringing 80 illegal un-vetted refugees to Little Neck over a year's time. They will have an age of children that formally was up to 21. I don't see any children as 21, but now it's been 19. The business is also secular, so I'm not anticipating seeing any of these residents coming to our church. They're coming from a broken system that the government has set up for refugees at the border. Health and Human Services has lost control of monitoring these individuals that is in excess of over 150,000 per year. It's boiler plate with the federal government where they want to get these refugees out of their camp, which is gated. These people are sleeping on floors in plastic bags. There's a lot of pressure in the agency that mandates 20% of these occupants be sent to shelters like Seton House, 20% per week, if that is not done, then staff is reprimanded for that. These juveniles are in debt to the smugglers and/or cartel that have bought them across the border.

Mr. Alcaraz: Sir, I'll have to end your comments, you get three minutes and you've exceeded that.

Mr. Landeskey: Am I already over three minutes?

Mr. Alcaraz: Yes sir.

Mr. Landeskey: Okay.

Mr. Alcaraz: Are there any questions? None. Thank you, sir.

Mr. Landeskey: My pleasure. Thank you.

Madam Clerk: Our next speaker is Jim Zecchini, followed by Eloise Zecchini.

Mr. Landeskey: I have some handouts regarding this. If the council or the group would be interested in this?

Mr. Alcaraz: You have to give them to the clerk over there at the corner. Thank you. Sorry, we have to give respect to everybody that's speaking today. You can come forward, sir. Just state your name.

Mr. Zecchini: Thank you. Good afternoon. I'm Jim Zecchini and I'm a neighbor of St. Nick's. I've lived right across the street from the church and a group home since 1994, so I've been there a while and I've seen the operations and how changes have impacted the community. The staff report says that no complaints have been received about the group home formally, but there have been issues there over the years, not so much when the girls were there, but when the boys were there, there were issues, lots of issues with noise. On a few occasions, some visitors arrived with massive car stereos that were so loud that literally rattled the windows in our houses, which had to be solved by the police. The bus stop for the young men was directly in front of our house, which also brought a number of issues as you know, high schoolers get on the bus fairly early. So we had a lot of noise early in the morning, we had young men running through the yard, young men on our porch, damage to our mailbox. This was finally solved, talking to the school long enough that they moved the bus stop. In the evaluation recommendation section of the report, it says given that the use is not changing, if this proposed length of stay change is approved and the other recommended changes are implemented, this will be a very different situation than we've ever seen with this group home in our neighborhood. Previously residents were only there for a couple of weeks and they went to school all day, so they really weren't on site for a very long period of time. In this proposal, they will be onsite all the time. And if there are 15 or 20 residents in this small building, and it is a small building and I urge you to walk through it, it's not a big space. And they're there for weeks and months on end, especially the older ones, and they can be up to 17 or 18, they're gonna get bored and they're gonna get restless. That's gonna be a challenge for whoever is running the operation. It is small. I think in the time I've only about eight boys there and that's probably about the right number. There have only ever been girls there or boys separately. This proposal has both sexes, again in a small space; I'm concerned with what that might look like and how safe that might be. In a staff recommendation, it notes that this use is compatible with the surrounding area. The biggest thing in this surrounding area is the elementary school adjacent to this facility just a short distance over a small parking lot. The school's recess area is right next to this home where there could be, you know, up to 20 people in their late teens leaving there for long periods of times. Children also use the school's recess area for afterschool activities and play there. So this proposal could have 15 to 20 kids, some number of them be 16, 17 years old for weeks or months or unlimited amount of time in the small place. I am concerned with the interaction with five to basically 11 years old at this elementary school, day in and day out. The surrounding community, the area right next to this church and this facility is all about the elementary school and those kids, so my concerns with the allowed number of residents, the length

of stay, which facilitates the number of residents and the age of the residents.
Thank you all very much.

Mr. Alcaraz: Thank you. Are there any questions? Yes, Mr. Plumlee.

Mr. Plumlee: Mr. Zecchini, so you described the actions prior to, and you said that there were issues with regards to people coming into your yard, but the bus stop was moved in response to your complaints, is that fair?

Mr. Alcaraz: Yes sir.

Mr. Plumlee: And typically has the church been responsive to the issues that have been brought up by the neighborhood over the years when those issues arose?

Mr. Zucchini: Well, sometimes the church has, sometimes the church hasn't. I said with the car issue, it was amazing the volume that these car stereos could put out. I mean, I know one of the other neighbors ended up calling the police, I don't know who ended up resolving it, whether it was the police or the church, but you know, that happened a few times and it was amazingly loud. It's just a shame that you really have to call anybody, and these kids were there for a short amount of time. I'm really concerned if you have teens or you've raised teens or you've done things with groups of teens, they're gonna be in the space potentially that's small for a long amount of time. And if you don't keep them very engaged, things can happen and that's a real concern.

Mr. Plumlee: Have you had a chance to express all of your concerns with the time that you're given?

Mr. Zucchini: Yes sir. I have. It's tough to pack it all in, but it. I would like to say, I guess one final thing, I appreciate Michaela McKinney answering all my questions, I called and had a large number of questions and I appreciate Jay Brown. We had a very good lengthy phone call, and I appreciate your time sir, and answering my questions as well.

Mr. Plumlee: All right, thank you. Appreciate it.

Madam Clerk: Eloise Zecchini, followed by Steve Nimitz.

Ms. Zecchini: Good afternoon. Thank you for letting us speak and get our concerns out. I understand that most of the questions.

Mr. Alcaraz: Can you just say your name for the recording?

Ms. Zecchini: Oh, sorry about that. I am Eloise Zecchini.

Mr. Alcaraz: Thank you.

Ms. Zecchini: I live across the street from the Catholic Church, most of the questions you're hearing today are about things that are not under your cognizant, you know, we're here to decide whether we're going from two weeks to 90 days or to an unlimited amount of stay here. And I understand that but understand that this is

the only forum we've been given, you know, it's already in a conditional use for a group home. As I understand it, there are really no limitations on what can go over there. So, we're very thankful that, you know, a reputable corporation or a company, a group of people are putting this on, but, you know, this is our only chance to get our concerns out, so thank you. Again, the highest concern is the location adjacent to the elementary school. I'd like to respectfully request deferral of item 10 based on the fact that the written and posted notifications stated an increase from two weeks to 90 days, and staff has recommended an unlimited stay based on the Zoning Ordinance, and I understand all that. It's just that is a big change in what we were, you know, seeing, what we've seen on the sign and what we've gotten at our homes as the notification. So, I believe there would be a more interest that just kind of change things. So, I believe there would be more interest in this agenda item, if it were deferred to another date and that's all I have. Thank you.

Mr. Alcaraz: All right. Thank you. Any questions? All right, thank you.

Madam Clerk: Our final speaker is Steve Nimitz.

Mr. Nimitz: My name is Steve Nimitz. I'm the President of the King's Grant Community League. So, I guess that means I get a little extra time if I do run long.

Mr. Alcaraz: You do get 10 minutes.

Mr. Nimitz: So good afternoon, ladies and gentlemen, I've been the president of the King's Grant Community League for about eight years. During that time, we have successfully navigated any issues that arise with the two group homes that exist in our neighborhood, both were operated by the Seton organization. The Community League has approximately 1600 homes within our purview. About 350 of those are current dues paying members that receive our notifications. I'm here to provide comments on not just the application, but the process. And I think some of my comments will echo what you heard from two others that spoke ahead of me. The building at the Catholic Church that has proposed to house this group home served as such for many years. In fact, the Seton operates two shelters within my community and operated them until the church unilaterally canceled or terminated the lease of the boys' shelter on this property back in 2021. The second shelter was opened after lengthy dialogue between its host church, the Seton House, and the King's Grant Community League. Today, the Community League continues to have representation on our board by Seton, which was a condition that this commission placed when that second shelter was proposed. No such dialogue has occurred for this application. I wrote to the city planner on March 31st citing a lack of understanding, meaning no details about this application, and suggested this item be deferred for a month or until after the staff reports were available and we had an opportunity to engage our community. To date, I've not gotten any reply. Unlike the earlier Conditional Use Permit for the Seton shelter, no one in the King's Grant Community League has been contacted by either the church or by anybody in the Planning department. The staff reports were posted on the 6th of April. They do not represent a clear picture of what this change is about. Of most concern is the staff proposal to change the duration of occupancy from its current and beyond the church's proposal for 90-day limit to an unlimited stay, which would in effect make this an

apartment house within King's Grant. The education impact is another concern raised by members of my community. The church's application states that there would be no public schooling of the residents of this home. There is a school next door, as you heard earlier, which is a concern, but we do not as a community understand how 5 to 17 year olds can exist in this building for months on end without some type of schooling and where would that occur? So, the conditions well, I think the conditions that were within the church's application and cite some of my concerns here, ought to be part of the conditions for approval and be adequately documented the age of the students or the age of the residents there. And I've heard things from an upper limit of 17 to an upper limit of 21. So, I'm not sure what the actual age is for the person staying there and how that will be managed. The duration of stay I think we could accept 90 days. The community does not accept an unlimited duration of stay, and there should be some mention, at least as a condition of what the education plan is if none, for the residents of that home. For instance, no use of the public school, no use of school transportation, those type things, which was those types of considerations were in the last conditional use permit that was provided in 2005 for the second Seton shelter, which is currently occupied by girls at the intersection of Edinburgh and Kings Grant Road. So, this community that I represent is residential. It's almost entirely single family homes. There are a few non-single families near this property that are duplexes, but a group home without conditions is not compatible with the residential nature of this neighborhood. Thank you.

Mr. Alcaraz: Are there any questions? None. Okay. Thank you, sir. Come back, Mr. Plumlee.

Mr. Plumlee: I was deep in thought. Sorry. Tell me your name again, I'm sorry.

Mr. Nimitz: Steve Nimitz.

Mr. Plumlee: So, you mentioned that a 90-day limitation would be agreeable to the community is your understanding.

Mr. Nimitz: And we have not had the opportunity to fully canvas our community because the staff reports were not posted until the fifth, I think it was the fifth of this month and the application, excuse me, the application that was available online with the agenda that was posted merely cited the 90-day limit. It didn't really go into any of the other details that involving education and those types of things.

Mr. Plumlee: Okay. And the other issues you brought out were education and the age of the resident. And you've not received information regarding that or were told there would not be any educational requirements or understanding?

Mr. Nimitz: That's correct. So, my concern is that if we approve a group home without conditions of duration and such, that this group home could then change purposes several years from now and become something else with no further action required here by this body.

Mr. Alcaraz: When you say without conditions, what?

Mr. Nimitz: Well, I don't know what the conditions that were imposed when this home was originally created in 1984.

Mr. Alcaraz: Okay.

Mr. Nimitz: I have no record of that. I do have records of all the proffers that were in place when the second group home was established in 2005.

Mr. Alcaraz: And have you had any concerns with the community that you're with for the past 40 years over that?

Mr. Nimitz: The good news is that we have a representative on our board from Seton and has been the same person for the last 18 years. And that person is the person we go to when we have issues with parking, kids wandering the street, those types of things. And so we don't engage the churches that host these properties, we engage the organization that operates those homes, which was Seton.

Mr. Alcaraz: I'm gonna go back to, so you said parking. So there's a problem with parking when...

Mr. Nimitz: At the girl shelter, which is at the intersection of King's Grant Edinburg.

Mr. Alcaraz: Okay, but on this side, there is no parking.

Mr. Nimitz: Not on this side, there's a huge parking lot on this side. But any issues in general with the group homes were dealt with by our representative on the board who also is on the Seton Board, so that's kind of how that process worked.

Mr. Alcaraz: Thank you.

Mr. Nimitz: Thank you.

Mr. Alcaraz: All right, Mr. Brown, you can come forward and rebut.

Mr. Brown: If it's okay, I'd like to introduce Ms. Jackson to talk about the specific operation that we have.

Mr. Alcaraz: Please step forward and state your name.

Ms. Jackson: Hi, my name is Lolita Jackson and I'm the program manager of the Virginia Beach Shelter.

Mr. Alcaraz: Okay. What I'd like you to do is just rebut on what was said. So we don't have to go through the whole thing.

Ms. Jackson: Our age group is from 5 to 17. We will not have any...

Mr. Alcaraz: Just come closer to the mic.

Ms. Jackson: Our age group that we serve is from ages 5 to 17. We will not serve anyone over the age of 17. As far as we have a safety plan in place where the children will

never be unsupervised outside of the building, whenever they leave the building, they will be accompanied by a staff member. They will not venture over until we will not use the school area. We will not be affiliated with that area at all. As far as the educational plan, we have a certified ESL teacher on staff and an education assistant as well.

Mr. Alcaraz: Okay. Thank you. Let them finish. Then we'll go to questions. Go ahead Mr. Brown. You wanna rebuttal anything?

Mr. Brown: Just simply say that, that all education services are operated on site. That's built into the operation. But we're happy to answer any additional questions if there are any.

Mr. Alcaraz: I'm gonna turn it over to the Commissioners. Mr. Coston, go ahead.

Mr. Coston: How many residents at a time?

Mr. Brown: Up to 10. We will not have more than 10 at a time.

Mr. Coston: Okay. Please come forward so we can get on the record when, whatever your answer is. We have it recorded.

Mr. Brown: I'm sorry, up to 10. We will not have more than 10 residents at a time.

Mr. Alcaraz: Anything else, Mr. Coston? Ms. Cuellar?

Ms. Cuellar: Yes. My question is when you first submitted your application, could you help us better understand why you selected 90 days?

Mr. Jackson: Well, the 90 days is our process where we are clearing a sponsor. We very rarely go up to 90 days. We actually go between two weeks and 30 days. We need the 90 days just in case it takes us longer to clear a certain sponsor.

Ms. Cuellar: Okay. And then my question is for our City Attorney in regard to our Zoning Ordinance, in the course of the research for this application, Ms. McKinney shared with us that there is no restriction as to how long a resident can stay in a group home. Could you just clarify that point of law for us?

Ms. Wilson: Thank you. In the group home definition, there is no limitation as to time limits. However, if everyone agrees to the time limits, then it would be fine to put it in there, but we cannot impose a time limit. We, being the Planning Commission.

Mr. Alcaraz: Thank you. Any other questions, Mr. Plumlee?

Mr. Plumlee: I have a question. Okay, so 90 days is agreeable as a condition, ages 5 to 17 is agreeable as the condition and a limitation of residents up to 10 is an agreeable condition? Is that fair because this is like forming a contract?

Mr. Brown: Yes.

Mr. Plumlee: You know, a Conditional Use Permit, we set the conditions, you know, the city does and you can agree to it or reject it, but I just wanted to make clear that those were all agreeable conditions.

Mr. Brown: Our preference is to operate a group home in conformance with the Zoning Ordinance. But if those conditions are necessary to get it through, we're happy to accept them.

Mr. Plumlee: Thank you.

Mr. Brown: All right. Thank you.

Mr. Alcaraz: Mr. Clemons?

Mr. Clemons: Yes. Thank you. I'm wondering, is there an admissions process or how are residents selected for the program?

Ms. Jackson: We receive a referral from an intake facility down in Texas. And they're not local, they don't come from local organizations. We receive a referral, yes.

Mr. Clemons: Is there any other screening that might take place beyond that?

Ms. Jackson: Oh yes, we go through an extensive background process, a background check process yes sir.

Mr. Clemons: Okay.

Mr. Alcaraz: Good. Thank you. All right, Mr. Coston?

Mr. Coston: Is there any anticipation of visitors?

Ms. Jackson: No, the shelter is self-sufficient. The residents are not allowed to tell their families where we are, so there will be no visitation at the shelter.

Mr. Alcaraz: Ms. Cuellar.

Ms. Cuellar: My question, given the interest in our community with the change in the program at the Cabrini Center. Have you thought about a communication plan with your landlord St. Nicholas to inform not only the parishioners, but the greater community such as the King's Grant Civic League in regard to the operation or just, you know, some type of communication plan for an update as to how things are going?

Mr. Brown: We certainly, you know, apologized to the King's Grant Civic Association, we didn't intend to leave them out. Our team had been in the neighborhoods knocking doors to try to communicate what was happening prior to posting our signs. We've met extensively with the parishioners of St. Nicholas and have largely allowed the parish to kind of drive communication regarding the proposed use given that it's their facility. We're certainly happy to attend any civic association, any community meeting to discuss our use, to discuss our program,

to discuss our work and we'd certainly be happy for a seat on the board of the Kings Grant Civic Association as well.

Ms. Cuellar: Thank you very much.

Mr. Alcaraz: Is there any other. None, all right.

Mr. Horsley: Yeah. I have a question. You said that these youngsters come to you by referral from Texas. Is that correct?

Ms. Jackson: Yes.

Mr. Horsley: So, is the gentleman right about it being illegal immigrants? Is that what they are and how can you do an extensive background check on those if they are illegal people? That's what I want to know.

Ms. Jackson: We are doing the background check on the sponsors. The people that they're going to, the youth that come to us are children. They are between the ages of 5 and 17, and so there's no way to do an extensive background check on the child, and our background checks are geared toward the people that are receiving them.

Mr. Horsley: So, what is your goal in 30 days say, what is your goal? What do you plan for those youngsters to go after that?

Mr. Brown: Thank you for the question, Mr. Vice Chairman. So the ministry that we are conducting here, right is these children have come across the border. They've been apprehended by typically Customs and Border Patrol, and the Department of Homeland Security due to a number of federal policies and judicial settlements are not allowed to house these children. They need to be placed in the least restrictive setting possible for them, and so they are transferred to the Department of Health and Human Services under the custody of the Office of Refugee Resettlement. The Office of Refugee Resettlement then contracts with local state licensed facilities like Commonwealth Catholic Charities to care for these children and reunite them with their sponsors, with their family members who reside here in the United States. Processing, background checks, the determination of whether or not there's a reasonable case for that child to gain status in the United States. All of that happens prior to their arrival with us. Our job is to care for them, to educate them, to provide them with social assistance, with mental health assistance, with nutritional services, and to reunite them with their family.

Mr. Horsley: So you plan to reunite them with their family that reside in the United States. Okay, so you have to go through the process of locating them and all that?

Mr. Brown: Yes sir. We locate them. We conduct a background screenings and background checks to ensure that this is a safe place. We verify employment; we verify that these children can be supported, that they'll attend school. All of those things will take place while they're in our care. Our work will be certified by the Office of Refugee Resettlement of the Department of Health and Human Services and then we facilitate the connection of the child with their sponsor.

Mr. Horsley: And they go back to their families, and you don't look, you don't try to find families locally to take them or whatever?

Mr. Brown: Typically, there are not local families. We move these kids to wherever their family members are.

Mr. Horsley: Okay, thank you.

Mr. Brown: Yes sir.

Mr. Alcaraz: Mr. Plumlee has another question.

Mr. Plumlee: So there is a sponsor that's been identified prior to them being placed in this home. Is that fair?

Mr. Brown: Yes.

Mr. Plumlee: Okay. Thank you just wonderful.

Mr. Alcaraz: All right, my turn. What I'm hearing this is, and correct me if I'm wrong, so this has been going on for 40 years and you've had a two week period to do all that you just said. So now you're asking for 90 days.

Mr. Brown: Our partnership serving this population has extended back 40 years in a multiple different avenues and programs. We operate a very, very similar ministry to this one in the city of Richmond and that's where our experience is, that on average these children are with us for 27 days. We do allow for 90 based on the program rules because occasionally it takes us a little bit longer to ascertain who the sponsor is, how do we verify, where they are and the rest. But we've not yet had an experience where a child would be with us for longer than 90 days. The work of the staff upon arrival is to take care of these children, to verify who the sponsor is and to do the work necessary to reunite these children with that sponsor. So yes, it is rapid, it is very quick, and the team is extremely good at it.

Mr. Alcaraz: So 90 days will actually help you do better at that.

Mr. Brown: We don't have an issue with the 90-day restriction. The 90-day restriction does not...

Mr. Alcaraz: Versus two weeks is a big difference.

Mr. Brown: Oh certainly, yes, absolutely. I mean, we are asking for the extension to 90 days because it is essential for us to make sure that we can fully process the sponsors and make sure these kids will be safe on the other end.

Mr. Alcaraz: All right. Any other questions? All right. You may be seated right now. We're gonna close it to public comment and I'm gonna open for discussion with the Commissioners. Once we have that discussion and anyone wants to speak, we can go ahead and have somebody make a motion. Mr. Plumlee.

Mr. Plumlee: I would just like to say, I know there was some surprise to this item for the community, and they thought that they didn't have sufficient time to delve into this issue; however, I would be supportive of a recommendation for approval to City Council with the conditions that we've talked about 10 residents, 5 to 17 years of age that they have a sponsor before they're coming and that it's for this 90-day period of time, I would be in favor if we can condition it that way the recommendation, and since we're simply making a recommendation, you all have another chance, another body to go before and express any continuing, you know, objection that you have. So I'm not sure you're missing any opportunity to be heard with this recommendation. So I just wanted to make that point.

Mr. Alcaraz: All right, Mr. Plumlee. Ms. Cuellar, go ahead.

Ms. Cuellar: So first and foremost, I recognize that this is a very complex issue that Commonwealth Catholic Charities is stepping up to address and to support in our community. Having that said, I do would feel more comfortable based on the concerns of not only the letters and the calls that I've received is to moving forward with the condition of 90 days. I think too, what we're also reading here, it said up to 20 children but if it's truly gonna be more than 10, I think if we become a little more restrictive in our conditions, then it would be a compromise at this point before we move to City Council, if more citizens would like to come out and speak on this from Kings Grant.

Mr. Alcaraz: All right, is anybody else like to, Mr. Horsley?

Mr. Horsley: I'd just like to ask Kay, if you would, is it legal? What I mean, we're land use, I mean we determine what the property is used for and can we put these conditions on a land use property? I mean, I don't think anybody's having a problem with it being a group home, but I think it's and that's really what our job is to say, if it's a group, we can have a group home here or not, but can we put these conditions on it legally?

Ms. Wilson: Yes, as long as everyone agrees to these conditions, what my suggestion is that we, the last section we make these conditions part of a section that says in compromise with the community, everyone agrees that these conditions shall apply. That way, if anybody looks at it in 20 years, they know that we all agree to these conditions and that's why they're on. It's not that we impose them because we wouldn't have a right to impose them on them, particularly in the 90 days, but the other is we probably could, a Conditional Use Permit, you put conditions on so that it fits better in the neighborhood. So that's exactly what these conditions are doing.

Mr. Horsley: Okay. So they've agreed. They have agreed. So we are good to go.

Ms. Wilson: So we're good.

Mr. Alcaraz: Okay. So let me make sure because one thing that I didn't know in agreement with the applicant was the 10 was that, I hate to ask you, Mr. Brown, even though we're closed, may I ask him to come up? Mr. Brown, may you come up please. A statement was just made from 20 to 10, does that sound right?

Ms. Wilson: Yeah, that's what I heard from your program director, you wouldn't have any more than 10 at one time?

Mr. Brown: Yes ma'am.

Ms. Wilson: So I wanna be sensitive to that, this current recommendation is that?

Mr. Brown: Yes, the maximum occupancy that we would anticipate is 10. We're happy to accept that as a compromise.

Mr. Alcaraz: Did you have anything else to say before?

Mr. Brown: I mean, I think the conditions that we are glad to accept is the 90-day limit, there I said the 10 children and the age range from 5 to 17.

Mr. Alcaraz: Thank you sir.

Mr. Brown: Yes sir. Thank you.

Mr. Alcaraz: Is there any other, anybody else? I'm sorry sir, we're closed. Yes, Miss.

Ms. Cuellar: So Kay help us also with, did you have something?

Mr. Alcaraz: Yes, go ahead.

Ms. Estaris: What would happen if a child was to stay more than 90 days? What would be the situation?

Ms. Wilson: They would be in violation of their Conditional Use Permit. But I get the feeling that, you know, there may be a child and he's there 92 days because somebody's car got broken down on the way from Pennsylvania. Then I think that's not something that we would bring in them in and ask to have their Conditional Use Permit vacated or gotten rid of, if you end up with, you know, the next 20 children are all there six months, then yeah, then we would have to bring them back in.

Mr. Alcaraz: Mr. Plumlee.

Mr. Plumlee: Yeah, they would just be subject to revocation at that point. They could have it revoked if they were to, as she said consistently exceed the time that would be the subject.

Mr. Alcaraz: All right, Ms. Cuellar.

Ms. Cuellar: One thing I was hoping to get a clarification on is that Mr. Nimitz mentioned that for Seton House, for the girls' property at the front of Edinburgh and King's Grant Road, that there's a representative on that board. Was there anything, Ms. McKinney? I'm not seeing Michaela here in regard to Seton House having a position, excuse me, the Civic League having a position on Seton House, the boys home.

Ms. Alcock: We did not have a condition to that effect.

Ms. Cuellar: No condition.

Ms. Alcock: No ma'am.

Mr. Alcaraz: All right. Thank you. It looks like we've had our discussion. Everyone's expressed their concerns and asked their questions, and is there anyone like to entertain a motion? Ms. Cuellar?

Ms. Cuellar: I move that we approve the Modifications of Conditions with the compromise that we discussed here today.

Mr. Alcaraz: Can you please state that?

Ms. Cuellar: Okay.

Mr. Alcaraz: Just the three...

Ms. Cuellar: Oh pardon me, I'm sorry, yes. The three conditions would be that no more than 10 children between the ages of 5 and 17 will be in attendance, excuse me, in residence at the Cabrini Center and for no more than 90 days.

Mr. Alcaraz: Thank you.

Mr. Plumlee: Second.

Mr. Alcaraz: Second by Mr. Plumlee.

Madam Clerk: Vote is open. By a vote of seven in favor, zero against with an abstention noted by Commissioner Horsley, is your vote an aye?

Mr. Horsley: Yes.

Madam Clerk: Okay. Corrected, by vote of eight in favor, zero against agenda item number 10 has been recommended for approval with conditions as amended.

Mr. Alcaraz: All right. Thank you. Thank you for attending, and that concludes our formal meeting.

	AYE 8	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Anderson	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris	AYE			
Horsley	AYE			
Parks				ABSENT
Plumlee	AYE			

CONDITIONS

1. All conditions attached to the previous Conditional Use Permit granted on February 6, 1964, are hereby deleted, and superseded by the following conditions.
2. The proposed building shall be improved in substantial conformance with the submitted architectural renderings entitled "ST NICHOLAS BUILDING PLANS", prepared by R.P. Morgan. Said elevations have been exhibited to the City of Virginia Beach City Council and are on file in the Department of Planning & Community Development.
3. All existing landscaping on the property shall be retained and maintained.
4. The number of children associated with this conditional use permit shall be limited to 20 children or as determined by the occupancy load set by the Building Official's Office for this Group Home, whichever count is lower
5. The applicant shall obtain all necessary permits and inspections from the Department of Planning & Community Development/Permits and Inspections Division. The applicant shall secure a Certificate of Occupancy from the Building Official prior to the occupancy of the Group Home.
6. All on-site signage must meet the requirements and regulations of the Zoning Ordinance, unless otherwise approved by the Board of Zoning Appeals. A separate permit from the Department of Planning & Community Development is required for any new signage installed on site.
7. All outdoor lights shall be shielded to direct light and glare onto the premises, said lighting and glare shall be deflected, shaded, and focused away from all adjoining property. Any outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet.

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

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

CONDITIONS OF 1984 CONDITIONAL USE PERMIT APPROVAL

1. Installation of automatic sprinkler and fire alarm systems meeting the approval of the Fire Protection Engineer.
2. Limitation of twenty children, each to be housed for a maximum of two weeks.

Virginia Beach Planning Commission
April 12, 2023, Public Meeting
Agenda Item # 11

Bold Beauty Ink, LLC (Applicant)
Alvin J. Lanese Trust (Property Owner)

Conditional Use Permit (Tattoo Parlor)

Address: 968 South Oriole Drive, Suite 100

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Horsley: The next item is item number 11 Bold Beauty Ink. LLC Alvin J. Lanese Trust. Is there a representative here?

Ms. Taes: Hi, my name is June Taes. I am the owner of Bold Beauty Ink. I would like to thank you all for your time and consideration today, and I accept the terms and conditions.

Mr. Horsley: Thank you. Is any opposition? Hearing none, we've asked Commissioner Plumlee if he would read this in the record.

Mr. Plumlee: The applicant Bold Beauty Ink, LLC is requesting a Conditional Use Permit to operate a Tattoo Parlor for permanent makeup known as microblading. It's currently going to take place in existing beauty salon and existing shopping center. It's going to take place in a 208 square foot room with the existing suite. There will be one employee in hours of operation, 9 to 3 p.m. There has been no opposition expressed and the Commission has placed this on the consent agenda.

Mr. Horsley: Thank you Commissioner Plumlee.

Mr. Horsley: Now I'll go back over the consent agenda. Item number one, City of Virginia Beach, item number two and three, Princess Anne Village, LLC, item number seven and the eight, Wynn Minwer and Julia Subeh, item number nine Christina Danielle Patterson. Item number 11 Bold Beauty Ink. LLC. Items number 12, 13, 14, and 15 short-term rentals. Mr. Chairman, I will make a motion that we approve the consent agenda as read.

Mr. Alcaraz: Thank you. Do I have a second?

Mr. Plumlee: Second.

Mr. Alcaraz: Is there any abstaining? None.

Madam Clerk: I'm sorry, who made the second? Mr. Plumlee. Okay, thank you. Vote is open. By a recorded vote of eight in favor, zero against agenda items number one, two, and three, seven and eight, nine, 11, 12, 13, 14, and 15 have all been recommended for approval by consent.

	AYE 8	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Anderson	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris	AYE			
Horsley	AYE			
Parks				ABSENT
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 makeup. No other form of tattooing shall be permitted.
3. The actual application of permanent makeup 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
April 12, 2023, Public Meeting
Agenda Item # 12

Francis Robbins Oman (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 4005 Atlantic Avenue, Unit 217

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Horsley: The next agenda items are number 12, 13, 14, and 15, all of which are short term rentals, the first one is item 12, Frances Robbins Oman. Is there any representative? Come down.

Ms. Oman: Hello, I'm Frances Robbins Oman, the owner.

Mr. Horsley: You accept the conditions?

Ms. Oman: I do.

Mr. Horsley: Thank you.

Ms. Oman: Thank you.

Ms. Cuellar: Thank you. Agenda items number 12, 13, 14, and 15 are all application requests for short-term rentals, excuse me, conditional use permits for short-term rentals located in the Oceanfront Resort District. All the conditions are accepted. There is no opposition, and we recommend this for the consent agenda.

Mr. Horsley: Thank you Commissioner Cuellar. Now I'll go back over the consent agenda. Item number one, City of Virginia Beach, item number two and three, Princess Anne Village, LLC, item number seven and the eight, Wynn Minwer and Julia Subeh, item number nine Christina Danielle Patterson. Item number 11 Bold Beauty Ink. LLC. Items number 12, 13, 14, and 15 short-term rentals. Mr. Chairman, I will make a motion that we approve the consent agenda as read.

Mr. Alcaraz: Thank you. Do I have a second?

Mr. Plumlee: Second.

Mr. Alcaraz: Is there any abstaining? None.

Madam Clerk: I'm sorry, who made the second? Mr. Plumlee. Okay, thank you. Vote is open. By a recorded vote of eight in favor, zero against agenda items number one, two, and three, seven and eight, nine, 11, 12, 13, 14, and 15 have all been recommended for approval by consent.

	AYE 8	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Anderson	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris	AYE			
Horsley	AYE			
Parks				ABSENT
Plumlee	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 4005 Atlantic Avenue, Unit 217 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.
3. The dwelling unit shall comply with all required Fire and Building code requirements.
4. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
5. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the 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.
6. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.
7. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
8. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the 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 the Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
9. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of the Revenue's Office and pay all applicable taxes.
10. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
11. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
12. Accessory structures shall not be used or occupied as Short Term Rentals.
13. No signage shall be on-site, except that each Short Term Rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a short term rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street.
14. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
15. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
16. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
17. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, which number shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).
18. The property owner, or their representative, shall provide to the 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.

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

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

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

Virginia Beach Planning Commission
April 12, 2023, Public Meeting
Agenda Item # 13

William J. Wright, Jr. (Applicant)
Beach Front Financing, LLC (Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 911 Pacific Avenue, Unit C

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Horsley: The next one is item 13, William J. Wright, Jr.

Mr. Wright: Good afternoon, I am Mr. Wright and I do accept the conditions.

Mr. Horsley: Accept the conditions?

Mr. Wright: Yep.

Mr. Horsley: I forgot to ask if there's any opposition to one before. Was there any opposition to number 12? How about number 13? Okay, thank you.

Ms. Cuellar: Thank you. Agenda items number 12, 13, 14, and 15 are all application requests for short-term rentals, excuse me, conditional use permits for short-term rentals located in the Oceanfront Resort District. All the conditions are accepted. There is no opposition, and we recommend this for the consent agenda.

Mr. Horsley: Thank you Commissioner Cuellar. Now I'll go back over the consent agenda. Item number one, City of Virginia Beach, item number two and three, Princess Anne Village, LLC, item number seven and the eight, Wynn Minwer and Julia Subeh, item number nine Christina Danielle Patterson. Item number 11 Bold Beauty Ink. LLC. Items number 12, 13, 14, and 15 short-term rentals. Mr. Chairman, I will make a motion that we approve the consent agenda as read.

Mr. Alcaraz: Thank you. Do I have a second?

Mr. Plumlee: Second.

Mr. Alcaraz: Is there any abstaining? None.

Madam Clerk: I'm sorry, who made the second? Mr. Plumlee. Okay, thank you. Vote is open. By a recorded vote of eight in favor, zero against agenda items number one, two, and three, seven and eight, nine, 11, 12, 13, 14, and 15 have all been recommended for approval by consent.

	AYE 8	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Anderson	AYE			

Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris	AYE			
Horsley	AYE			
Parks				ABSENT
Plumlee	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 911 Pacific Ave, Unit C 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.
3. The dwelling unit shall comply with all required Fire and Building code requirements.
4. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
5. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the 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.
6. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.
7. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
8. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the 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 the Revenue's Office receipt of registration; and

- c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
9. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of the Revenue's Office and pay all applicable taxes.
 10. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
 11. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
 12. Accessory structures shall not be used or occupied as Short Term Rentals.
 13. No signage shall be on-site, except that each Short Term Rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a short term rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street.
 14. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
 15. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
 16. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
 17. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, which number shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).
 18. The property owner, or their representative, shall provide to the 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.

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

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

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

Virginia Beach Planning Commission
April 12, 2023, Public Meeting
Agenda Item # 14

Tara Ryan (Applicant)
Pacific Air 3, LLC (Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 925 Pacific Avenue

RECOMMENDED FOR CONSENT – APPROVAL

Mr. Horsley: All right, now item number 14 is Tara Ryan Pacific Air 3, LLC. Is the representative here? Seeing none. Move forward.

Ms. Cuellar: Thank you. Agenda items number 12, 13, 14, and 15 are all application requests for short-term rentals, excuse me, conditional use permits for short-term rentals located in the Oceanfront Resort District. All the conditions are accepted. There is no opposition, and we recommend this for the consent agenda.

Mr. Horsley: Thank you Commissioner Cuellar. Now I'll go back over the consent agenda. Item number one, City of Virginia Beach, item number two and three, Princess Anne Village, LLC, item number seven and the eight, Wynn Minwer and Julia Subeh, item number nine Christina Danielle Patterson. Item number 11 Bold Beauty Ink. LLC. Items number 12, 13, 14, and 15 short-term rentals. Mr. Chairman, I will make a motion that we approve the consent agenda as read.

Mr. Alcaraz: Thank you. Do I have a second?

Mr. Plumlee: Second.

Mr. Alcaraz: Is there any abstaining? None.

Madam Clerk: I'm sorry, who made the second? Mr. Plumlee. Okay, thank you. Vote is open. By a recorded vote of eight in favor, zero against agenda items number one, two, and three, seven and eight, nine, 11, 12, 13, 14, and 15 have all been recommended for approval by consent.

	AYE 8	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Anderson	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris	AYE			
Horsley	AYE			
Parks				ABSENT
Plumlee	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 925 Pacific Avenue 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.
3. The dwelling unit shall comply with all required Fire and Building code requirements.
4. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
5. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the 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.
6. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.
7. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
8. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the 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 the Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
9. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of the Revenue's Office and pay all applicable taxes.
10. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and

31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.

11. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
12. Accessory structures shall not be used or occupied as Short Term Rentals.
13. No signage shall be on-site, except that each Short Term Rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a short term rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street.
14. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
15. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
16. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
17. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, which number shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).
18. The property owner, or their representative, shall provide to the 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.

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

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

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

Virginia Beach Planning Commission
April 12, 2023, Public Meeting
Agenda Item # 15

Milton J. Price, III (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 303 Atlantic Avenue, Unit 603

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Horsley: Item number 15 Milton J. Price, III.

Mr. Price: Good afternoon. I'm Milton Price. I'm just representing myself as the owner for short-term rental application.

Mr. Horsley: Conditions acceptable?

Mr. Price: Yes sir.

Mr. Horsley: Thank you sir. Any opposition to this item? We have asked Ms. Cuellar if she would read the four short-term rentals into the record.

Ms. Cuellar: Thank you. Agenda items number 12, 13, 14, and 15 are all application requests for short-term rentals, excuse me, conditional use permits for short-term rentals located in the Oceanfront Resort District. All the conditions are accepted. There is no opposition, and we recommend this for the consent agenda.

Mr. Horsley: Thank you Commissioner Cuellar. Now I'll go back over the consent agenda. Item number one, City of Virginia Beach, item number two and three, Princess Anne Village, LLC, item number seven and the eight, Wynn Minwer and Julia Subeh, item number nine Christina Danielle Patterson. Item number 11 Bold Beauty Ink. LLC. Items number 12, 13, 14, and 15 short-term rentals. Mr. Chairman, I will make a motion that we approve the consent agenda as read.

Mr. Alcaraz: Thank you. Do I have a second?

Mr. Plumlee: Second.

Mr. Alcaraz: Is there any abstaining? None.

Madam Clerk: I'm sorry, who made the second? Mr. Plumlee. Okay, thank you. Vote is open. By a recorded vote of eight in favor, zero against agenda items number one, two, and three, seven and eight, nine, 11, 12, 13, 14, and 15 have all been recommended for approval by consent.

	AYE 8	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Anderson	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris	AYE			
Horsley	AYE			
Parks				ABSENT
Plumlee	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 303 Atlantic Avenue, Unit 603 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.
3. The dwelling unit shall comply with all required Fire and Building code requirements.
4. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
5. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the 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.
6. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.
7. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
8. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the 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 the Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
9. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of the Revenue's Office and pay all applicable taxes.
 10. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
 11. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
 12. Accessory structures shall not be used or occupied as Short Term Rentals.
 13. No signage shall be on-site, except that each Short Term Rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a short term rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street.
 14. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
 15. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
 16. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
 17. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, which number shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).
 18. The property owner, or their representative, shall provide to the 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.

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

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning 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.