



# Planning Commission Agenda

March 8, 2023

**VB** City of  
**Virginia Beach**

The Virginia Beach Planning Commission Public Hearing is carried LIVE on VBTv, which is available on Cox Cable Channel 48, Verizon Cable Channel 45 and on VBgov.com's Media Center webpage at <http://www.vbgov.com/media/pages/videos.aspx>. The meeting is recast on Cox Channel 48 and Verizon Channel 45 the following morning at 9 a.m. and on Cox Channel 47 and Verizon Cable Channel 47 at 7 p.m. on the two consecutive Fridays following the live meeting. The meeting will also be available on the Media Center webpage for two months beginning the Friday after the live hearing.

# Planning Commission Hearing Procedures

A Public Hearing of the Virginia Beach Planning Commission will be held on **Wednesday, March 8, 2023 at 12:00 p.m. in the Council Chamber at City Hall, 2<sup>nd</sup> Floor at 2401 Courthouse Drive Building 1, Virginia Beach, VA 23456**. Members of the public will be able to observe the Planning Commission meeting through livestreaming on [www.vbgov.com](http://www.vbgov.com), broadcast on VBTv, and via WebEx. Citizens who wish to speak can sign up to speak either in-person at the Council Chamber or virtually via WebEx by completing the two-step process below. A Staff briefing session will be held at 9:00 a.m.. All interested parties are invited to observe.

If you wish to make comments virtually during the public hearing, please follow the **two-step process** provided below:

1. Register for the WebEx at:  
<https://vbgov.webex.com/vbgov/onstage/g.php?MTID=eac1b74b8a6648b2c8e3140340df053e7>
2. Register with the Planning Department by calling 757-385-4621 or via email at [mbharris@vbgov.com](mailto:mbharris@vbgov.com) prior to 5:00 p.m. on March 7, 2023.

Copies of the proposed plans, ordinances, amendments and/or resolutions are on file and may be examined by appointment in the Planning Department at 2875 Sabre St, Suite 500, Virginia Beach, VA 23452 or online at [www.vbgov.com/pc](http://www.vbgov.com/pc). For information call 757-385-4621. Staff Reports will be available on the webpage 5 days prior to the meeting.

If you require a reasonable accommodation for this meeting due to a disability, please call the Planning Department at 757-385-4621. If you are hearing impaired, you can contact Virginia Relay at 711 for TDD service. The meeting will be broadcast on cable TV, [www.vbgov.com](http://www.vbgov.com) and Facebook Live.

Please check our website at [www.vbgov.com/pc](http://www.vbgov.com/pc) for the most updated meeting information.

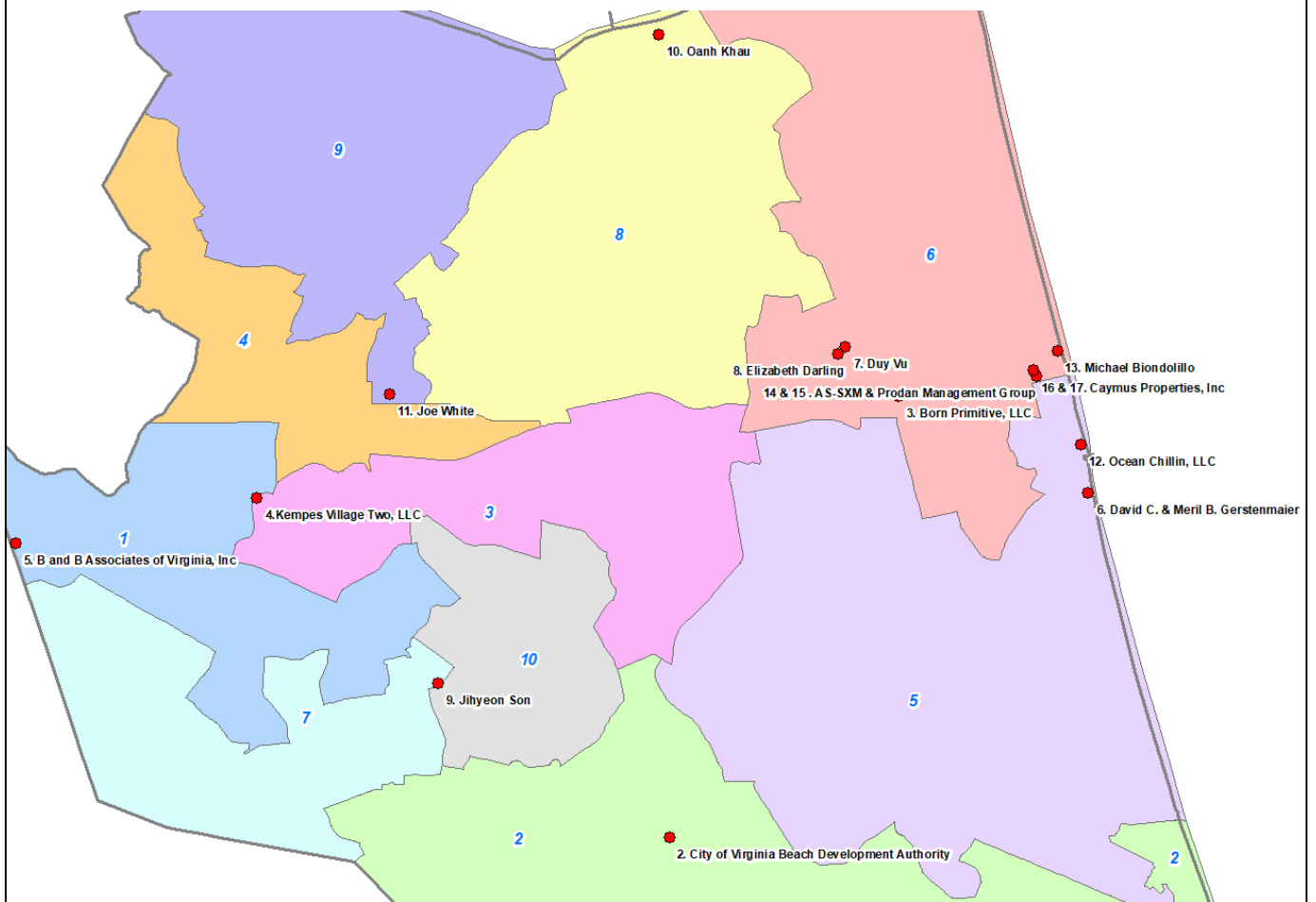
# Planning Commission Hearing Procedures

The following describes the order of business for the Public Hearing.

1. **Withdrawals and Deferrals:** The first order of business is the consideration of withdrawals or requests to defer an item. The Commission will ask those who are signed up to speak at the hearing if there are any requests to withdraw or defer an item that is on the agenda. **Please note the requests that are made, as one of the items being withdrawn or deferred may be the item that you have an interest in.** Please confine your remarks to the deferral or withdrawal request and do not address the issues of the application – in other words, please let the Commission know why deferring or withdrawing the application is unacceptable rather than discussing what your specific issue is with the application.
2. **Consent Agenda:** The second order of business is consideration of the “consent agenda.” The consent agenda contains those items that the Planning Commission believes are unopposed and which have a favorable Staff recommendation. If an item is placed on the Consent Agenda, that item will be heard with other items on the agenda that appear to be unopposed and have a favorable staff recommendation. The Commission will vote on all of the items at one time. Once the Commission has approved the item as part of the Consent Agenda, it is deemed approved and will not be discussed any further.
3. **Regular Agenda:** The Commission will then proceed with the remaining items on the agenda, according to the following process:
  - a. The applicant or applicant’s representative will have 10 minutes to present its case.
  - b. Next, those who wish to speak in support to the application will have 3 minutes to present their case.
  - c. If there is a spokesperson for the opposition, he or she will have 10 minutes to present their case.
  - d. All other speakers not represented by the spokesperson in opposition will have 3 minutes.
  - e. The applicant or applicant’s representative will then have 3 minutes for rebuttal of any comments from the opposition.
  - f. There is then discussion among the Commission members. No further public comment will be heard at that point.
  - g. The Commission does not allow slide or computer generated projections other than those prepared by the Planning Department Staff.
  - h. The Commission asks that speakers not be repetitive or redundant in their comments. Petitions may be presented and are encouraged. If you are part of a group, the Commission requests, in the interest of time, that you use a spokesperson.

**Planning Commission action is not a final determination regarding the application, but only a recommendation to the City Council of the viewpoint of the Planning Commission. Final determination of the application will be made by City Council at a later date after public notice in the Virginian Pilot/Beacon.**

# MARCH 8, 2023 PLANNING COMMISSION AGENDA





## PLANNING COMMISSION AGENDA

### A. COMMENTS BY DIRECTOR OF PLANNING AND CHAIR OF COMMISSION

### B. BRIEFINGS

1. Temporary Parking Lots in the OR Amendment, Hannah M. Sabo – Zoning Administrator

## 12:00 P.M. – PUBLIC HEARING

### 1. **APPROVAL (COUNCIL ON April 4)**

#### City of Virginia Beach

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

### 2. **APPROVAL (COUNCIL ON April 4)**

#### City of Virginia Beach Development Authority

(Applicant)

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

#### Modification of Proffers

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

**GPIN(s):** 1494459345, Portion of 1494170763, 1494086398

**City Council:** District 2, formerly Princess Anne

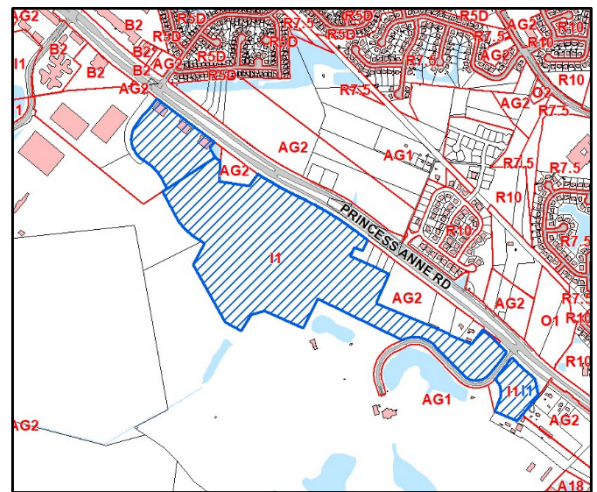
**Accela Record(s):** 2023-PCCC-00006

**SGA:** No

**Overlay:** ITA Overlay

**Staff Planner:** Hoa N. Dao

*Request to amend the Design and Development Guidelines.*



### 3. **APPROVAL (COUNCIL ON April 18)**

#### Born Primitive, LLC (Applicant)

**Modern Savage Investments, LLC** (Property Owner)

#### Modification of Proffers

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

**GPIN(s):** 2417057714, 2417150755, 2417059705, 2417152724, 2417154801

**City Council:** District 6, formerly Beach

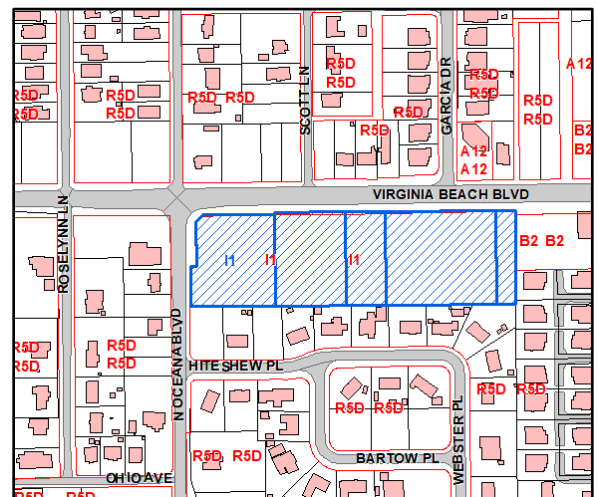
**Accela Record(s):** 2023-PCCC-00005

**SGA:** No

**Overlay:** No

**Staff Planner:** Marchelle Coleman

*Request to amend the site layout and building design that was previously proffered.*



**4. APPROVAL (COUNCIL ON April 4)**

**Kempes Village Two, LLC** (Applicants & Property Owners)

**Modification of Conditions**

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

**GPIN(s):** 1466684796, 1466686587, 1466689305, 1466782352

**City Council:** District 3, formerly Kempsville

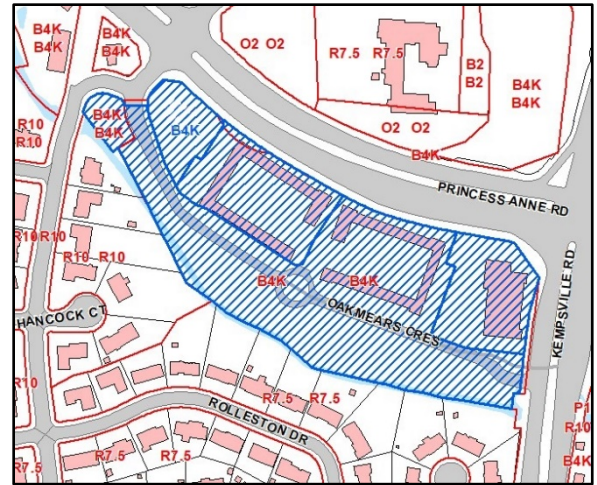
**Accela Record(s):** 2022-PCCC-00302

**SGA:** No

**Overlay:** Historic Kempsville

**Staff Planner:** Elizabeth Nowak

*Request to amend previous approval to eliminate the non-residential use component and to increase the maximum number of dwellings allowed from 170 to 186 units, resulting in a density of 18.6 units/acre.*



**5. APPROVAL (COUNCIL ON April 18)**

**B and B Associates of Virginia, Inc** (Applicant)

**Indian River Apartments, LLC** (Property Owner)

**Change in Nonconformity** (Expansion of Apartment Complex)

**Address:** 1008 Mineola Drive

**GPIN(s):** 1446959553

**City Council:** District 1, formerly Kempsville

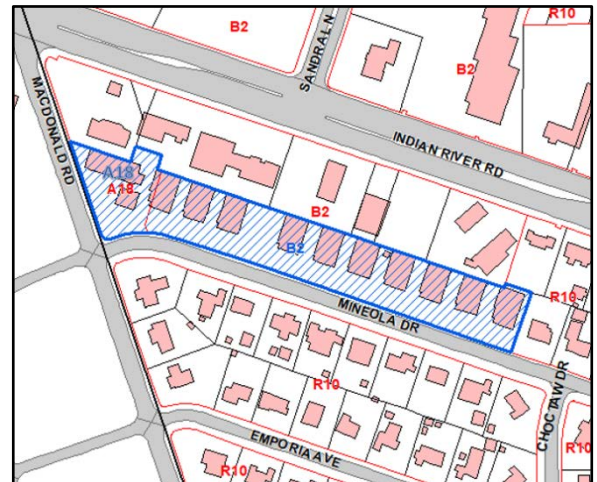
**Accela Record(s):** 2022-PCCC-00290

**SGA:** No

**Overlay:** No

**Staff Planner:** Michaela D. McKinney

*Request to construct a 1,700 square foot building for a leasing office and fitness facility.*



**6. APPROVAL (COUNCIL ON April 18)**

**David C. & Meril B. Gerstenmaier** (Applicant)

**Street Closure**

**Adjacent Addresses:** 650 S. Atlantic Avenue & Lot 22, Block 20, Croatan Beach

**Adjacent GPIN(s):** 2426398037 & 2426399120

**City Council:** District 5, formerly Beach

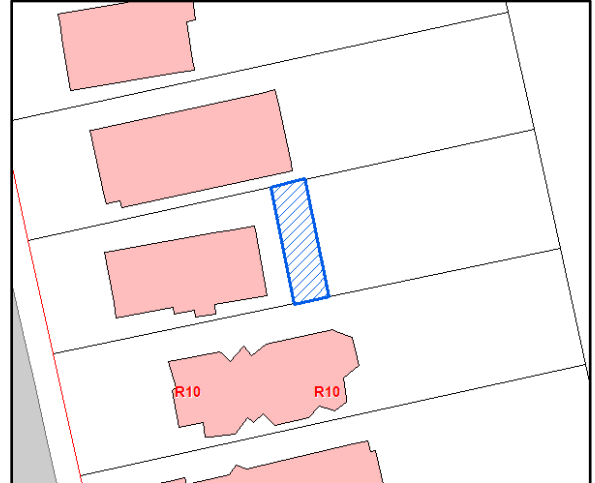
**Accela Record(s):** 2023-PCCC-00001

**SGA:** No

**Overlay:** No

**Staff Planner:** Michaela D. McKinney

*Request to close approximately 750 square feet of the 15-foot alley in Croatan Beach.*



**7. APPROVAL (COUNCIL ON April 4)**

**Duy Vu** (Applicant)

**Davisville Properties, LLC** (Property Owner)

**Conditional Use Permit (Tattoo Parlor)**

**Address:** 737 First Colonial Road, Unit 212

**GPIN(s):** 2407791187

**City Council:** District 6, formerly Beach

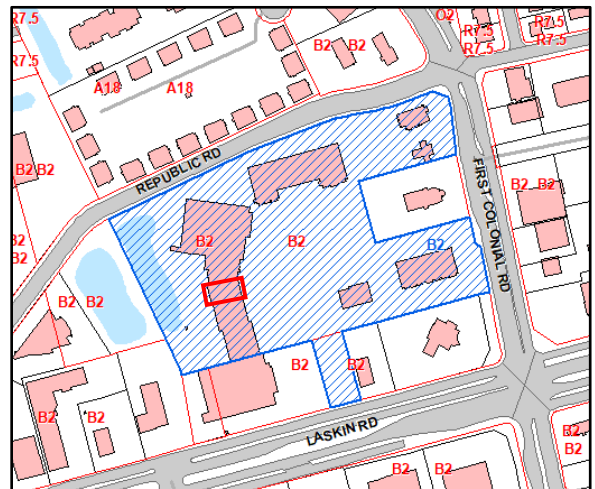
**Accela Record(s):** 2022-PCCC-00259

**SGA:** Yes - Hilltop

**Overlay:** No

**Staff Planner:** Michaela D. McKinney

*Request to operate a Tattoo Parlor for the application of permanent make-up within a unit of the Marketplace at Hilltop Shopping Center.*



**8. APPROVAL (COUNCIL ON April 4)**

**Elizabeth Darling** (Applicant)

**Procopis John Damalas Family Limited Partnership** (Property Owner)

**Conditional Use Permit (Tattoo Parlor)**

**Address:** 1776 Laskin Road, Unit 104

**GPIN(s):** 2407685699

**City Council:** District 6, formerly Beach

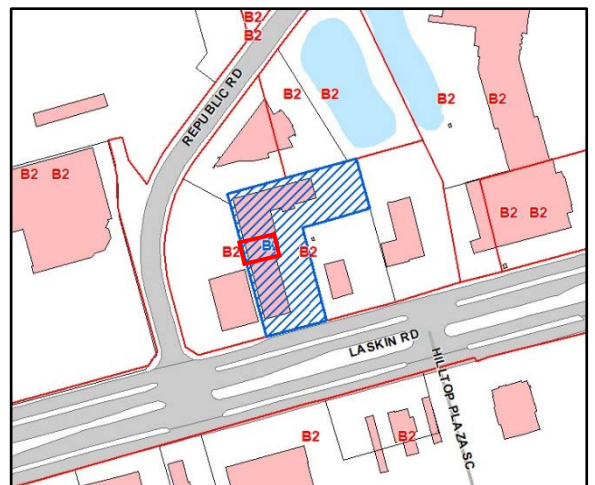
**Accela Record(s):** 2023-PCCC-00008

**SGA:** Yes – Hilltop

**Overlay:** No

**Staff Planner:** Michaela D. McKinney

*Request to operate a Tattoo Parlor for traditional tattooing within a unit of the Damalas Centre Shopping Center.*





**9. APPROVAL (COUNCIL ON April 4)**

**Jihyeon Son** (Applicant)

**SCI Lynnhaven Fund, LLC** (Property Owner)

**Conditional Use Permit** (Tattoo Parlor)

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

**GPIN(s):** Portion of 1475859946

**Council District:** District 7, formerly Rose Hall

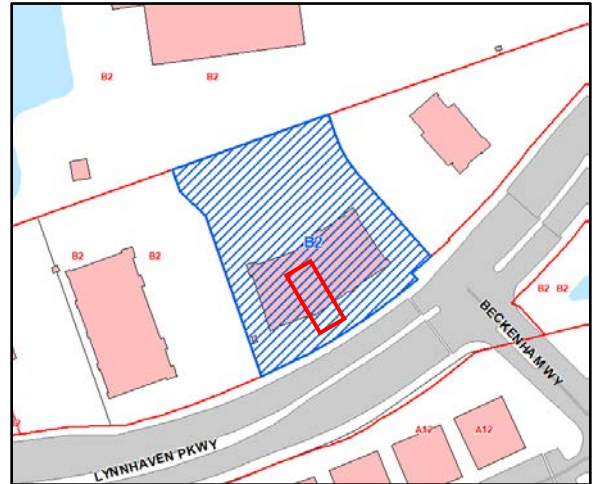
**Accela Record(s):** 2022-PCCC-00286

**SGA:** No

**Overlay:** No

**Staff Planner:** Michaela D. McKinney

*Request to operate a tattoo parlor within a unit of the Salem Crossing Shopping Center.*



**10. APPROVAL (COUNCIL ON April 4)**

**Oanh Khau** (Applicant)

**Sam Cape Henry Plaza, LLC** (Property Owner)

**Conditional Use Permit** (Tattoo Parlor)

**Address:** 2817 Shore Drive, Suite 112

**GPIN(s):** 1590401698

**City Council:** District 8, formerly Lynnhaven

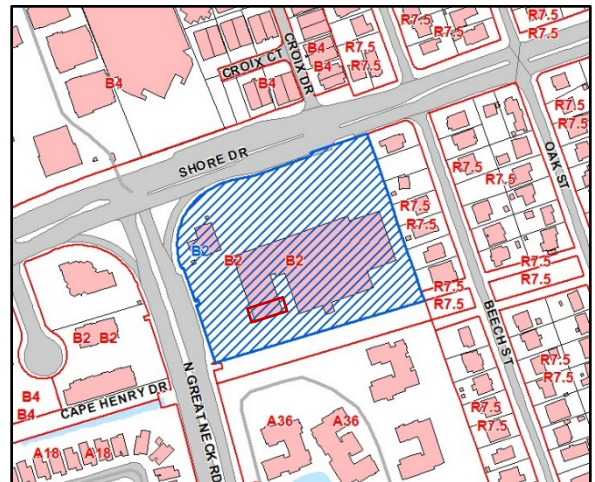
**Accela Record(s):** 2022-PCCC-00300

**SGA:** No

**Overlay:** Shore Drive

**Staff Planner:** Madison B. Eichholz

*Request to operate a Tattoo Parlor for the application of permanent make-up within a unit of the Cape Henry Plaza Shopping Center.*



**11. APPROVAL (COUNCIL ON April 18)**

**Joe White** (Applicant)

**Pembroke Square Associates, LLC** (Property Owner)

**Alternative Compliance**

**Addresses:** 4564 Virginia Beach Boulevard

**GPIN(s):** 1477554898

**City Council:** District 9, formerly Bayside

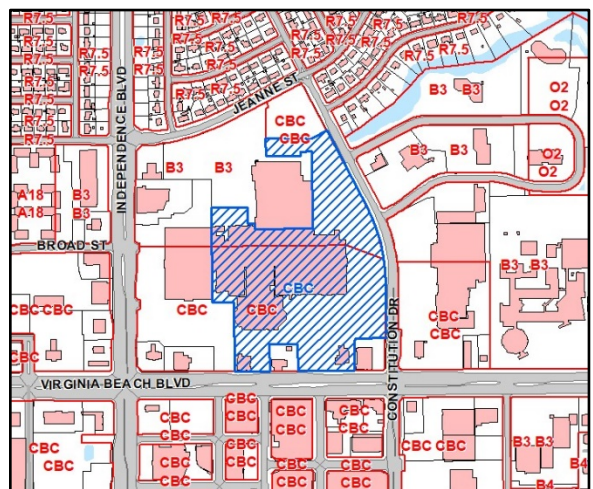
**Accela Record(s):** 2022-PCCC-00291

**SGA:** Yes - Pembroke

**Overlay:** No

**Staff Planner:** Brandon Hackney

*Request to install an illuminated sign.*





## SHORT TERM RENTALS

### 12. **APPROVAL (COUNCIL ON April 18)**

**Ocean Chillin, LLC** (Applicant & Property Owner)

**Conditional Use Permit** (Short Term Rental)

**Address:** 303 Atlantic Avenue, Unit 300

**GPIN(s):** 24273224031510

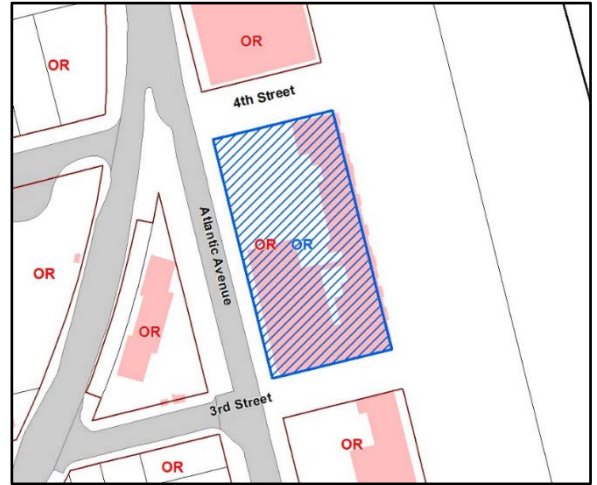
**City Council:** District 5, formerly Beach

**Accela Record(s):** 2022-PCCC-00301

**SGA:** Yes – Resort Area

**Overlay:** OR Overlay

**Staff Planner:** Garek Hall Hannigan



*Request for a 3-bedroom Short Term Rental.*

### 13. **APPROVAL (COUNCIL ON April 18)**

**Michael Biondolillo** (Applicant)

**Helen A. Lewis** (Property Owner)

**Conditional Use Permit** (Short Term Rental)

**Address:** 2113 Atlantic Avenue, Unit 2C

**GPIN(s):** 24271868788240

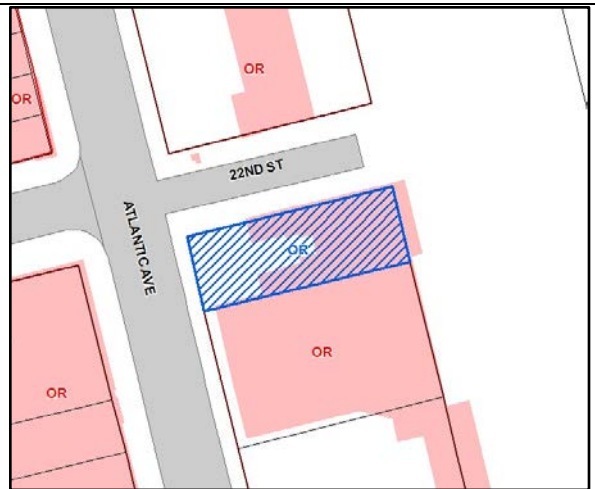
**City Council:** District 6, formerly Beach

**Accela Record(s):** 2022-PCCC-00294

**SGA:** Yes – Resort Area

**Overlay:** OR Overlay

**Staff Planner:** Garek Hall Hannigan



*Request for a 2-bedroom Short Term Rental.*

### 14. **APPROVAL (COUNCIL ON April 4)**

**AS-SXM, LLC** (Applicant & Property Owner)

**Conditional Use Permit** (Short Term Rental)

**Address:** 1800 Baltic Avenue

**GPIN(s):** 2427072197

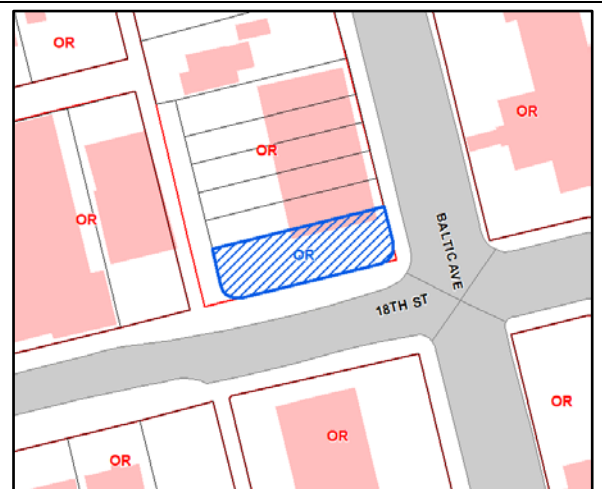
**City Council:** District 6, formerly Beach

**Accela Record(s):** 2023-PCCC-00002

**SGA:** Yes – Resort Area

**Overlay:** OR Overlay

**Staff Planner:** Garek Hall Hannigan



*Request for a 2-bedroom Short Term Rental.*

**15. APPROVAL (COUNCIL ON April 4)**

**Prodan Management Group, LLC** (Applicant & Property Owner)

**Conditional Use Permit** (Short Term Rental)

**Address:** 503 18<sup>th</sup> Street

**GPIN(s):** 2427072197

**City Council:** District 6, formerly Beach

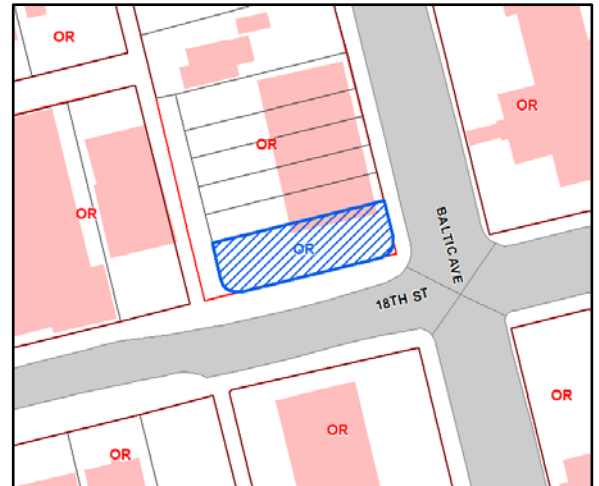
**Accela Record(s):** 2023-PCCC-00003

**SGA:** Yes – Resort Area

**Overlay:** OR Overlay

**Staff Planner:** Garek Hall Hannigan

*Request for a 2-bedroom Short Term Rental.*



**16. & 17. APPROVAL (COUNCIL ON April 18)**

**Caymus Properties, Inc** (Applicant & Property Owner)

**Conditional Use Permit** (Short Term Rental)

**Addresses:** 509 19<sup>th</sup> Street & 511 19<sup>th</sup> Street

**GPIN(s):** 2427070524, 2417979583

**City Council:** District 6, formerly Beach

**Accela Record(s):** 2022-PCCC-00296, 2022-PCCC-00299

**SGA:** Yes – Resort Area

**Overlay:** OR Overlay

**Staff Planner:** Garek Hall Hannigan

*Requests for two, 3-bedroom Short Term Rentals.*

