



Planning Commission Agenda

February 10, 2021

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

In accordance with Virginia Code § 2.2-3708.2, Virginia Code § 15.2-1413 and the City's Continuity of Government Ordinance adopted on September 15, 2020, and Chapter 1289 of the 2020 Acts of Assembly as amended, a Virtual Public Hearing of the Virginia Beach Planning Commission will be held on Wednesday, February 10, 2021 at 12:00 p.m. A Staff briefing session will be held at 9:00 a.m. This public hearing will be held by electronic communication means. All interested parties are invited to participate by following the two-step process provided below. Due to the ongoing Covid-19 Pandemic, please check our website at www.vbgov.com/pc for the most updated meeting information. 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=e0aca5338abc082119d4666dda389d9a1>

2. Register with the Planning Department by calling 757-385-4621 or via email at niGarrido@vbgov.com prior to 5:00 p.m. on February 9, 2021.

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. 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 and Facebook Live.

- * Deferral
- ** Withdrawal

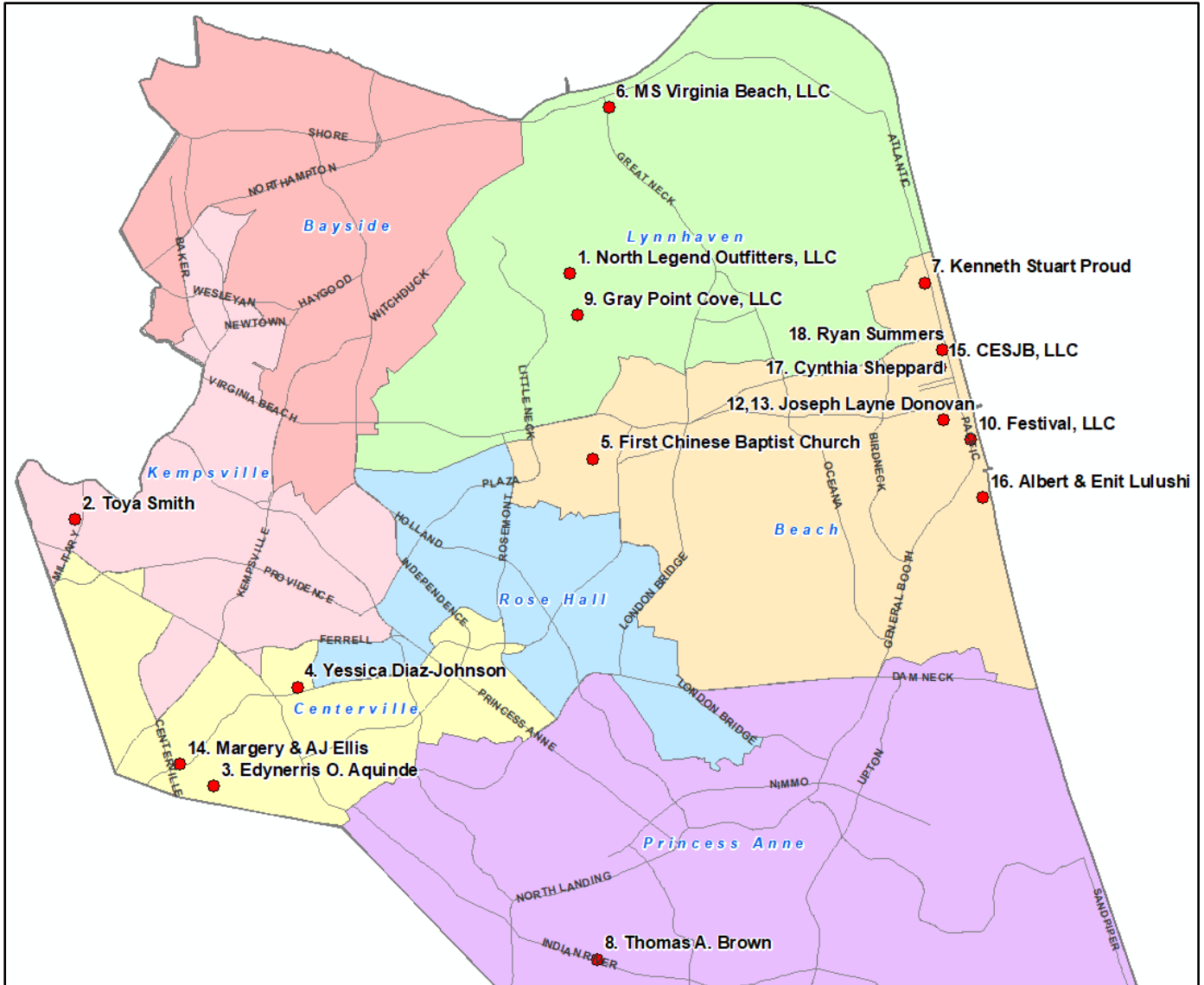
The following describes the order of business for the Public Hearing.

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.

* Deferral
** Withdrawal

FEBRUARY 10, 2021
 PLANNING COMMISSION AGENDA



* Deferral
 ** Withdrawal

FEBRUARY 10, 2021
PLANNING COMMISSION AGENDA

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

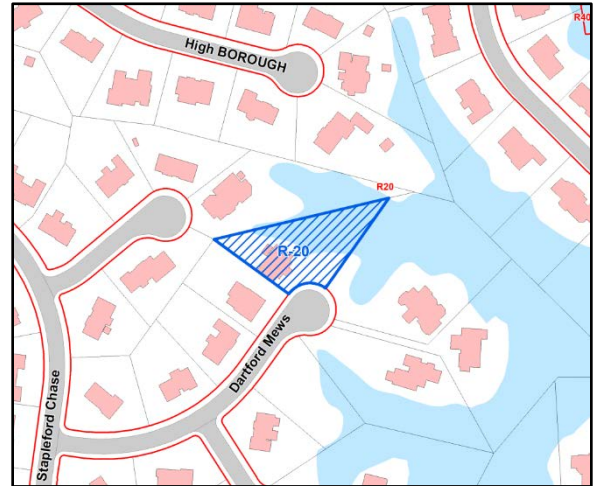
12:00 P.M. – PUBLIC HEARING

1.
North Legend Outfitters, LLC (Applicant)
Benjamin David Lindborg & Brooke Harris Lindborg (Property Owners)

Conditional Use Permit (Home Occupation – Retail Sales (Firearms))

Address: 1017 Dartford Mews
GPIN(s): 1498161975
Council District: Lynnhaven
Accela Record: 2020-PCCC-00319
Staff Planner: Marchelle Coleman

Request for the applicant to operate a firearm sales business within the home and by appointment only.

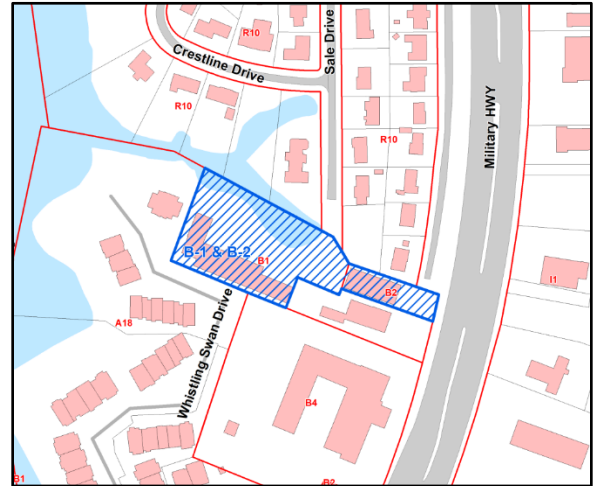


2.
Toya Smith (Applicant)
SST Holdings, LLC (Property Owner)

Conditional Use Permit (Assembly Use)

Address: 701 A S Military Highway
GPIN(s): 1456273699
Council District: Kempsville
Accela Record: 2020-PCCC-00321
Staff Planner: Marchelle Coleman

Request for an event venue for small gatherings within a unit in the shopping center.



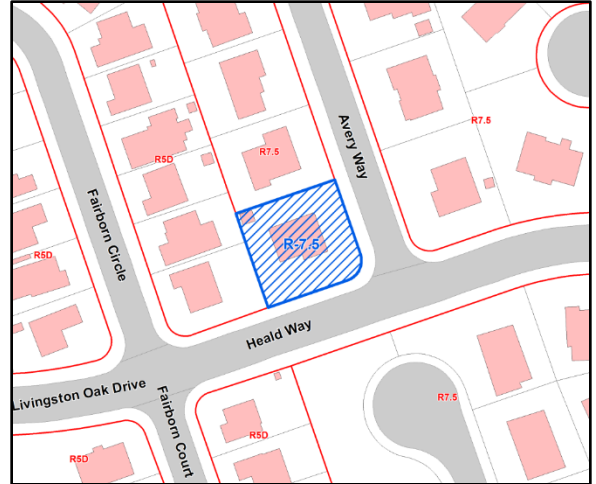
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** Withdrawal

3.
Edynerris O. Aquinde (Applicant)
Maximo P. Aquinde Jr. & Edynerris O. Aquinde
 (Property Owners)

Conditional Use Permit (Family Day-Care Home)

Address: 980 Avery Way
GPIN(s): 1464362803
Council District: Centerville
Accela Record: 2020-PCCC-00324
Staff Planner: Marchelle Coleman

Requesting to care for up to 12 children in applicant's single-family dwelling.

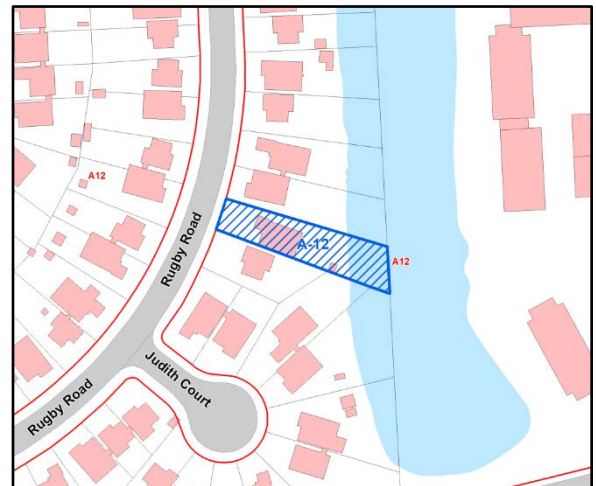


4.
Yessica Diaz-Johnson (Applicant)
Deon Johnson Sr. & Yessica Diaz-Johnson
 (Property Owners)

Conditional Use Permit (Family Day-Care Home)

Address: 5150 Rugby Road
GPIN(s): 1465948584
Council District: Centerville
Accela Record: 2020-PCCC-00327
Staff Planner: Marchelle Coleman

Request to care for up to 12 children in applicant's single-family dwelling.

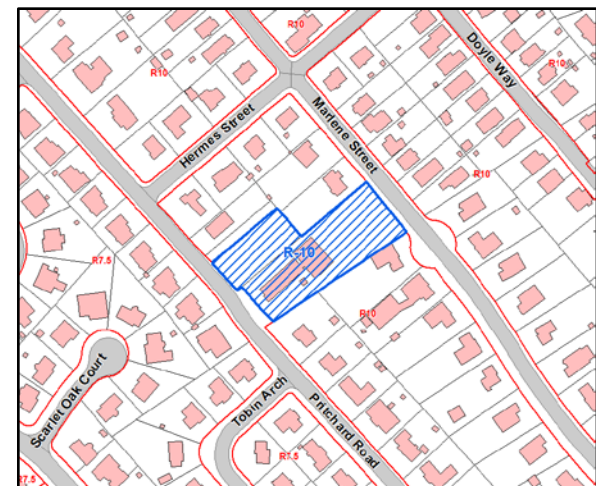


5.
First Chinese Baptist Church (Applicant & Property Owner)

Modification of Conditions (Religious Use)

Address: 228 Pritchard Road
GPIN(s): 1497229425, 1497227432
Council District: Beach
Accela Record: 2020-PCCC-00330
Staff Planner: Jonathan Sanders

Requesting to replace the south wing portion of the church with a larger one-story addition.



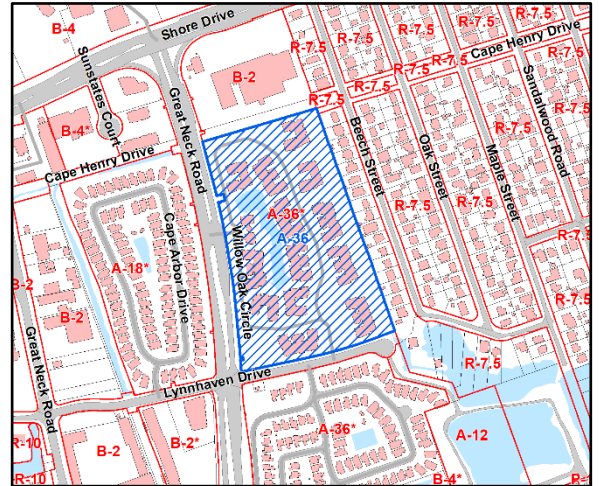
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 ** Withdrawal

6.
MS Virginia Beach, LLC (Applicant & Property Owner)

Modification of Proffers

Address: 2257 Willow Oak Circle
GPIN(s): 1499493656
Council District: Lynnhaven
Accela Record(s): 2020-PCCC-00241
Staff Planner: Jonathan Sanders

A request to building a three-story building over ground level parking to house 49 apartment units. The building will replace the tennis court area at the southwest corner of the site.

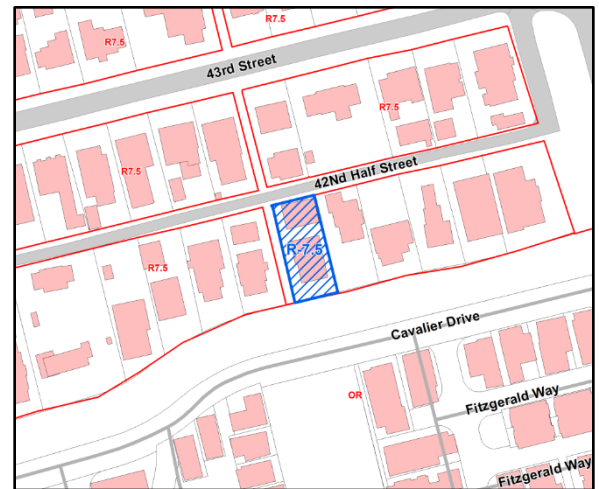


7.
Kenneth Stuart Proud (Applicant & Property Owner)

Change in Nonconformity

Address: 228 Cavalier Drive
GPIN(s): 2418868294
Council District: Beach
Accela Record: 2020-PCCC-00325
Staff Planner: Hoa N. Dao

Request to expand the footprint of the existing nonconforming structure, as only one dwelling allowed on property where two exist.

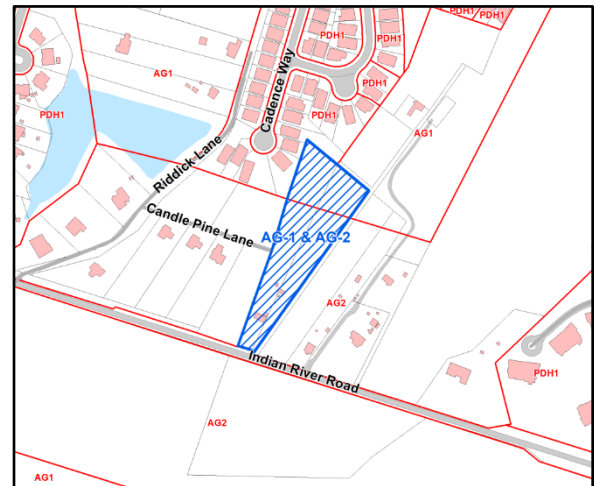


8.
Thomas A. Brown (Applicant & Property Owner)

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

Address: 2892 Indian River Road
GPIN(s): 1493334650, 1493335697
Council District: Princess Anne
Accela Record: 2020-PCCC-00326
Staff Planner: Aubrey Trebilcock

Requesting to reconfigure the property line of the two existing lots that results in no new parcels. The reconfiguration will result in one lot losing direct access to a public street.



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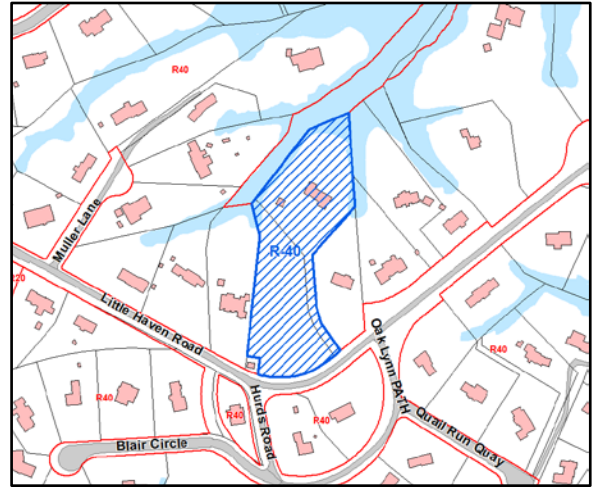
9.

Gray Point Cove, LLC (Applicant)
Gray Point Cove, LLC & Sharon L. Gray (Property Owners)

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

Address: 3108 Little Haven Road & adjacent western parcel
GPIN(s): 1498136679, 1498136243
Council District: Lynnhaven
Accela Record: 2020-PCCC-00334
Staff Planner: Aubrey Trebilcock

Request to subdivide property in order to create two lots for residential development, where both proposed lots are deficient in lot width. This request also includes modifying the boundary of a lot previously granted a subdivision variance for lot width. The lot width of that lot will not be altered.



10.

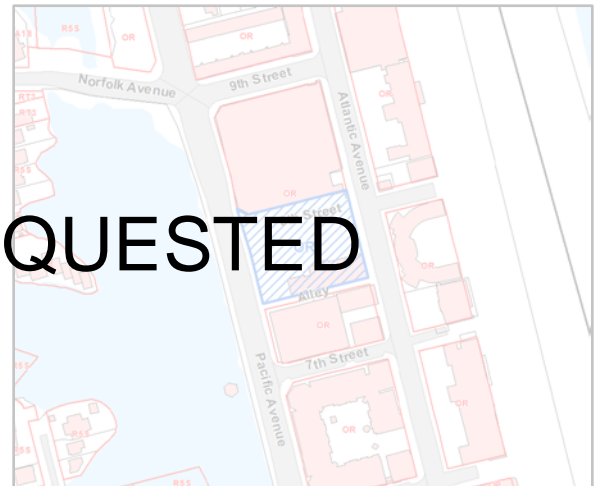
Festival, LLC (Applicant & Property Owner)

Alternative Compliance

Address: 712 Atlantic Avenue
GPIN(s): 2427235940
Council District: East Lynnhaven
Accela Record: 2020-PCCC-00340
Staff Planner: Ashby Moss

DEFERRAL REQUESTED

Request for outdoor dining and entertainment, outdoor recreation, open air market, and recurring special events on site with various outbuildings and structures.



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11. City of Virginia Beach - A Resolution to Amend the City Zoning Ordinance Pertaining to Short Term Rentals: To Amend Section 102 of the City Zoning Ordinance Establishing Short Term Rental Overlay Districts-West Shore Drive, East Shore Drive, North End, And Oceanfront Resort; To Add Article 23, Consisting of Sections 2300 To 2303, (Short Term Rental Overlay Districts) to The City Zoning Ordinance Establishing Regulations and Requirements Pertaining to Short Term Rentals in Each Overlay District; To Amend The Official Zoning Map by the Designation and Incorporation of Property Into Short Term Rental Overlay Districts-East Shore Drive, North End and or District; To Amend Sections 401, 501, 601, 901, 1110, 1125, 1521, and 2203 of the City Zoning Ordinance and Section 5.2 of the Oceanfront Resort District Form-Based Code Pertaining to the Requirements and Use of Short Term Rentals and Overlays; Establishing Transitions Rules for the Review of Conditional Use Permits for Short Term Rentals in the Short Term Rental Overlays

SHORT TERM RENTALS

12. & 13.

Joseph Layne Donovan (Applicant & Property Owner)

Conditional Use Permits (Short Term Rental)

Address: 525 13th Street Units A & B

GPIN(s): 2427054405

Council District: Beach

Accela Record(s): 2020-PCCC-00311, 2020-PCCC-00312

Staff Planner: Will Miller

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



14.

Margery & AJ Ellis (Applicants & Property Owners)

Conditional Use Permit (Short Term Rental)

Address: 5632 Freewill Lane

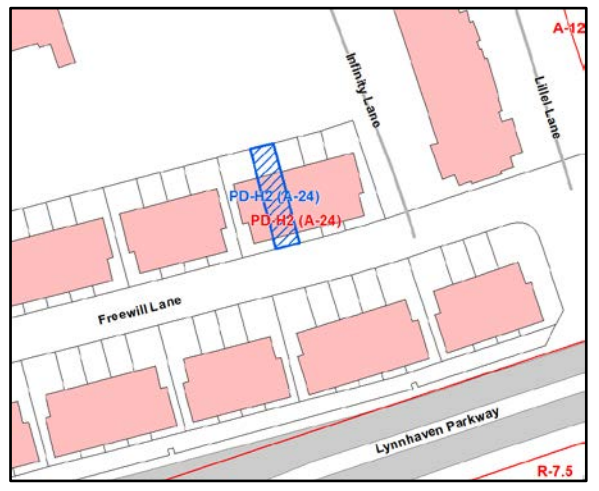
GPIN(s): 1464084535

Council District: Centerville

Accela Record(s): 2020-PCCC-00317

Staff Planner: Will Miller

Request for a 3-bedroom Short Term Rental.



- * Deferral
- ** Withdrawal

15.

CESJB, LLC (Applicant and Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 409 24th ½ Street

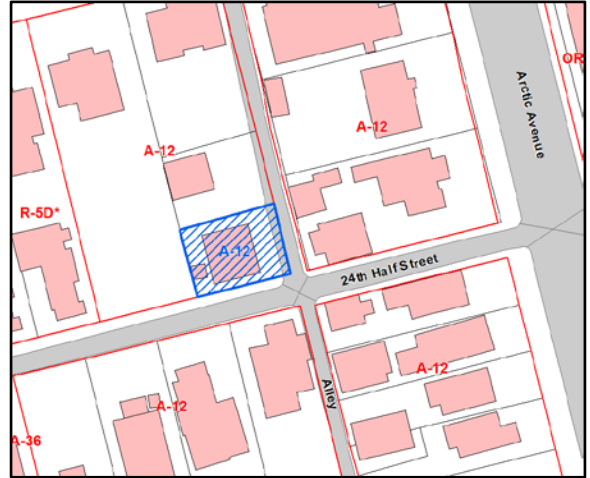
GPIN(s): 2427091661

Council District: Beach

Accela Record(s): 2020-PCCC-00314

Staff Planner: Will Miller

Request for a 2-bedroom Short Term Rental.



16.

Albert & Enit Lulushi (Applicants & Property Owners)

Conditional Use Permit (Short Term Rental)

Address: 528 Vanderbilt Avenue

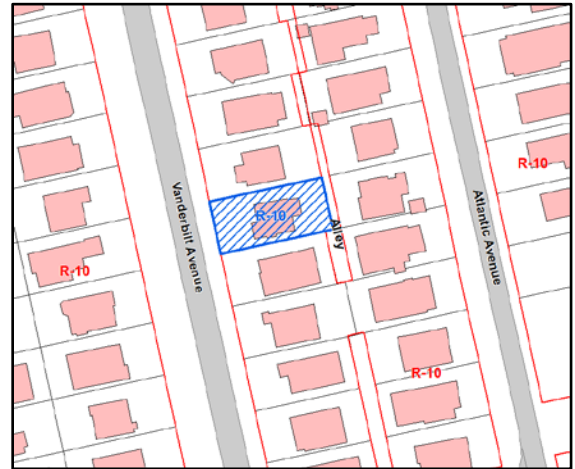
GPIN(s): 2426394440

Council District: Beach

Accela Record(s): 2020-PCCC-00322

Staff Planner: Will Miller

Request for a 4-bedroom Short Term Rental.



17.

Cynthia Sheppard (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 304 28th Street Unit 201

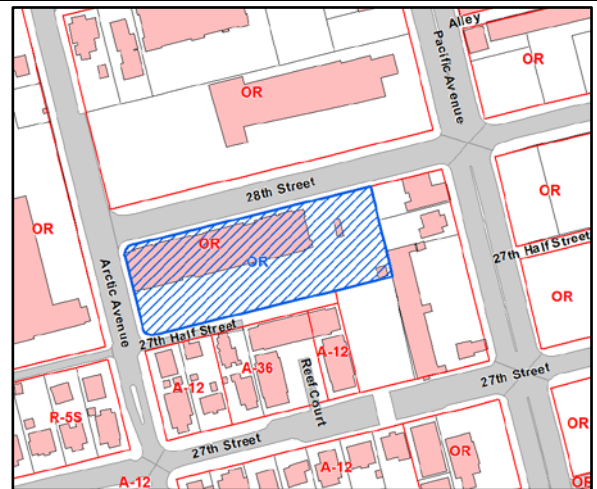
GPIN(s): 2428002866001

Council District: Beach

Accela Record(s): 2020-PCCC-00313

Staff Planner: Summer Peebles

Request for a 2-bedroom Short Term Rental.



* Deferral
** Withdrawal

18.

Ryan Summers (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 304 28th Street Unit 113

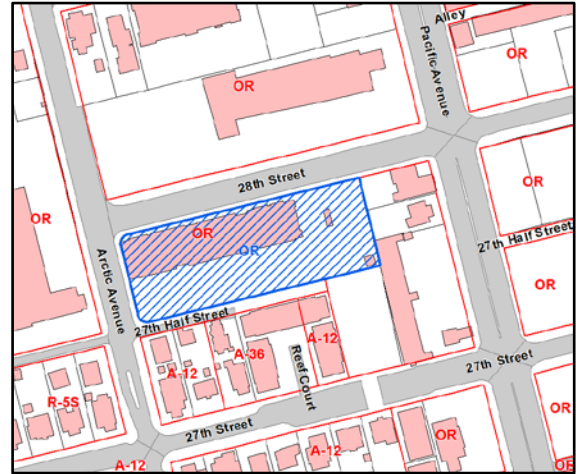
GPIN(s): 24280028661013

Council District: Beach

Accela Record(s): 2020-PCCC-00320

Staff Planner: Summer Peebles

Request for a 2-bedroom Short Term Rental.



- * Deferral
- ** Withdrawal