

Virginia Beach Planning Commission

Public Hearing Verbatim

February 14, 2018

Bob Thornton: My name is Bob Thornton and I service the chair. Before we get started, I would like for you all to rise for an invocation and a pledge. Dear Heavenly Father, we come to you today, thanking you for your guidance and wisdom, as we begin this hearing today guard our hearts and our minds in a spirit of fairness, right thought and speech, help us to remember our responsibility to serve our community with great insight guiding by your understanding, wisdom, and respect for all. As we make decisions today help us to promote the common good as we work together for the betterment of our great city. As trusted servants, we seek blessing on our deliberations and our efforts here today. In your name, we pray, amen. [Group Pledge]. Thank you. Thank you commissioner Horsley. I have asked Commissioner David Weiner to introduce our planning commission members today.

David Weiner: Thank you Mr. Thornton. Starting on the other end, there is Mrs. Kay Wilson, she is our city attorney. Next to Kay is Jack Wall. Jack is a civil engineer and he represents the Rose Hall District. Next is Dr. Karen B. Kwasny, she is a professor of literature and she represents the Princess

Anne District. Next is Don Horsley. Mr. Horsley is a farmer and he is At-large. Next is Ron Ripley. Mr. Ripley is in real estate management and he is also At-large. Next is the secretary of the planning commission, Jan Rucinski. She is in property management and she represents the Centerville District. Next is our chairman, Bob Thornton, Bob is in commercial real estate and he represents the Lynnhaven District. Next to Bob is Dee Oliver, Dee is our vice chair and she is a funeral director and she is At-large. Next is Jeff Hodgson, Jeff is in real estate management and he represents the Beach District. Sitting next to me is Mike Inman, Mike is an attorney and he is At-large. My name is David Weiner, I am in commercial sales and I represent the Kempsville District. Sitting next to me is David Redmond, he is in commercial real estate, he represents the Bayside District and then we have Barry Frankenfield the planning director of planning. Mr. Frankenfield...

Mr. Frankenfield: Thank you very much. I would like to introduce the staff to you today, to my left needs no introduction and he is not here right now, but Mr. Ed Weeden who is truly a Harbinger-of-spring today with his colorful outfit. So on the planning staff, I just want to know, as I forgot to mention when I was in former session but we have Curtis Williams and John Dudley over here that our zoning inspectors and we are cross training all of our planners and inspectors, we are forcing the inspectors to come to planning commission meetings and we were making the planners to go out in the field with the inspector, so thank you gentleman for being here today. On

the planning bench over here, we have Carolyn Smith, Dr. Stephen White, Nancy McIntyre who is representing our development services center today. Jonathan Sanders, in the back where we have Rick Lowman, our traffic engineer, Chuck Payne is in our environmental group and Marchelle Coleman, another planner with the department. So thank you everybody for being here today.

Mr. Thornton: Thank you David and Barry for introducing your folks. The first order of business is the explanation of the rules that we use to run our meetings, our commissioner Rucinski, and our secretary will explain the rules, Jan.

Ms. Rucinski: Thank you chairman Thornton. The Virginia Beach Planning Commission takes pride in being fair and courteous to all parties and attendants. It is important that all involved understand how the commission normally conducts its business. It is equally important that we treat each other with respect and civility. The commission requests that if you have a cell phone to either silence it or turn it off at this time. This is an abbreviated explanation of the rules. A complete set of the rules is located in the front of the planning commission agenda. Following is the order business for this public hearing. Withdrawals and referrals, the chairman will ask if there is a request to be withdrawn or deferred from the agenda. Consideration of these requests will be made first. Consent agenda, the second order of the business is the consideration of consent agenda, which were those items which the planning commission believes, are unopposed and have favorable staff recommendation. Regular agenda, the

commission will then proceed with the remaining items on the agenda today. Please note that actions taken by the commission today are in the form of a recommendation to the Virginia Beach City Council. The final decision for approval or disapproval for any application will be made by City Council. The commission thanks your attendance. We hope that your experience here today leaves you feeling that you have been heard and treated fairly. Thank you.

Mr. Thornton: Thank you Jan. The next order of business is to address items that should need to be deferred or withdrawn. It does not appear that we have any items that have been requested for deferral or withdrawing, so hearing none I would move on to the next order of business. This is where we address those items that have been placed on the consent agenda, the vice chair, Commissioner Oliver will handle this portion of the agenda.

Consent Item #1 (Removed from Consent Agenda)
Alba Taxi, LLC
Conditional Use Permit- Automobile Repair and Bulk Storage Yard
1208 Bells Road
District - Beach

Ms. Oliver: Thank you Mr. Chairman. This afternoon we have four items on the consent agenda. The first matter is agenda item number one and this is an application of Alba Taxi, LLC for Conditional Use Permit for an Automobile Repair Garage and a Bulk Storage Yard on the property located at 1208 Bells Road in the Beach district 6. Is there a representative

for this application? Would you like to come up and state your name please? Speak into the microphone.

Besnik Selamaj: Okay. My name is Besnik, last name is Selamaj.

Ms. Oliver: Thank you, the conditions in the application acceptable to you?

Besnik Selamaj: Yes ma'am.

Ms. Oliver: Okay, great, thank you. You can take a seat.

Besnik Selamaj: Thank you very much.

Ms. Oliver: Is there any opposition to this application being placed on the consent agenda? Yes sir. Did you fill out a card sir?

Unknown Speaker: No, I wasn't aware of it.

Mr. Thornton: If you are opposed to this, we will move it to the hearing agenda. Do you want to speak in opposition to it?

Unknown Speaker: Yes sir.

Mr. Thornton: So we will move it. Yes sir, we are going to just deal with consent items now, but we will move it to the hearing item.

Female Speaker: Please fill out the card sir.

Consent Item #2
Crows Nest Holdings, LLC
t/a Reaver Beach Brewery
Conditional Use Permit – Craft Brewery
1501 & 1505 Taylor Farm Road, Suites 401, 402, and 4013
District - Rose Hall

Ms. Oliver: Okay, alright. The next matter is agenda item number two and this is an application of Crows Nest Holding LLC trading as Reaver Beach Brewery for Conditional Use Permit (Craft Brewery) on property located at 1501 and 1505 Taylor Farm Road, Suites 401, 402, and 403. Is there a representative for this application?

Anne Crenshaw: Good afternoon, Anne Crenshaw, I am a member of Kaufman & Canoles Law Firm and I represent the owner and the applicant.

Ms. Oliver: Are the conditions agreeable?

Anne Crenshaw: Yes.

Ms. Oliver: Okay, great thank you very much. Is there any opposition to this application being placed on the consent agenda? Hearing none, the chairman has asked commissioner Wall to read this into the record please.

Mr. Wall: This is a Conditional Use Permit for a Craft Brewery. The applicant is purchasing the Reaver Beach Brewing Company which has operated as beverage manufacturing facility since 2010 within suites 401 and 402 in an office warehouse building located on the site. The applicant is expanding the brewery operation into suite 403. The combined area will be approximately 9,000 square feet, the original beverage manufacturing operation evolved after 2010 to include elements common to craft brewery as defined by the Zoning Ordinance. As a result of the ownership change and the expansion of the brewery operation, a Conditional Use Permit for a Craft Brewery is necessary. There are no changes to the exterior of the

building; the proposed hours are 3 p.m. to 9 p.m., Tuesday to Friday; 12 p.m. to 9 p.m. on Saturday; and 1 p.m. to 6 p.m. on Sunday. Beverages will be available for onsite consumption within the tasting room. Craft Breweries may not produce beers or other fermented beverages in excess of 15,000 barrels per year. The number of parking spaces meets the requirements of the Zoning Ordinance, the Navy owns the restrictive easement that governs the use of the property. In 2016, Reaver Beach, Brewing Company was provided with the letter regarding the compliance of the operation with the restrictions of the easement. The City does not enforce to restrictions; however, the applicant states and stated that on their application that the applicant shall comply with the terms of the Navy's restrictive use easement. The use is consistent with the Comprehensive Plan's, goals for South Oceana SEGA 3; the use meets the standards listed in the Zoning Ordinance for Craft Brewery and is compatible with uses in the surrounding area. The use is compatible within the Zoning Ordinance and Staff recommends approval. Therefore, we placed this item on the consent agenda.

Consent Item #4
TI Properties, LLC
Subdivision Variance to 4.4 (c)(1)
2204 Treasure Island Drive
District - Bayside

Ms. Oliver: Thank you. The next matter is agenda item number four and this is an application of TI properties LLC as an applicant and the owner for

Subdivision Variance Section 4.4 (c) of the Subdivision Regulations on property located at 2204, Treasure Island Drive in the District 4, Bayside.

Eddie Bourdon: Thank you madam vice chair, Mr. chairman, members of commission for the record, Eddie Bourdon Virginia Beach attorney representing the applicant, we appreciate the matter being placed in the Consent Agenda, all four conditions as recommended by Staff are acceptable with the supplement that includes the elevation of the one house on the corner that was left out that was in your supplement this morning and also want to thank the Baylake Pines Civic League and their membership as well as Jonathan for his hard work.

Ms. Oliver: Great, thank you. Is there any opposition to this application being placed on the consent agenda, hearing none, the Chairman has asked Commission Weiner to read this into the record, please.

Mr. Weiner: Thank you Mrs. Oliver. This is a Subdivision Variance, request for a subject 33,560 square-foot site zoned R-10 Residential District. Between the 1950s and 2014, the site was home to the Baylake Pines Lower School. In 1958, the Commonwealth of Virginia acquired approximately 7,000 square feet of the property for the widening the Shore Drive right-of-way. As a result of the acquisition, the original 200 foot width of the Treasure Island side of the parcel was decreased by approximately 35 feet. The applicant desires to subdivide the parcel into three lots in order to construct a single-family dwelling on each lot. The R-10 zoning district requires a minimum lot area of 10,000 square feet; the property has

sufficient land area to accommodate up to three 10,000 square-foot lots. The Zoning Ordinance requires lots in the R-10 district to have a minimum width of 80 feet plus an additional 10 feet of width for corner lots. The proposed Lot B1 and B3 meet the requirement; however, the corner Lot B2 will be deficient of 8.2 feet based on this, a Subdivision Variance to the Section 4.4 of the Subdivision Regulations for the lot width has been requested. Staff recommends approval and we put this on the consent agenda.

Consent Item #6 (Removed from Consent Agenda)
Stephen Lee Aronson
Conditional Use Permit - Outdoor Recreational Facility
937 Baja Court
District - Princess Anne

Ms. Oliver: Great, thank you. The next matter is Agenda Item number six and this is an application of Steven Lee Aronson for Conditional Use Permit for an Outdoor Recreation Facility on property located at 937 Baja Court, in district 7 Princess Anne. Hi welcome.

Steven Aronson: Hi.

Ms. Oliver: Please you state your name for the record please?

Steve Aronson: My name is Steve Aronson.

Ms. Oliver: Are the condition set forth in the application acceptable to you?

Steve Aronson: Yes, they are.

Ms. Oliver: Great, thank you very much. Is there any opposition to this been placed on the consent agenda? Hearing none, the chairman is asked Commissioner Kwasny to read this into the record, thank you.

Ms. Kwasny: Thank you vice chair Oliver. This is a, I am sorry. Did you fill out the card?

Ms. Oliver: Thank you so much, but we will have to put this on... we will have to hear this then. So this is number six? And you did fill out the card sir?

Jim Cornish: Yes I did.

Ms. Oliver: Okay and your name?

Jim Cornish: My name is Jim Cornish.

Mr. Thornton: You want to speak in opposition?

Jim Cornish: Yes.

Mr. Thornton: Okay, we will call you back. We don't seem to have a card. Thank you, alright.

Ms. Oliver: Well, Mr. Chairman that was the last item on the Consent Agenda and I would like to move that we approved consent Agenda Items number two and four.

Mr. Thornton: I have a motion by the Vice Chair to consent items two and fours, second by Mr. Horsley.

AYE 11 NAY 0 ABS 0 ABSENT 0

**HODGSON AYE
HORSLEY AYE**

INMAN	AYE
KWASNY	AYE
OLIVER	AYE
REDMOND	AYE
RIPLEY	AYE
RUCINSKI	AYE
THORNTON	AYE
WALL	AYE
WEINER	AYE

By vote of 11-0, the commission has approved Items two and four for consent.

Mr. Thornton: Thank you. I would like to thank all of the applicants who had a matter on the Consent Agenda today, normally it's the other way around and these items will now be scheduled for the City Council agenda. Thank you for coming and as you move if you have to move, be very quiet please. The next order of business is to address the remaining matters on the agenda and as you can see that's been shifted around a little bit and I will turn this over to the secretary to take care of this section of the meeting.

Item #1
ALBA TAXI LLC
Conditional Use Permit - Automobile Repair Garage & Bulk Storage Yard
1208 Bells Road
District -Beach

Ms. Rucinski: Thank you Mr. Chair. The first item is Alba Taxi LLC which is an application for a conditional use permit automotive repair garage and bulk storage yard and property located at 1208 Bells road district 6 Beach, can the applicant come forward please? Thank you sir. When you get to the podium, can you state your name for the record and then explain your application to us?

Besnik Selamaj: Yes, my name is Besnik and last name is Selamaj and I would like to have interpret because my English is not so high performance, which is my brother and he speaks much better than me, so I want to be clear what I am saying. Is that going to be okay?

Mr. Thornton: Sure.

Besnik Selamaj: Thank you.

Mr. Thornton: Because we have a time limit on the presentation, so make sure you stay within the time limit, can you see that little yellow light go off, it will be time.

Besnik Selamaj: What's the time sir?

Mr. Thornton: Three minutes.

Besnik Selamaj: Thank you. Yeah, the reason I involved that flush name is because I have in business of taxi service for about 10 years now and I see this business is going up and down. I need the location to have for my fleet, to have office on my dispatcher and everything. I tried for eight years parking somewhere there because business is going up and down, I don't have [Inaudible] [00:17:48] because the situation now the Uber, this business is going down and I have to reduce expense when I have my business to keep my business, this is the reason I do that.

Mr. Thornton: Thank you. Anybody on the planning commission have a question for the applicant? No questions, thank you sir.

Besnik Selamaj: Thank you.

Ms. Rucinski: Don't have the card for the speaker, so whoever. Sir if you can come forward, can you just give me your card? So you can please state your name when you get to the podium?

Edward Michael Disharoon: Yes maam, good afternoon. My name is Edward Michael Disharoon. I live at 1248 Bells road, my wife and I have lived in this residence for 40 years. We build our house in 1977 on her grandfather's property Edwin Piaice; we own also three properties and two homes on this street. My wife's family has lived on this street since 1930s when they moved from what is now Oceana Naval Station. The road is now named after my wife's

grandmother who was Mary Lucinda Bellives, when the city incorporated into Virginia Beach, her father Hyodice asked the street be named after her. We have seen Bells road develop and grow into a small neighborhood as also known as Bellwood Estates my wife's grandfather and father farmed and developed Bells road from Birdneck Road to Oceana Boulevard, little by little they sold off the property to people who lived to build homes and raise families on Bells road as we have done. I give you a brief history lesson of Bells Road because we are concerned about this permit to build an automotive repair garage and bulk storage on a small property less than one acre, half third of an acre, our bigger concern is the devaluing of our property with this permit. The increase vehicular travel of taxis on Bell Road and the environmental impact of the oil and gas run off into the cities drainage lines. Another concern is the property is now on a historical and cultural district of Seatack which the City Council passed over a year ago and as you know this was a designated area to prevent this type of commercial development and preserve the integrity of the Seatack community. I have a petition with 27 of the 37 residents of Bells road who are against this permit; this residence represents 37% of the neighborhood, the other ten or rental properties on the street. I don't know if you have been on the street or seen it lately but there have been six abandoned and

damaged taxi's cabs parked on this property since last summer. The police department investigated and questioned the zoning department why this occurred? My question is why are these automobiles allowed to park on this property before the use permit has been granted or issued. Long term concern is our business fails and we have to live with the problems of rodents, vandalism, and eyesore of the neighborhood. The applicant has also asked for deviation of fencing, we request that the fencing be put in for the safety of our neighborhood. In conclusion, I hope you will deny the permit and defer the study impact of this for our neighborhood, our environment, and our community. Thank you for allowing me to speak today.

Mr. Thornton: Thank you sir. Any question to Mr. Disharoon, Ron?

Mr. Ripley: Yes sir, could you point out where your house is located, we need a [Crosstalk]?

Edward Michael Disharoon: All three of our houses are right there. We owned the third three acres on that street.

Mr. Ripley: Thank you.

Mr. Thornton: Other question. Thank you sir.

Edward Michael Disharoon: Thank you.

Ms. Rucinski: There are no other speakers.

Mr. Thornton: The applicant now if he would chose has a moment to issue any rebuttal? The way the process works is he cared to have any rebuttal.

Male Speaker: No.

Mr. Thornton: Okay, thank you sir. Okay with that, we will close the public hearing and we will talk amongst ourselves on the matter, anybody have any specific comments?

Ms. Oliver: This question for, Robert here, that area when we went to see it has it been cleared out of the vehicles.

Female Speaker: They are currently working on it.

Ms. Oliver: Okay. So they are all going to be removed.

Female Speaker: Yes, anything that is a junk vehicle or inoperable must be removed, and they are working through the department housing and neighborhood preservation on that.

Ms. Oliver: Okay, thank you.

Mr. Thornton: Mr. Beach representative what are your thoughts?

Mr. Hodgson: I have a question for those that were on the Seatack SFA committee with me, one of the things we tried to do and putting that together was to make sure that this is a type business state on the west side of the Birdneck Road, is that correct?

Ms. Oliver: That's correct.

Mr. Hodgson: That was one of our goals in doing that.

Ms. Oliver: Right.

Mr. Hodgson: So I think we are hearing to what our recommendations were when we put that intact and, you know, I would make a recommendation that we move to approve this application.

Mr. Thornton: Okay, we have a motion to approve, Mr. Redmond; I am sorry second by Mr. Redmond's motion by Mr. Hodgson, call for the question please.

AYE 11 NAY 0 ABS 0 ABSENT 0

HODGSON	AYE
HORSLEY	AYE
INMAN	AYE
KWASNY	AYE
OLIVER	AYE
REDMOND	AYE
RIPLEY	AYE
RUCINSKI	AYE
THORNTON	AYE
WALL	AYE
WEINER	AYE

Unknown Speaker: By the vote of 11-0, the commission has approved the application

Mr. Thornton: Thank you. Call the next item please.

Item #3
OLD DONATION EPISCOPAL CHURCH
Conditional Use Permit – Religious Use
4449 N. Witchduck Road
District - Bayside

Ms. Rucinski: Okay, the next item on the agenda is item number 3, Old Donation Episcopal Church, which is an application for a conditional use permit, religious use on property located at 4449 North Witchduck road, district 4 Bayside, is representative of this application here please? If you can state your name for the record and then give us an overview of your application.

Bob Randall: Good afternoon, my name is Bob Randall. I am the rector at All Donation Church.

Scott Crumbly: My name is Scott Crumbly, I am a member of All Donation and I have also been own the building commission process for about three years. Thank you.

Bob Randall: What we are trying to do is do an expansion of our facilities to add meeting spaces for all of the various uses of the church and outside community groups. We opened the church to a various 12-step groups as well as boys scouts, cub scouts, Civic Leagues for various meetings and dinners and we have found ourselves growing over the last 10 years to the point where we just cannot do all the things that we need to do in the rooms that we have and so we are trying to add a great hall on one end and a few other

classrooms that will be meeting spaces on the backend of the facility, right now with no changes to the historic church building at all. We have been on the property since 1692, started in 1637 on the Lynnhaven Reaver. We think that these changes are appropriate and actually will add to the value to the community as we are able to host more effectively both our own needs as well as the community needs that we serve, sir.

Mr. Thornton: Thank you sir. Any question for Robert Randall? Thank you standby we have a person in opposition and we would like you to have an opportunity for rebuttal.

Ms. Rucinski: We actually have three speakers for this application. The first one is in support, Scott Chrimson, Robert Randall, that's you; okay so, our last speaker is in opposition is John Hutchinson. You can state your name for the record.

John Hutchinson: John Hutchinson.

Ms. Rucinski: And your opposition?

John Hutchinson: Well, I have prepared a statement if I could read from there, so okay.

Ms. Rucinski: Sure, and can you move the mike up and speak into the mike so that they can get you on the record, thank you.

John Hutchinson:

Alright. I am the immediate neighbor of Old Donation Church as well as the property at 4357 [Inaudible] [00:27:54] Virginia Beach for which Old Donation Church is seeking a change of conditional use and that over residence to that of religious use. My family has a long history with this site, which I am trying to describe quickly. The property is connected directly to our own. My parents sold the property to Old Donation Church in the 1950s for the specific purpose of building a home for the Church administer and his family. My parents had no intention to sell that property prior to learning of the Church's needs for some land to build that home. The land was not in the market for sale and they would not have sold it for any other purpose and they certainly would have not sold if they could foresee what it was to become. During the 1980s, the Church underwent an expansion of its buildings and altered the areas landscape dramatically. During this project, the church responsible for having removed the property's primary dividing boundary marker, which have been a large drainage jets, which have run the full length of our two-separate properties. They did this without any warning or consultation with my family. In doing so, they eliminated what it been a very official means of preventing our low-line property from flooding during periods of heavy rains, it also protected us from privacy and encroachment issues, which we have dealt with ever since this removal. In the

1990s, the church minister and family vacated the red tree house. From that point to the present, the property and house were no longer use for the original purposes understood by my family who had provided them with that property. It became a meeting house for all men of groups ranging from narcotics synonymous to a noisy church youth groups, all of which had been completely unaware of the property, property lines between our property and the churches. Now we are informed of the plans for new expansion of their building to vote our direction and a re-purposing of the houses originally intended purpose. My concerns for this developmental based on a history of little consideration from the church with the impact of their continuing expansion on the quality of our, it's only adjacent neighbors life's. How this impact our quite neighborhood's noise level, parking considerations, drainage issues, and finally the value of my family's property. These are some of my concerns and I will appreciate your consideration of that. Thank you.

Mr. Thornton:

Thank you sir. Any questions of Mr. Hutchinson?

Ronald:

I have a question. So you are living right on that corner.

Mr. Hutchinson:

Yes.

Mr. Ripley:

Okay. Would a fence mitigate any of your issues?

Mr. Hutchinson: It would have depending on a nature of the fence, it's kind of a very ill-defined property line at the moment, so we kind of involved to create a, you know, an efficient, probably involve the cutting down of some trees and all of that, so yeah, I would be open to that and I have discussed it with the church, I did want to go on record at this point to state these problems.

Mr. Ripley: So the church team is willing to that?

Mr. Hutchinson: They do seem, I haven't spoken to anyone other than Bob Randall, the minister there. He had mentioned to their vestry I think and we haven't gone any further than that. So wanted to use this as a time to make it special, thanks.

Mr. Thornton: Any other questions to the speaker? Thank you. No other speakers. Robert Randall here welcome for quick rebuttal, sir.

Edward Weeden: Just state your name for record again.

Bob Randall: Oh, I am sorry, Bob Randall from Old Donation Church the record, we have had long conversations over the years with John and it is true we have had sometimes people meeting in the house and we have worked, actually we have limited and restricted which groups are allowed to meeting there now and we did that probably about five years ago, the only groups that really meeting there right now are youth groups and other outside knitting groups that don't make much noise, so I think we have been working on mitigating some

of those issues but John and I are in conversation about either possibly buying his property from him, if that seems like the best solution for both of us or and we have offered to build a fence because that seem like, it could at least resolve many of the issues that I know we have had and I think we can maintain the property lines better if we have a good fence. So we are perfectly happy with doing that work, okay.

Mr. Thornton: Thank you. Anybody have a question for Robert Randall? With no more questions, I thought somebody may have wanted to ask you something. With that we will close the public hearing and discuss it amongst ourselves or obtain a motion. David?

Mr. Redmond: Mr. Chairman I move approval of the application.

Mr. Wall: Before you do that, can we mention just a few things? Sir, I mean, few reasons why we want to approve it? And it's not necessarily that I am not oppose to at all, in fact, I want to approve that, I want to just say that you know the person in opposition, you know, the things that he brought up were not necessarily due to the expansion of the church or expansion of the building in the back, so there is a small addition in the back and in addition in the front and so I don't think that things are going to be aggravated by any issues that he may have at this point with the issue or the application this before us, so I just want to stay, that's my point.

Mr. Thornton: Jan?

Ms. Rucinski: I am just wondering since they are both agreeable if we can put a condition in there for the fence?

Mr. Thornton: I would, would you Mr. Redmond?

Mr. Redmond: I will reluctant to do that, let him talk at least first and don't be mean, you know, they seem like they are on a good path, so if we start adding, you know, conditions here that to mean, a week ago that might have been a good idea, I mean, I think there probably in a good place right now, I just let them do their work. I frankly don't see any, the short answer to your question Jack as because I don't see any, you know, any reason to oppose the application, this church has been here since 1730s, so huge part of our community and this neck of the woods and the way I understood Mr. Randall, they are expanding their ability to do the large work, so I mean, I want to be, you know, respectful of that and they apparently have had greater discussions I think than we might have been aware of, I would be reluctant to start conditioning it, unless may request one rather than have..

Unknown Person: Mr. Chairman, if that's, we don't want to add one but I think the Robert has publically represented that he would put a fence, so it sounds like they are on the right path.

Mr. Thornton: Yeah, okay, so we have a motion, do we have a second?
Commissioner Hodgson on the second. Call for the question
please.

AYE 11 NAY 0 ABS 0 ABSENT 0

HODGSON	AYE
HORSLEY	AYE
INMAN	AYE
KWASNY	AYE
OLIVER	AYE
REDMOND	AYE
RIPLEY	AYE
RUCINSKI	AYE
THORNTON	AYE
WALL	AYE
WEINER	AYE

Edward Weeden: By a vote of 11-0, the commission has approved the application of
Old Donation Episcopal Church.

to the alley and to the number of streets. The Cico's will be occupying and living in one of the houses; they own more than four houses. The whole thing has been designed totally and keeping with the old beach guidelines that were created many many years ago by a large group of stakeholders and that a booming success in old beach, everyone has been very happy with the way up until now with the way the property has been redeveloped. The guidelines are being adhered to in every way and the staff recommendation we are in agreement with all the conditions. I will mention a couple of things, just have seen the letter of the folks who the couple of here in opposition, the idea that going from ten units to four units and going from having three onsite parking spaces for 10 units to four units with eight onsite parking spaces as well as a garage in addition to the onsite parking spaces, certainly will alleviate some substantial amount of parking problem, crowding on the streets, the current building is as I said 4.6 feet from the alley, the replacement what we are doing with the two single families and they are the smaller of the four that are on the alley per the guidelines, those are setback, 13 feet from the alley on Arctic, the current building is 8 feet, the proposed building on the corner will be 10 feet from the alley, the amount of impervious surface on the site today is 7560 square feet with this redevelopment that would be reduced by 1608 square feet to 5952

square feet and the building coverage today, lot coverage of the buildings that are there now almost 50% that would be reduced by 1465 square feet, all the way down to 36.6%. In every case, we are getting further from the property lines, not getting more into the setback and we are dramatically reducing the amount of impervious and the amount of building area, creating substantially more setbacks, substantially more green space and open space and reducing density while putting the parking onsite were supposed to be as supposed in the street, so in every instance this is a betterment and we appreciate being on the consent agenda, would be happy to answer any questions?

Mr. Thornton: We are on the consent agenda.

Eddie Bourdon: I know, I appreciate [Crosstalk]

Mr. Thornton: We wish it were that way, thank you.

Ms. Rucinski: Okay, we have two speakers in opposition; the first one is David Pearline, my apologies.

David Pearline: So gentleman, madam vice chairman thank you for the opportunity to speak in opposition.

Edward Weeden: Please name for the record:

David Pearline: My name is David Pearline and my wife and I lived near the where the development is going to occur crossing the alley. It's not true

that everyone has been happy with this, we are not happy with it. We think that this will, is not accordance with one of the criteria for granting your variance which is in terms of its adverse impact on the character of the neighborhood. For many years, developers in old beach have been squeezing and have been putting more and more houses on small lots and this instance, they are going to put four years on a relatively for single houses on a relatively small lot, it is going to increase the density and we think it will result in over-crowding and also it may well block visibility from vehicle that are trying to exit the alley on 26th and the half street. We think this will result in less green space. If the variance is not granted, it's my opinion than instead of putting four single family houses on the space, they will probably have to put maybe two houses on the space and we think that would be better for the neighborhood. It's just a bad idea to continue to squeeze more and more houses on the small area. Old beach is, also on the statistics, old beach's [Inaudible] [00:42:15] charm is disappearing as a result of the original Old Beach cottages structures been torn down and replaced by what we called cookie cutter, style frame structures such as those proposed to be crowded into this area where the variance is being sought. The individuality of these original beach cottages standout, they have flare and originality and they make their own statement. We would like to put brakes

on the development that's been occurring in old beach with these cookie style houses that are being erected. Parking, parking has been a problem in terms of people parking in the alley on 26 and a half street, it's a narrow alley and even though cars are not supposed to park their, they do park there and we think that even though, they say they are going to be adding more parking space, what's going to happen when gas come over to these houses, we think people are going to end up parking in the alley and that could pose a problem because other vehicles may well not be able to use that alley such as fire trucks. In summary, we think it's a bad idea for this variance to be granted and instead of having four houses on this space, we think it would be better if they just have two houses on the space, so therefore, we oppose it.

Mr. Thornton: Thank you sir. Any question to Mr. Pearline? Thank you.

Ms. Rucinski: Okay, our next speaker is Marilyn Pearline. If you can please make sure you state your name for the record? You may need to move that mike.

Marilyn Pearline: My name is Marilyn Suskin Pearline, we live at 403 26 street and I want to say good afternoon to all of the council members here, the commission members, and the opportunity to speak. I want to start up by saying that when you pull in to Old Beach, you see a sign that says Old Beach, slowly but surely Old Beach is going to be out of existence because of the new growth, new structures, and

the new houses that are going up that are suffocating the Old Beach look. I grew up in Old Beach in terms of our house, our house is one of the original beach houses there, it's built in 1929 and I guess it has a historical significance to it. We see growth, growth is always permitted but it shouldn't be the expense of destroying originality. My husband and I returned to Old Beach in 2000, we have lived there 17 years, we build a two-story additional in the back of our house and are so concerned about the growth of Old Beach, we built our additional in the back of the house, so that you cannot even tell the originality of our 1929 house still exist, we wanted to maintain the charm of Old Beach. We are concerned with the safety, the more houses you cram into a lot, the more density there is, these houses if you look at them, if any of you live near them, you will see they are all build of wood and plywood. There is no buffer between them. There is no feeling of safety, god forbid if a fire should breakout and more that of crammed onto a lot, the higher they go and that is a safety matter also because flames go over the tops of roofs faster depending on the wind currents. We are opposed to this variance. It's not keeping the charm of Old Beach, please don't let Old Beach disappear by allowing this new growth to continue and we understand that the city tax pays profits when these houses are build, but we consider that, please consider that we as tax owners, home owners of the old

original beach houses also contribute to the tax pays, our health is not an investment property, it's our home, it's not there for profit purposes. We asked that the investment opportunities of some not be considered above the investment properties of our homes, our charm. We don't want the profits of some to overshadow the sight and serenity; we have as home owners and Old Beach neighborhoods. We asked that you not allow Old Beach to vanish, we asked that you help us maintain the charm what we live in now that we take pride in and that we want to have continue, we want to see the sign of Old Beach mean Old Beach, we don't want to see a sign that says a new beach. Thank you very much for your consideration.

Mr. Thornton: Thank you, is there a question for Mrs. Pearline? Thank you maam.

Ms. Rucinski: And is all the speaker on that application.

Eddie Bourdon: Chairman I will endeavor to be brief, you have in your packages, a picture showing what the lot configuration was in 1960 when it was re-subdivided to create basically two square lots, each of which can have a duplex built on it today, does not need anybody's approval, we can build four units in two duplexes today. The character of this area are lots that run north and south, between the number street, alley in the middle, number street, not what you see with two lots facing Arctic avenue that were created in 1960 and so

we are actually going back and re-establishing the character of neighborhood and we are not seeking any setback variances whatsoever, the distance between the two houses on each of the lots 30 feet other than the little bump outside are under the guidelines and in every way, this is consistent with the character of Old Beach as we have as a city to sighted that we want to see it redevelop and that didn't happen last week or last year, it's been ongoing very successfully for decade or more, so we don't have a bunch of duplexes, we have the cottages instead, a lot coverage on these two lots, building lot coverage impervious surface will be less than the folks you spoke in opposition on their property. They have a substantial amount of lot coverage, beautiful home, no one suggesting otherwise, but it's all about green space, we will have more of it on these lots than they have on theirs. I will be happy to answer any questions.

Mr. Thornton: Any questions to Mr. Bourdon? Thank you sir.

Mr. Bourdon: Thank you.

Mr. Thornton: With that, we close the public hearing and open a podium up to questions. Yes sir.

Mr. Weiner: Correctly from Ron, I know there was a couple of if you all have been on the Old Beach committee, but isn't this our vision to see updated houses coming there, like this with the proper look?

Mr. Hodgson: Yeah, the answer to question is yes, I am kind of struggling to, I hope the answer, part of your question is to why not approve this. I am looking at, I mean all the different things ever mentioned from turning off the 26 and a half street on Arctic that this new building would block the view, but if I am looking at a plans or I did, actually sits further back off of Arctic, if I am reading it right then what's currently there, so I know take that also table, I am sorry, how many parking spaces did Eddie say it has currently, is it 3, 3 and you have got ten units, so you are going to get lot of parking of the street which is a tough defined anyway down in that area, you are decreasing a lot coverage, your over landscaping which we love to see, right now, he can build two duplexes by right which I think anybody would rather have this two massive duplexes that take up the whole area, so I really cannot find a reason why not to support this application.

Mr. Thornton: Yeah, the comments, may we have a motion?

Mr. Inman: We approve the application.

Mr. Thornton: Motion by Mr. Inman, second by Mr. Hodgson.

AYE 11 NAY 0 ABS 0 ABSENT 0

HODGSON	AYE
HORSLEY	AYE
INMAN	AYE
KWASNY	AYE
OLIVER	AYE

REDMOND	AYE
RIPLEY	AYE
RUCINSKI	AYE
THORNTON	AYE
WALL	AYE
WEINER	AYE

Unknown Speaker: By the vote of 11-0, the commission has approved the application of C and C Developing Company incorporated.

actually putting up the cage, so it would be about a 10 x 50 cage and it's just to help him to become a better player, prepare him, maybe to get a scholarship to go to college as well. So this is why we are actually putting up the cage and we also want to protect the other properties from the ball, actually flying in the other yards or anything like that. That's pretty well it.

Mr. Thornton: Any question for Mr. Aronson? Thank you sir.

Ms. Rucinski: Okay, we have one speaker in opposition and that's James and Genie Cornish. You can state your name for the record when you come to the podium.

James Cornish: Thank you, members I am James Cornish. I live at 941 Baja Court, it's a property adjacent to the west the consideration here and I startup, I am saying that with the proposal as it has been submitted, it's a little bit different and what I was originally led to believe it would be and the movement of this cage to the opposite side of the Aronson's home really takes out of play many other concerns that I had developed about their intention originally. In looking at the proposal and the conditions that are being recommended there were just two points that I wanted to make their in the proposal itself it indicated that the batting cage would be used by the Aaronson's son solely and for practicing 30-45 minutes a day, what I would like to suggest as it those conditions be added into the recommended conditions, which would limit who

can use that cage and how much time during a particular day that would be in use.

Mr. Thornton: Okay, thank you, we will consider that when we deliberate?

James Cornish: Okay.

Mr. Thornton: Thank you.

Ms. Rucinski: There are no other speakers.

Mr. Thornton: So Mr. Aronson you have a moment for rebuttal if you chose?

Mr. Aronson: Is it going to be any kind of rebuttal since, oh, I am sorry. My name is Steven Aronson. Again I am going to be the one putting up the cage. In terms of practicing 35-45 minutes, one of the things that we will not be doing is letting him use it at night, so we don't want to disrupt our neighbors or anything from, you know, going to sleep or doing the things that they would do at night. This is more or less for him to practice during the daytime and it is again just a support him with his travel baseball program, it is specifically designed for him to practice, it's not about having a team coming over and practicing because I am not a coach, I guess I can coach my own son that's about all I can do, so in terms of what we are using this cage for, it's just for personal use for my boy.

Mr. Thornton: I have one question for you, this is a batting cage?

Mr. Aronson: Yes, it is sir.

Mr. Thornton: Does he use an aluminum bat or a wooden bat?

Mr. Aronson: We use both.

Mr. Thornton: So the aluminum bats can be a little noisier than wooden bat, is that have you considered that?

Mr. Aronson: Yes, I have. With the aluminum bat, since he is going in the high school, it's more of a composite bat than it is an aluminum bat, so won't make that kind of noise that you would expect from an aluminum bat.

Mr. Thornton: Okay, at that thought, just got across my brains.

Mr. Aronson: It's composite, which is not as loud.

Mr. Thornton: Any other questions? Okay Karen.

Ms. Kwasny: We do have a condition in here that you are limiting the hours of play so to speak from 10 until 7, correct?

Mr. Aronson: That is correct.

Ms. Kwasny: The opposition stated that I think he mentioned that he wanted you to add a condition limiting players to your son or the number of players, and you are simply stating that it's primarily for your son, correct? And there really is not room for a bunch of them to be doing this at the same time.

Mr. Aronson: No, of course, not , especially when it's only going to be a small cage, so it's for a personal use for my son, it never was meant to have other kids come over and practice, maybe one friend but that's about, you know, all you are going to get.

Ms. Kwasny: They congregated there that might be normal, wouldn't it for kids just?

Mr. Aronson: No, because in my neighborhood, in my part of the neighborhood, there are no kids. He is the only child in that part of the neighborhood on that cul-de-sac.

Ms. Kwasny: So the shape and size of it?

Mr. Aronson: Will be a trapezoid.

Ms. Kwasny: And he practices primarily in private for his own good.

Mr. Aronson: As I am throwing to him, that's pretty well it.

Mr. Thornton: Any other question? Can I see another hand?

Mr. Hodgson: One question, just maybe thinking, are you going to have a pitching machine, or you are going to be the?

Mr. Aronson: No, I don't plan of having a pitching machine, but what I do want to get is like one of those, don't even how to spell it or they call it a guard, where I am actually standing behind it, so I don't get hit in the head, sorry it happens once before, so I don't need to happen had that happened again.

Mr. Thornton: He connects with the ball really well, I don't have far to go [Crosstalk].

Mr. Horsley: You know, you might well invest in a pitching machine [Laughs].

Mr. Aronson: Someday maybe, when he gets maybe older, you know in his high school years, but right now by using a pitching machine at his age at 13 years old, you really don't want something been thrown that hard, you know, when you get up to 80 or 90 miles an hour, you know, when you are in your senior and junior year and this is a temporary cage, it's only going to last five years, because once he leaves, the cage goes down and so the somebody else.

Mr. Thornton: Okay, thank you sir. With that, we will close the public hearing and yes Karen.

Ms. Kwasny: I would like to make a motion to approve the application.

Mr. Thornton: Okay, we have a motion to approve.

Mr. Horsley: I will second.

Mr. Thornton: Seconded by Don.

Mr. Weiner: Excuse me Mr. Chairman, before we do, can I ask a question to staff seriously you have to get a conditional use permit for a little cage like that, I mean outdoor recreational facility makes it sound like half a dozen tennis sports. I mean that little thing requires a

conditional use permit, you don't have the extra protection; you can just play baseball in your backyard, but seems weird.

Carolyn Smith:

It may seem weird, but we, the only administrator determined some years ago that certain facilities, for lack of a better word, that have the potential to be a nuisance or have concerns to adjacent property owners or surrounding property owners that they fall into that category and skateboard, full half pipe skateboard ramp is one of those, so you have seen several those and at least one of these in the past.

Unknown Speaker:

That's seems very strange to me, I wanna make one last comment, I promise won't be long and that is I certainly foresee, you know, the possibility that this young man might want to have a friend over here in the baseball cage, I mean the idea that you would limit it to himself, you know, only himself, it's sort of just absolutely silly, so any way, thanks.

Mr. Thornton:

Thank you, we have a motion and we have a second and we are ready for the vote.

AYE 11 NAY 0 ABS 0 ABSENT 0

HODGSON	AYE
HORSLEY	AYE
INMAN	AYE
KWASNY	AYE
OLIVER	AYE
REDMOND	AYE
RIPLEY	AYE

RUCINSKI	AYE
THORNTON	AYE
WALL	AYE
WEINER	AYE

Unknown Speaker: By the vote of 11-0, the commission has approved the application of Stephen Lee Aronson.

Item #7

ARGOS PROPERTIES II, LLC

Conditional Change of Zoning - AG-1 & AG-2 Agriculture to P-1 Preservation & R-10 Residential

North side of Princess Anne Road

District - Princess Anne

Ms. Rucinski: Okay, the next item on the agenda is item number seven, Argos Property II LLC is an application for a conditional change of zoning AG-1 and AG-2 agricultural to P-1 preservation and R-10 residential and property located on the north side of Princess Anne road, district 7, Princess Anne.

Anne Crenshaw: Good afternoon Mr. Chairman and madam, vice chairman and members of the commission. Thank you for the opportunity to speak and I am grateful that I had the opportunity to attend the informal session this morning. Since the informal session...

Edward Weeden: Excuse me, for record please.

Anne Crenshaw: Oh, I am sorry. Anne Crenshaw, I am a member of the law firm of Kaufman & Canoles in Virginia Beach office and I understand the conundrum that the commission faces in terms of balancing private property rights, the owners of private property and the obligation to protect [Inaudible] [01:02:29] and I understand from the comments this morning that the great concern is the flooding of Princess Anne road and ingress and egress to that piece of property on Princess Anne road. I have had an opportunity to speak with my clients and with Ms. Smith in the planning department and I propose an amendment to my proffers and that amendment would read the proposed amendment to the proffers would

include an affirmative requirement that there be a full disclosure in the HOA documents in both print that Princess Anne road and portions of the new public right away into the development may flood during a 100-year storm or other severe weather events. This would, the proffers of course would be recorded within the land records, so record of the city Virginia Beach and would run with the property and would be included in the home owner's package that they would be well made aware that there was this possibility. Staff recommends approval, we have worked with staff for almost two years on this project and have as the storm order regulations have changed, we have reduced the number of lots. There are no more than 32 homes; however, we are well aware that the storm water conceptual strategy has a potential to comply with side storm water regulations, that there will be as there are in all projects, a full blown plan drawn which must be approved by Ms. McIntyre and the DSA. The applicant understands that additional requirements maybe required and that there is also the potential to lose additional lots due to the approval process. Ms. McIntyre added some interesting points, I thought that Princess Anne Road does not flood in a 10-year storm, in a 100-year storm, it may flood between 7 and 10 inches and the 100-year storm was defined as a 9 inches of rain per hour. I understand that we also have issues with that [Inaudible] [01:05:14] for storm water, which is why we added the sentence other severe weather events in the disclosure. This property consists of 50.84 acres, 37.74 of those acres are asked to be

rezoned to P1. They will not be disturbed. They will be their natural vegetation and they will be maintained by the home owner associations at no cost to the city. It was also brought out this morning that if we elected to keep them as A-1 lots, we potentially could build one to two houses on that portion that has been designated as preservation. There is a total of 12.8 acres of developed lots of that though average 4.72 acres are to be green space open space. The surrounding neighborhoods have density for example Princess Anne quarter 2.44 houses per acre, Princess Anne East which is adjacent and under construction 1.9 units per acre, we propose 1.5 units per acre. All the houses are outside the flood point; the ingress egress is unavoidably in the flood point. There was no other way to get in and out of this property other than Princess Anne road. Thanks to Mr. Novoman this morning, we now know that portion of Princess Anne road is currently seeing traffic impacts of 12,000 cars per day, down substantially from it traffic was before parkway was constructed. This project has connectivity with a 20-foot pedestrian bike easement to the new park being constructed and adjoining neighborhoods. The guys within the 65 to 70 zones of area A and the navy has approved this project. The sewer upgrades are being conducted by the city, we have voluntarily agreed to offer 400,400 dollars per dwelling to offset any additional cost for that. In short, this project needs all the requirements of the comprehensive plan, the site, the quality of the building, the landscape design, and the interconnectivity. I have Mr. Martin here with Martin

Engineering, well now American Engineering who can answer any specific questions with regard to storm water or runoff or any of those issues. Thank you.

Mr. Thornton: Thank you, any questions of Ms. Crenshaw. Thank you, standby for rebuttal.

Ms. Rucinski: We have one speaker who is important that's Brad Martin.

Brad Martin: I don't want to restate everything that Anne said and my name is Brad Martin from American Engineering 448 Viking Drive in Virginia Beach. Thank you all for your time and what you do for the city. Just very briefly, we have been put through a more thorough analysis process on this project and certainly has been done before. I want to say thank you to the staff, not only Carolyn certainly leads a great planning staff and Barry as well, but everybody top to bottom from Dawn Perrone in utilities to Nancy McIntyre in the development service center, the folks on the third floor with the storm water engineering center, I would just make one point and it is kind of restating something that Anne said, it's not lost on staff and I am confident it's not lost on you that this property is about 50 acres and we are only intending to develop about 25% of the property, we are developing about 12 acres into 32 lots and unlike some other potential developments, where you see these epic rain fall events or even tidal events that cause the damage in the flooding that we have seen in the past where stuff gets to a bottle neck and it backs up the system, that's not going to be the case here because we have 38 acres of wet lands where

stuff can just hill over and get into the canal that's right there. So this is a very unique piece of property, we think we are doing a responsible job in developing. Thank you, I will be happy to answer any question.

Mr. Thornton: Questions from Mr. Martin and Mr. Ripley.

Mr. Ripley: Can you tell us the level of degree had to go through as far as calculating the runoffs and whether this property would be suitable for development or you had a point where you almost had a final or tell us, I mean, I am just, I know that the concern for the city is very great in that area and I think it could be good to hear what [Crosstalk].

Brad Martin: Thanks for the question. It certainly is for us too as well. It's not something where we want to create a situation where we are adding to or exacerbating challenges that are already out there. We know that Princess Anne road is low, but the analysis that we have done starting with the Galleotos family that goes back like Anne said almost two years that was before hurricane Mathew when we started this project before any of these regulations came around, but obviously we will go to finalize storm water design, but just to answer your question, I would say we are about 85% there right now. We have done almost everything but set the grades of the road, we know they have to be outside of the 100 year flood elevation, but we have done everything but set the precise grades of the roads and figure out exactly where the storm structures and what the sizes of the pipes are, so we have done a very thorough analysis of this development and obviously we have got to see that across the finish line and we are not

going to do anything that's going to denigrate the existing situation out there. Thank you.

Mr. Thornton: No more questions, thank you Brad.

Brad Martin: Thank you.

Ms. Rucinski: Okay, our first speaker in opposition is Joe Brown. Can you please state your name for the record?

Joe Brown: Yes, good afternoon, my name is Joe Brown, here on behalf of my parents Mr. and Mrs. Edward Brown as well as the Princess Anne Quarter Civic League. Like I said my name is Joe brown, I am representing my parents who own residents at 2304 Peirce Lane in the Princess Anne Quarter neighborhood, which is adjacent to the proposed development site. I am also here on behalf of the Princess Anne Quarter Civic League to advocate for a strong opposition of this development. To the planning commission, I want to thank you for letting me speak and I hope you consider these reasons and facts before voting on this matter. There are number of issues with this proposed development, the most important issue is flooding. We proposed development site is on wetlands like you just heard, this land feeds the Back Bay Watershed by way of West neck creek which flows south east under the bridge on Princess Anne road just before seaboard road. The proposed development would have an entrance off of Princess Anne road just passed our neighborhood where I have seen this road is impassable not only during hurricanes, but during frequent rain storms.

Although, the proposal states that this property is on the western portion of the flood plain, I have pictures that show this area does flood frequently and it floods badly, I will pass some pictures of the flooded road at the end. So quick story, we recently had neighbors move in a few months ago next door and when they went to turn on the water, they were met with literal sewage backing up into their brand new house, why because the pumping station is overloaded. I guarantee you the money that it would take to fix this pumping station overload would outweigh by far any property taxes that this development may give this city. We have seen issues with the storm water pumping and sewage pumping in our neighborhood already and this proposed development would make it even worse. The area behind our home is now retaining pond, when the trees were cut down and taken out, this show of mice and rat infestation out of the woods and into our houses, that's what we deal with, right. We also have found a number of dead animals around our property because of the current developer has killed what was their habitat. This proposal would simply cut down more trees which I found ironic because there is a sign up on General Booth by the New Aldie that says Virginia Beach, City of Trees, it would kill more animals and continue to negatively affect my neighbors and my family's quality of life. We were under the impression that no equipment from the current developer Ashdon Builders would be in our neighborhood, but there are currently trailers, backhoes, bulldozers and other equipment up and down Fenwick way including the

entrance of our neighborhood. They have created multiple potholes and destruction at our neighborhood entrance. I am here on behalf of my parents who cannot be here because of medical reasons. My parents and our neighbors on Pierce Lane have worked hard their entire lives to build a home and enjoyed good quality of life that they truly deserve. They spent extra money when we bought our house in 2005 brand new to have their backyard as woods to have privacy, peace and quiet, but now they are told that the developer wanted to build 18 houses behind their house and now before the 18 houses are even build, a new developer wants to build 32 more houses. I ask you, when will enough be enough. My neighbors and I have suffered enough to our quality of life already. We have had damage occur to our houses due to the current construction including completely cracked windows, misaligned doorways, foundation issues, nails popping out, mice and rat infestation, and more and now to mention the multiple areas where they tore the asphalt to dig and replaced it with gravel. Additionally, there is increased safety risk to our children in the neighborhood due to the additional traffic. As many of you know, Princess Anne road is already very heavy with traffic and now this new proposed development would need a turning lane would have to be build because the road is only two lanes with one going each way. We want Virginia Beach to prosper, but there is a right time and right place for development and the proposed land is by far the wrong place. The flooding that has shut down Princess Anne road numerous times shows

that this location is not a location to build homes on. The developer likely has a plan to manage storm water on the sight, but what about all the storm water on the city road, what about when the river under the Seaboard bridge floods and puts this swampland completely under water. Again please see my pictures after I conclude. There are more negative consequences and benefits from this proposed development. The flooding on this land shows this is a less and ideal area and this proposal would hurt the quality of life of my family, my neighbors, my entire neighborhood's quality of life even more than it already has been. The developer would likely propose BNPs which are not maintained with mosquito control, the existing Princess Anne Quarter Civic League collects donations from residence to chemically treat for mosquito control. The city does not maintain the BNP for mosquito control. I would like to add one last thing, I am a production control manager and we build Fast Attack Submarines for the United States Navy, I can tell you that it all starts with the well thought out planned. We have to build a safe and reliable submarine for sailors to go accomplish mission zone and there cannot be any bad affects that what we do. This relates because this plan has bad effects involved. Families would not be able to enter or leave when the road floods. This includes emergency vehicles and others while I will plan to move forward and risk the safety of those would be residence and I would like to touch base on this 100 years storm, it's not a fluke that this 100 year storm cause flooding on Princess Anne road, like I said we have lived there since 2005

and I have seen the road go under water where it is impassable numerous times, more than a dozen times, but I would like to point out these two pictures and excuse our printer color, the first one and I can pass this around, this is of Princess Anne road looking towards the proposed development area as you can see this is not inches of water, this is multiple feet of water. You could turn into our neighborhood but you cannot keep going because you will be and quite frankly flood away. I would like to pass this around.

Mr. Thornton: We have those in our package.

Joe Brown: Great, so you are with me. Second picture, this is a zoomed in picture of the proposed sign as you can see the sign stating that they want to develop and that sign is actually underwater. Again, this is not just flooding, this is lunar tides and its wind that drives the water up, the creek, flooding Princess Anne road, like Mr. Martin said this is wetlands and the property is not suitable for development and like you can see in these multiple pictures that this is feet of water we were talking about. It's not ideal real estate because of the flooding and the effects of the quality of life of my family and my neighbor's family. I would love to take any questions.

Mr. Thornton: Any questions for Mr. Brown. Thank you sir.

Joe Brown: Thank you.

Ms. Rucinski: Our next speaker is John Lynch. You can state your name for the record please.

John Lynch:

John Lynch, gentleman, board members, I live at 2341 Princess Anne road, which is directly across the street from the proposed development, I moved down to Princess Anne road and where I live now because it had a rural atmosphere. It had a large lots including all the ones along the historic district since then, we have got more, you know, Holland in Princess Anne, we got a subdivision, we got another subdivision at Princess Anne east, we got another subdivision going in the Princess Anne south. So I mean if you want to make it all R-10 then let's make it all R-10 from Indian River north and then we don't have to have all these planning commissions, but I feel that we are losing the agriculture zone down there and the field of our neighborhood that we love so much. The other thing is the pressure around the area, it was already eluded too but there is already pressure on Princess Anne road even though, we have Nimmo Parkway gone through, Princess Anne road is already back enough, if we put another subdivision in there, call it 30 homes, call it two cars per home going in and out of there, I foresee we are going to need a street lights on Princess Anne road, if we are going to put that many more people in there on Princess Anne road, we were probably going to get some sidewalks on the road because looks like, they already had some bike pads and stuff inside of that proposed neighborhood, so I don't know how they are going to get out there on their bike pads on to the road. The flooding, I am concerned about that. My house is in a flood zone, the more buffer we take away from the creek, from west neck creek than the

more that water is going to push up, so we are going to have to add, we will add to make the subdivision and that's one less spot for the water to go into the wetlands into B, so it's going to come to my house next, there where it's going to go and it's going to build up all along there. The sewers in the storms were already eluded too, we got an ancient sewer system, I am super excited that we are going to be updated, thanks for that, but now, here we go, now we got a little extra capacity supposedly going in on the new sewer system but as we add more people and now more elevation, then we are going to also be putting that vacuum sewer system underwater again and causing same problems that we have been having. Finally, I am in summary, I am oppose to it for statistics, for already pressure on the land and pressure on our utilities. Thank you.

Mr. Thornton: Thank you Mr. Lynch. Any questions for Mr. Lynch, Jeff?

Mr. Hodgson: You did say your property is directly across from the access or the entrance way to this pretty much looking at the satellite, have you had trouble getting into your driveway due to flooding? Have you experienced any of the issues where you see the road?

Mr. Lynch: Yeah, that the road floods. It floods probably twice a year.

Mr. Hodgson: Okay, and you have had trouble getting in and out or you able to?

Mr. Lynch: I have a higher vehicle, if I had a normal size vehicle, I would probably not be able to get out.

Mr. Thornton: Other questions? Thank you sir.

Ms. Rucinski: Okay, our last speaker is Ginny Cross. You can please state your name for the record?

Jennie Cross: My name is Ginny Cross, I am with Ashdon Builders, do I need to give you my address, business address?

Ms. Rucinski: Just told me your name.

Ginny Cross: Okay great, good afternoon Mr. Chairman, Mrs. Vice chair and planning commissioners. I am here speaking on behalf of Ashdon Builders. Back in August of 2016, we received re-zoning approval for 18 lots in Princess Anne Quarter east which is ended up at 15 lots. This property is contiguous with the subject property. Knowing the Galleotos family had the adjoining peace and that they planned on re-zoning their property around the same time, we reached out to them. We met with them and we knew that they had a re-zoning coming up on their property around the same time. We were hoping that they would join in our efforts of working together to come up with a fair and equitable arrangement to address the improvements that are needed. After many meetings with Mr. Galleotos, the last of which included Dave Hanson and public utility officials discussing the problem in that quarter with the sewer, we believe the Galleotos were going to agree to pay their pro rata share, a calculation based on the number of lots that are approved. We spent many hours working with Debbie Brian City attorney and Don Prome from public utilities to generate a cost participation agreement. Ms. Brian included Mr. Galleotos also an attorney as part of this agreement only to learn later

and after he intentionally caused delays that he would not sign this agreement. His intentional and deliberate delay allowed him to avoid city proffers given the bill that passed in July of 2016. This is simply not fair to the Virginia Beach tax payers or Ashdon Builders especially since the construction of this upgraded sewer line will soon began. We have a million 120,000 dollar cost participation agreement with the city to build this vacuum sewer line. We are the general contractor for it. Argos' pro rata share would have been 33%, which is almost 15,000 a lot. They have offered to pay 4400 dollars a lot in this re-zoning and instead it is costing the city tax payers of minimum 2000 dollars and Ashdon approximately 56000 dollars more than we were had to, had they participated. We have already had to post an irrevocable letter of credit for 224,000 before we even start this development. This is all required upfront, so before Argos obtains the re-zoning approval, they should be required to do the same. We are happened to pay almost 15000 a lot they should too. This does not give any consideration of the amount of time this taken to get this point, job delays, any additional that we continue to take as a general contractor for the vacuum sewer project. They should offer to pay their fair share as originally discussed, thus reducing the burden on the tax payers and Ashdon Builders. We are not speaking against this development; we are only asking that they do the right thing and the fair thing. Thank you.

Mr. Thornton: Thank you Jennie. Any questions for Ms. Cross? Thank you.

Ms. Rucinski: There are no more speakers on this application.

Ms. Thornton: No more Ms. Crenshaw. It's your time.

Ms. Crenshaw: Thank you Mr. Chairman.

Edward Weeden: State the name for record again please.

Anne Crenshaw: Anne Crenshaw, I am an attorney with Kaufman & Canoles in Virginia Beach office. I would first like to speak to Mr. Brown's concerns. I really cannot speak too, you know, when property was cleared by Ashdon Builders and animals came into their homes and what not and I certainly cannot talk about the quality of their construction that he is complained about. Frankly, I think we are back to where I started with and that these folks own a piece of property that they want to develop. They have property rights and they are offering to do, let me back of and say contrary to what Mr. Brown said and Mr. Lynch said, we are not building in the wetlands, a jurisdictional wetlands that are defined by the Army core of engineers, in fact, those 35 acres serve as a place to runoff any of the storm water. We are backed where I started out with you guys earlier today, the biggest concern that I gather is Princess Anne road because our site is going to handle all of our storm water through this large 35 plus acre wetlands and the retention pond that would be build on the property. We are back down to let the buyer beware. I have done this on the number of projects with this commission and with this city council. If the buyer wants to take or wants to know that this road may flood, we are going to surely let him know it, and they can make a decision as to whether they want to buy one of these pieces of property or not and lastly,

I would like to say that I do appreciate the time and committeemen that the staff has provided to both Brad Martin and myself throughout this process and I guess I should address Jennie Cross' comments. I don't know that there is anything that this commission has authority to do to force my client to contribute more money to the sanitary sewer system. Thank you.

Mr. Thornton: Thank you, any question for Ms. Crenshaw? Thank you Anne.

Ms. Rucinski: There are no more speakers.

Mr. Thornton: With that we will close the public hearing and open it up to comments amongst the commissioners, who has the first, it's in the Princess Anne area, I think I will lead off with Karen and let Don speak and then we will hear what you have got to say?

Ms. Kwasny: I don't know for sure but I suspect we might have a slightly different perspective because where I understand the property rises land owners and I appreciate that, I am really bothered by the, let me see if I could plan that comment, I believe it was buyer beware and I don't think, we are being responsible in our duty in making land use recommendation and Bob you said something earlier that I think it's really important to this and that where task with making land use recommendations, which means to a certain degree we can only taken that well. We had to take into consideration and technical and functional elements. If those technical and functional elements as you have indicated work i.e. the storm water management system. It technically works, which only is a matter of

whether or not you are managing the water on your site or the rate of flow, that's my understanding, so that works. What's not being taken in the consideration is accumulative affect adjacent property yes, but accumulative effect in relation to what's been approved and not been build and the potential for what could be build, that's not being taken into consideration. Also in terms of just considering technical and functional, I know that I don't make, I don't know that I have made any recommendation based solely on those things, most of the time our recommendations also take into account a quality of life, a value of life, the safety of the residents, whether or not the development is going to allow for all of those things that go into what the City of Virginia Beach should provide to residents buying into a development, so I would feel or miss in my opinion to approve something where in my mind, I know buyer beware must be the rule for the safety of those people who live there and so I am kind of relying on the ignorance of the naive [Inaudible] [01:31:32] of the people who buy those homes, now yes you have got a disclosure, I understand and but that's not enough for me. There is a roadway that floods, that prevents the safety of those citizens and I think that it's our responsibility to look at whether or not this is the right time for development in that area, we don't yet have the watershed studies back for that basin, they are not quite complete and they will give us a better picture taking into account accumulative analysis, I don't think you have provided an idea for us of how we will perform in a 1.5 sea level rise, I

don't think that you have provided that, even asked for, it's not required, but it would be nice to see that because that's what we are dealing with, that's what we got facing us down the line. So I am very apprehensive about recommending approval, and I am not anti-development, we need to grow, I see all of that understand that, but I also think that we have to take into account that there is a safety issue on this road way for those people that road very frequently floods and that's going to affect the quality of life for those people in there and for those people who live around it. So the property rights I get that but I think that we have a duty to consider also the rights of those who eventually might live there and have a safety issue.

Mr. Thornton: Thank you, anyone else wants to add, Don do you; it's also your general area, what are your thoughts?

Mr. Horsley: Well I think, you know, we have answered these same questions with a neighboring development that have been approved, right adjoining him, in the last few years, you know, somehow we had similar problems with. The main thing I say with this development is I think it's all fine except for the Princess Anne road situation and there is nothing that developer can do about that other than just let his lanes lay there and pay taxes on it, other than he wants the development, so far it has been agricultures, there is not much hope of this land ever been be informed, I don't think it, you know, even though some of it probably could be cleared, not much of it could be cleared according to the what they say as 30 sum acres that

jurisdictional wetlands if I understood, Ms. Crenshaw right, you said that so. So the other part could be developed and I am assuming [Inaudible] [01:34:01] so I think the property itself is fine, it's just getting to the property and people go up and down on Princess Anne Road everyday and they will continue to do that, we got several roads in the city that do flood when, you know, [Inaudible] 01:34:21] we are, the lane here is sinking along with the sea level rise, so we have gone had to make adjustments to that and some of our roadways eventually. I think this come later than sooner with these improvements because all of this is kind of come from sooner since we have had the last couple of years had these undesirable events to occur and flooding and these types of things that put all the hardships on that infrastructure. So you know me as, Dr. Kwasny has referred by the property rights since she knows that I am a very firm believer in private property rights and I am but also understand that we have got to be able to get citizens [Inaudible] [01:35:14] from the property in a safe way so, you know, if I would say yes for the development, but I am not quite sure what to do about the Princess Anne road area right yet, so I will give you my decision in a second or two.

Mr. Thornton: David Redmond.

Mr. Redmond: That was kind of shame because I was looking to see what you were going to do. Couple of things, first of we keep talking about a bunch of things that don't have to do with this application and I have yet to hear a single deficient thing with regard to this development application providing for

the storm water, looks to me like a good design, I mean it's adjacent to another subdivision, people who ride on Princess Anne road are neither blind nor ignorant, I understand Princess Anne road, half the traffic used to have several years ago and you know, we have got something kind of belly aching because there is not cost sharing with regard of this has nothing to do with the application and with regard to this development, I have yet to hear a single thing that's deficient in it. Tides, bay, and you hear about things like that but I think people have a right to be judge on a quality of their application and whether or not, it meets a certain standard and this seems to, I cannot find anything that's technically wrong with this and it's a very small number of houses 32 houses, it's hardly you know, a huge subdivision, glad to see you Karen because I kept looking over there and I should spoke to you, sort of behind this huge fern but anyway, I mean, I just don't see a reason to oppose it for all of those things that I just said, so I will support it.

Mr. Thornton: David.

Mr. Weiner: Couple of things, I disagree with you. This is, to me this is a big picture here. This has lot to do with the adjacent water. Well, I think we are in the new era that we have to look into the future not just 10 years, 20 years, with 50 years, and what's going to happen in 50 years. Mr. Horsley bought up a good point, land sinking and water is rising. We don't know it's going to happen; we weren't here it 12,000 years ago, so anyway, I think it has lot to do with what's going on right now. We have to look at

the big picture, Princess Anne road is a huge picture, we got to think about, I have friends who live on other the side of the west neck creek and they have been there for 16 years and slowly and slowly surely that water is coming closer to their house [Inaudible] [01:37:49] showed them the house over there, it just, and I agree with rights, you know, yes I am all about development, I just don't, this is not the good place for development.

Mr. Thornton: Okay, Jack Wall.

Mr. Wall: I mean, I look at the site and I kind of look it, you know, my neighborhood, which is Windsor Oaks and I was at the city presentation and they stated in the presentation, historical photo and they said, you know, look this land has not been formed, it was never good farm land, it was always a wets, you know, it probably should never been build on and you know, I am sure there is a people in the area, you know my neighborhood that wish you know, it probably hadn't been, even I live where I live, you know, I am fine but I have flood insurance and you know I struggle with that. I didn't buy the house in a flood zone, I bought it in a 500-year flood plan and then I got rezoned into special flood hazard area. So you know, known issue with accessibility to the site and so I, you know, knowing that there is an issue, knowing that it's adjacent to, you know, the major water way, the drains, the southern part of the city, I do have an issue with that.

Mr. Thornton: Jan?

Ms. Rucinski: Dave, I respectfully disagree with you, I think that when we look at the site, we also have to look at how we get in and out of the site. So although I agree with your position when you say the site itself looks good, but I think we have deficiencies on how to get there and how to address it. So I think I am with the rest of them that I don't think I am going to be able to support this application because I am concerned about the ingress and egress.

Mr. Thornton: Dee?

Ms. Oliver: I think that is a responsibility to be good stewards and I think that you know with the surrounding wetlands of this piece of property, the wetlands are now full, it's obvious when we went down there. We had the water tab in a hard time finding a place to go and it's been, I mean, a number one conversation we have been having for quite some time. I think it's our responsibility to pay attention to how the land works and how the lunar tides work and which way the wind blows and things like that and this is just such an environmentally sensitive area, it's not draining really well right now and I don't know that I would be okay with just adding more pressure to this right now and especially just automatically building a road that goes into our neighborhood that we know right now it's going to flood, we have just already setting that up, so at this point, I just, I don't think I can support this application.

Mr. Thornton: Karen?

Ms. Karen: I would like to make a motion to deny this application.

Mr. Thornton: Have a second, before we call for the question, anybody want to add?
Mike.

Mr. Mike: I have to abstain from this application, because I have a business relationship with one of the opposition business speakers Ashdon Builders.

Mr. Thornton: So we will have 10 votes. Jan, motion made by, who made the motion?

Unknown Speaker: Dr. Kwasny.

Mr. Thornton: Oh, okay, and seconded by Jan, call for the question. Did you have anything to add Jeff before we?

Mr. Hodgson: I just answered the question.

Mr. Thornton: Okay.

Unknown Speaker: Reconsider that, towards the denial, denial yes.

Unknown Female Speaker: You may need to do this again, do it again.

Mr. Thornton: We had a motion to deny.

Unknown Speaker: Motion to deny. [Crosstalk] The motion is to deny and our vote is in favor of denial.

	AYE 07	NAY 03	ABS 01	ABSENT 0
HODGSON	AYE			
HORSLEY		NAY		
INMAN			ABS	

KWASNY	AYE	
OLIVER	AYE	
REDMOND		NAY
RIPLEY		NAY
RUCINSKI	AYE	
THORNTON	AYE	
WALL	AYE	
WEINER	AYE	

Unknown Speaker: By the vote of 7-3 votes, the commission has denied the application Argos Property II LLC.

Item D1

City of Virginia Beach

Ordinance to Amend Sections 102, 111, 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 and Add Sections 209.6 and 241.2 of the City Zoning Ordinance pertaining to Definition, Requirements and Use of Home Sharing and Short Term Rentals

Item D2

City of Virginia Beach

An Ordinance to Add Article 23, Consisting of Sections 2300 through 2303, (Short Term Rental Overlay District) to the City Zoning Ordinance Establishing Regulations and Requirements pertaining to Short Term Rentals

Item D3

City of Virginia Beach

An Ordinance to Amend the Official Zoning Map by the Designation and Incorporation of Property into Short Term Rental Overlay District

Ms. Rucinski: Okay, next application I am sure nobody is interested in that is for the city of Virginia Beach and I am going to go ahead and read all of these for the record right now. And D1 is the city of Virginia Beach and an ordinance to a amend section 102, 111, 401, 501, 601, 901, 1110, 1125, 1521, and 2203 of the city zoning ordinance and section 5.2 of the Ocean Front Resort District Form Based Code and add sections 209.6 and 241.2 of the city zoning ordinance pertaining to definition, requirements and use of home sharing and short-term rentals. D2 is the city of Virginia Beach ordinance to add article 23 consisting of sections 2300 through 2303 short term rental overlay, rental district to the city zoning ordinance establishing regulations and requirements pertaining to short-term rentals. D3, the city of Virginia Beach and ordinance to amend the official zoning map by the design and incorporation of property into short-term rental overlay district.

D4, the city of Virginia Beach, an ordinance to amend sections 111, 401, 501, 601, 901, 1110, 1125, 1521, and 2203 of the city zoning ordinance and section 5.2 of the Ocean Firm Resort District Form Based Code and adding sections 209.6, 241.2 of the city zoning ordinance pertaining to the definition requirements and the use of home sharing and short term rentals. D5 is the city of Virginia Beach, an ordinance to amend sections 111, 401, 501, 601, 901, 1110, 1125, 1521, and 2203 of the city zoning ordinance and section 5.2 of the Ocean Front Resort District Form Based Code and add sections 209.6 of the city zoning ordinance pertaining to the definition requirements and the use of home occupation short term rentals. Here we go.

Unknown Speaker: Well done Jan.

Ms. Rucinski: So we have a few speakers in regards to this.

Mr. Thornton: Before the secretary starts to call speakers, I want to say couple of things. Number one, thanks for all the public comment and interest in this matter. There are two of us on this council for seven years and there are several that had been on it for double digit years and I am not sure we have had anything that has been this interesting and engaging to deal with, not even the comprehensive plan reached this level of interest. So I want to thank everybody for participating in the public process. The second thing, I really want to emphasized is when you are called to come and speak, there are two buttons on, two little lights on that left turn and one is yellow that blinks and red is blinks and the one tells you, you have a warning and the

other tells you it's time to leave the podium. So I want to really enforce that because we have got, we could have as many as 40 people speaking today, so we need to honor everybody's time. The other piece of it is if somebody has said over and over and over and over and over what you want to say, keep it short. One of things we are all ADD people and we after a while we just cannot process anymore data, so if you have got a new thought and new idea, something that we have not heard, please share it with us, but if it's the same stuff over and over and over, we need to ask you to honor that. So with that being said, thank you for coming here today and at the end of the day, at the end of our hearing today, it is our desire to make a recommendation to council on and then changes to these ordinance agenda so eloquently red. If you got to bear with us a little bit, because there is some procedure that we have to do that we need to get from Kay Wilson to make sure we are doing it right and so with that, we are going to get started on the public hearing process of this and when she calls your name, please come to the podium and again state your name for the record and let us know what do you think.

Ms. Rucinski: Okay, I have divided these cards up. We will start with those who are in support, there are some people who didn't mark support or opposition. So we will let you speak in the middle and knows this have indicated opposition we will and with those. So the first one I have is Jim Moffat.

Jim Moffat: Thank you. We would like to thank the planning commission for taking this time.

Edward Weeden: You need to state your name for the record.

Jim Moffat: Jim Moffat, Sandbridge realty and we would like to thank the planning commission for taking the time to research this very important matter, but also like to thank you for having your own planning commission version of the ordinance draft. In previous planning commission sessions and workshop, many comments were made concerning number seven under the short-term rentals. It was discussed that three adjudicated violation in one year may result in revoking registration. Without much discussion, it changed from one year to two years in the last workshop. We feel that the one year is acceptable and that the two years would be an undue burden to the home owner. The idea was to have a means to shut down a house that would have consistent complaints. Kay Wilson said it best that you can have one violation in February, one in March, one in April, three convictions could easily occur in a year's time. There needs to be some clarification for number six, those signage should be on the side except of one foot by one foot sign. All properties have names in Sandbridge and many owners spent thousands of dollars with artist to develop name signs for their property and we just want to make sure that this would not be included in this part of the sign ordinance. I know that was discussed in the briefing today, but it is not listed anywhere in the ordinance. Last year, when we are dealing with short-term rentals in the actually at in Richmond and it was SB-1578, it was very clear that the commissioner of insurance from the state of Virginia that the state should not be setting

insurance of minimums for liability insurance. It was a job of a license insurance agent to determine the liability insurance. It was needed with the home owner. The commissioner of revenue of Virginia Beach understood that from those meetings and liability insurance minimums was not included in his short-term registry ordinance that we have now. We asked that you leaving the proof of liability insurance and remove the 500,000 minimum under point 11. I don't believe it's fair to a condo owner or someone who rents the property only in the summer months to carry that much insurance when it's not necessary. I believe your task was to regulate short-term rentals in Virginia Beach not restrict the owner from running their property. We filled the changes we have requested, we will make the ordinance more fair and consistent for all parties. After all these years of short-term rentals, it is time that City Council allow short-term rentals as principal use. Somebody in opposition say that short-term rentals will destabilize all neighborhoods in Virginia Beach. This is so far from the truth by using Sandbridge, as an example for the last 75 years dealing with short-term rentals where half the properties rent their homes. To be clear, we don't want conditional use permits, nor that we want grandfathering. I believe you have changed alternative three and I want to make sure that the people that are here today understand and would stand up in support of alternate three with the changes suggested, so those who are in support of the alternate three, I would like to them stand up, so we

want to make sure you are clear the amount of people who are here during that because they may not be able to speak during this time.

Mr. Thornton: I was going to ask if they all were going to now yield their floor time?

Jim Moffat: I hope not. Thank you.

Mr. Thornton: Thank you, thank you. Any questions for Mr. Moffat? Thank you sir.

Ms. Rucinski: Okay, our next speaker is Jack Drescher. Thank you, names are challenging enough but sometimes it's the writing makes it little harder.

Jack Drescher: I apologize for my handwriting. Mr. Chairman, madam vice chair, and members of the commission, I am Jack Drescher. I am the immediate past, underscore past president of Virginia Beach Civic League and I am here on behalf of obviously the Civic League in support of what I believe is planning commission alternative three which I think, if I am reading it correctly was the same one that you came out of the workshop last Tuesday.

Mr. Thornton: Similar.

Jack Drescher: Okay. We made our decision in support and looking at the work that you did last Wednesday so let me just summarize it briefly more so for the benefit of the audience so that they understand were the Civic League is on this. I submitted to you a written proposal setting forth a very exclusive detail exactly what we felt should be done and we feel like you have come back and have struck the proper balance between privacy rights

and residential character of the North End, and frankly the residential character of all neighborhoods throughout the City of Virginia Beach. Sandbridge is a little different and while I appreciate Mr. Moffat's view where Sandbridge is concerned, he wishes a task to cover all residences throughout the entire city and zoning is very important and where there is a tipping of the scales in favor of one side or the other, it is our view that it ought to be toward the residential quality of the neighborhood. You may recall that we asked that a conditional use permit be required of all non-home sharing short-term rentals. We feel like you have struck the balance by taking that out of the equation. We think that that would be overly burdensome on short-term rental owners. We think that the registration process with the commission of revenue will satisfy whatever you need. I mean Mr. Calam Keshew don't know and perhaps I am being repetitive here, he has a software program that can actually track virtual online rental platforms and find out who is actually running short-term rentals in the neighborhood. So with that registry applicable to both home sharing and short-term rentals, we think you have covered the issue without the need for conditional use permit. Briefly going over the other aspects of this, we like what I will call the three strike to your rule, pre-adjudications of wrong doing could cause with a consecutive two-year timeframe. The revocation of the registration permit, contrary again that what Mr. Moffat said, and I am lawyer by trait albeit retired, a lawyer can continue cases and push things off and you may not have three adjudications in one year

even though, the actual issues himself occurred during that year. So we feel like that two-year period, yes you have enough read it to cover everything that you need. We particularly like your parking plan outlined leaving that to the zoning commission. I mean zoning department where they will actually approve on a case by case basis is a parking plan, I mean all lots are not the same, Sandbridge lots are not the same as those are in North End, and North End lots are not as the same as in Bay Colony. So the zoning department head in our view will have the better opportunity to look at it and see what will work and what will not. The noise restriction, the traffic restrictions, the telephone number of a responsible party we like, we think that that appropriate across the board, the signage issue does not cause us any heartburn. Even possible city violations being posted within the dwelling, refuge provisions, the proof of liability insurance, we like the one million dollars, we want to come back to that momentarily and we particularly like the maximum number of person on the property after 11 p.m. and before 7 a.m. It shall be three people per bedrooms plus two; we think that that's an appropriate limitation. Let's talk briefly about insurance. I can appreciate what Mr. Moffat said with respect to the cost of insurance to a particular home owner or someone who owns, either is a home sharing situation or a short term rental but if you are going to engage in commercial activity, which running a property is by any definition then you should have adequate insurance, as a lawyer by trade and one who tried cases for 40 years, most of them personal indications, I can tell you

that a necessary amount of insurance is going to be absolute paramount because these are not hotels where you have all kinds of zoning restrictions and building restrictions on a hotel by hotel basis. These are individual homes and all of them are going to be different, so it should be left between the home owner and his mortgage company and of course if he decides he wants to rent that property either on a short-term basis or otherwise, he is going to have to pay insurance to protect those who might be injured there on that property by causes that he may actually not even be aware of. So we like the one million dollar insurance. The one thing that we do take issue with you about is the rental contract for seven consecutive days. The outline of what you decided last week would indicate that you want to have two rental contracts, you would limit it two per seven day period. We think that there is attention there between commercial use and residential quality of the neighborhood. It is a position of the Civic League that by allowing a short-term rental of more than two contract per seven day consecutive period, tips the scale in favor of commercial activity and we prefer that it would be those scales be tip backed towards the residents we feel like 52 contracts a year is more than adequate. So that's our position. I did not take my allotted ten minutes, so I am going to be congratulated for that.

Mr. Thornton: We thank you more than we can. Any questions for Mr. Drescher? Thank you sir.

Jack Drescher: Thank you.

Ms. Rucinski: Our next speaker Joan Davis.

Joan Davis: My name is Joan Davis and I am past president in Sandbridge Beach Civic League for seven years. I am also a paramedic for the Sandbridge Beach Rescue Squad for 30 years and current president of the Rescue Squad. Sandbridge has been a very successful resort community for over 60 years. The proposal in front of you today totally almost skips the original intent dealing with events to implementing controls on our homes and placing undue restrictions on our personal property rights. It was more from the [Inaudible] [01:59:22] to home sharing, to Airbnb and to short-term rentals. You have come a long way by dividing the individual pieces and we really appreciate your time, your thoughts, and your efforts in this process. Placing event homes and short-term rentals; placing event homes into separate category is a major step for all of us. The only thing left us to make Airbnb separate for the short-term rentals. One size does not fit all. We currently having a 5 mile stretch of beach over a 900 short-term rentals in Sandbridge. That's over half of the rentals the entire city states that they are registered. We have always going to short-term rental community. As a matter of fact, the City-wide website advertises us as a vacation destination. The fact is Sandbridge is only approximately 28% full time residents. We are not Airbnb. The Citywide website one more time advertises us as a destination location for vacations. Our surplus taxes apply this city with over 16% of the entire tax pays. We pay for our own sand replenishment. The city has a free public beach that are tax

dollar pay for; it does not come out of the city funds. With the news stating that Hampton Roads is below the unemployment level while jeopardize our thriving local economy and thousands of jobs. By implementing these harsh ordinances, we are being held to a higher standard than our neighbors. Sandbridge has approximately a 1000 public parking places. We have three public bathrooms, Back Bay National Wildlife, False Cape State Park, and Little Island Park. So what is normal traffic in a residential neighborhood? You can see our pictures there that's our normal traffic. In eight months of the winter, it goes down, but in the summer, it will take you close to an hour to navigate in and out of the area. We have so many visitors that loved the beach just like we do, most of us welcome them. What is normal noise, quiet as a mouse in the winter for the eight months and of course you can see what is like in the summer and who defines normal. Anyway in conclusion, I believe that a nonconforming use is sanctioned in tax by governing authority for 60 years that a right to continue the same has been created, Sandbridge short-term rentals were allowed by the Princess Anne District and continued after the merger with the city of Virginia Beach, billions of dollars have been paid on Sandbridge rental homes and real estate taxes, hotel taxes, sand taxes, flight taxes, service distant taxes and the like and we really like you going to consider to make sure you don't over regulate for the unintended consequences and we would also like to thank you all very

much for your volunteer time and even doing this because none of you all are paid just like I am. You have any questions?

Unknown Speaker: Any question from the speaker? Karen.

Ms. Kwasny: I have a question, Joan you had mentioned that some aspect of the ordinance are not sure you were being particular what maybe still overly burdensome, do you have a particular point?

Joan Davis: I think with the three strikes out is pretty burdensome for all of us, I mean, you could, leave your trash can out for three days in a row and then you implement a penalty on all others that takes away your rental for the year. But you are not talking a 1000 dollar penalty, you are talking a 100,000 dollar penalty, so I think that's a little over regulating, I think, if you are going to implement something where somebody shoot somebody in their house, okay, then that's okay but when you are just talking trash and noise and stuff like that I think it is over regulating.

Mr. Thornton: Just so you understand, we talked to our attorney with this. These are three convictions. These are three offenses, three trips to court, three orders by the judge, not just a ticket for leaving your trash can out. These are convictions within 24 months. Because most of the time, you cannot get something through the circuit code and much less than a year, so if these are serious convictions, so we heard you when you told us that and we have, you all need to understand that these are just not small violations of

leaving a trash can in the wrong place, these are court convictions. So you have got to really be, Mike.

Joan Davis: I think what we concern, what is a court conviction, I mean, what would you convict for someone. When a judge rules that you paid a fine, or you? I will, but I mean, would it be likely when your trash can out more than 3-4 days, it is my point.

Bob Thornton: It could be, but I want to make the point that what the ordinance says that it may resolve and the revocation of a registration, so the person making that decision would be, how would be taken to account, what kind of violations it were if it's like three trash can violation versus something serious?

Joan Davis: It is not even in the same category of taken somebody's personal property rights away by doing that.

Bob Thornton: No, I am just going to make the point [02:04:14] [Inaudible] got three convictions automatic gone, it's, there are some discretion allowed.

Joan Davis: Any other question and not only why this red dot map gets me but these red dots and this is an actual for scale map, this really gets me that how you put, that the dots were like put in big highlight or marks. It's got only 120 Airbnb for the entire city with the map like this, it's really in proportionate scale, when Sandbridge is labeled like about that much like not even an inch, so I suggest when people do come up to speak and they come from different communities that you asked him. How many homes

they have and how many actual rentals they have in their community, that you actually deal with this, maybe you will get a better perspective at Sandbridge is like 70% of what we are dealing [Inaudible] [02:05:02]. Any other questions?

Mr. Thornton: Questions for Ms. Davis, thank you, I am sorry.

Dave Redman: Just a follow up, I saw that map and that's kind of been grading on me for sometime that's one of the what I consider frankly dishonest pieces of this debate is we have had that long, the dots on that map are about the size of half of my neighborhood. In my neighborhood has a thousand homes and if you took a dot, you made it the square foot area of house which a rental occurred would be barely noticeable, so I think there has been this effort to try and portray kind of this, you know, will see a blob eating up the parts of the city and that's frankly was one mechanism I think that was frankly quite misleading and intentionally so. So thank you.

Joan Davis: It looks infected, it looks like we have measles and it's not the case at all. Okay, thank you, any other questions?

Mr. Thornton: Thank you.

Ms. Rucinski: Hey our next speaker is Denise Holden.

Denise Holden: Hello, I am Denise Holden; I own the little pink house on Baltic Avenue 24th, its little tiny two-bedroom house. I own property in Virginia Beach, Norfolk and Richmond. I rent out most of my property long term. This is the only short-term rental I have. Frankly, I love the business model and I

really appreciate the time that you guys are, I have watched the meeting this morning, I love the time that you are putting into very serious issues and I know everyone here most of these houses are huge, I just have a tiny little cottage but it brings to mind what you were saying this morning not all of these houses are the same and they all have different issues, parking for me. That house was built in 1952, there was never a parking there, it's always been on the street. So a parking restriction would be very difficult for me, I have to get parking passes. I have insurance on the house but that's between me and the mortgage company. I can assure you as soon as I told them that I was going to go to short-term, they told me how much insurance I was going to be carrying and it's pretty high, but I didn't need someone telling me how much because that's already been taken care of by the mortgage company. I had already sent an email to the group hoping to discuss something that maybe would help you guys. Some of the properties that I own fall under the neighborhood including the little pink house fall under the neighborhood preservation. A lot of the restrictions, I think would help with what you are trying to accomplish. When I travel to other places, I want to make sure that my family is in a safe house. I think I would be a little uncomfortable knowing that just anybody could rent a building without it being inspected. In the neighborhood preservation zone, you have to have the houses inspected every four years. I mean everything write down to a cracked window. Does it have adequate, you know, egress, are there broken windows, is it

safe, is it clean that would be nice to see, so that not anyone could just put their house upon a website and rent it off and I think that would be very practical. As far as, I am sure there are lot of people here they are fighting it, but you have a nuisance caused, you pay a fine, put the fine per bedroom, if the police are called to your house three times, then you pay a huge fine, I don't think it needs to have that much restriction, I am happy to pay the tax on the house. It has saved that little house. Thank you.

Mr. Thornton: Any questions for Mrs. Holden? Thank you.

Ms. Rucinski: Hey our next speaker is Bernice Pope.

Bernice Pope: Good afternoon. Thank you members of planning commission for letting me speak today this afternoon. I feel like its tonight.

Mr. Thornton : State your name please for the record.

Bernice Pope: My name is Bernice Pope, I am a president of the historic Cavalier Shores Civic League and I just want to make really brief that we had an executive committee meeting and I just wanted to state that we fully support the position at the North End Civic League as just per Jack Drechor president of the North End Civic League has recommended, we do want to emphasize that we are opposed, underline oppose to allowing two rentals per week, we fully support one rental per week and we also request that city has a plan in place to provide adequate support to its staff for enforcing these restrictions that, you know, are going to be created in this new short-term rental ordinance. Thank you.

Mr. Thornton: Thank you, any question for Ms. Pope? Thank you.

Bernice Pope: Thank you.

Ms. Rucinski: Next speaker is Donna Watson.

Donna Watson: My name is Donna Watson. Mr. Chairman, madam vice chairman, members of the planning commission, my name is Donna Watson and I want to thank all of you for all the time and effort that you put into this. For over two years, I have been attending hearings and meetings on the issue of short-term rentals. I had to say I am although sad that when I read what your recommendations are regarding what you are proposing with your recommendations. There have been several City appointed committees that have been involved with this issue and they have worked for many hours, actually months on it and it seems like you all are ignoring what they are recommending. I also just disappointed that you are not thinking about the residence of Virginia Beach and all the planning commission here and in workshops that I have attended, I have heard a great deal about how regulations will negatively affect people who are renting out houses on a short-term basis. I haven't really heard anything about insurance of these houses are safe for the residents who live by them and for the renters who rent them. The income of the city is important; however, it should not come at the expense of safety. I am disappointed that you are so willing to take action and can destabilize our neighborhoods, who wants to live near our house so could have over 1000 strangers a year prating through it, well this also adversely affect the

security of our neighborhoods since it's hugely neighbors who are the people that noticed something as miss and call the police. You are not going to know that when you have lots of strangers next door. I am very disappointed that you never discussed alternative two. Alternative two offers a fair and equitable balance that will allow this currently renting out their houses on a short-term basis to continue to do so. It will make neighbors aware that someone wants to convert a neighboring residence into a short-term rental, is a far more measured approach, until this morning I really heard nothing about protecting the neighborhoods and I want to thank you Mr. Ripley and Mr. Horsley for mentioning that at the informal meeting earlier day . Allowing any house in Virginia Beach to be a short-term rental by making it a principal use as proposed by your version is a drastic stuff, I think it's a huge mistake. If the city council adopts your recommendations so we no going back, I wishes you have been more eager to take a more conservative approach which would allow the city to deal with this issue on an incremental basis. I oppose the substitute to alternative three which I believe is D5, I support alternative number two, which is D4 but I do believe that the substitute offered by, it's going to be offered by Mr. Ripley is far better. Thank you.

Mr. Thornton: Thank you Mrs. Watson. Any questions for the speaker? Thank you.

Ms. Rucinski: Okay, our next speaker is Cheryl Petticrew.

Cheryl Petticrew: Good afternoon, my name is Cheryl Petticrew. Thank you. Hello chairman Thornton, members of the planning commission and staff, my

name is Cheryl Petticrew. I have lived in a residential neighborhood of Sandbridge Beach for over 40 years. I have attended the planning commission, STR workshops and have met individually with many of you. During these meetings, most seem to listen and appreciate our thoughts and our research, but throughout your public discussions, not once, I guess until this morning, wasn't mentioned about the health, safety, and welfare of our Virginia Beach residence and the neighborhoods. For the record, I support short-term rentals with regulations, but renters pay to use another's property instead of their own to do what they might not do in their own home and in their own neighborhood. I have only to remind you of the April 2016 college week shooting fertility of ODU students Darren Campbell in Oceana Gardens, Airbnb, perhaps you remember that the owner of this Airbnb lived in China and there was no property manager to contact. This reminds me of the STR Ad-Hoc committee and their frequent discussions on accountability. Please help us to be proactive in our Virginia Beach neighborhoods rather than continuing to be reactive, to quote the Virginia Beach comm. plan of 2016, a key indicator of every successful city is how well it's safeguards, the health and the quality of its housing and its neighborhoods. I support the city staff's recommendations and I am not sure, I am not up-to-date on what happened this morning and I want to point out interesting many other people that stood up behind us are on the staff of the realty companies in Sandbridge. Thank you.

Mr. Thornton: Thank you, any questions for Ms. Petticrew? Any questions? Thank you.

Ms. Petticrew: Thank you.

Ms. Rucinski: Okay, our next speaker is Brad Capps.

Brad Capps: Good afternoon chairman Thornton and members of planning commission. My name is Brad Capps. I am the president of the Resort Beach Civic League; our boundaries are the ocean front from Pacific Avenue to Parks Avenue from Norfolk Avenue to Laskin Road. On February 12th, our membership met and we have discussed short-term rentals and adopted the following positions. Our positions were based on the original plan number two. We agreed with all regulations from plan number two with the following revisions. We oppose all that houses; we are in support of a requirement of a conditional use permit for a short-term rentals because it provides an opportunity for all neighborhoods throughout the city to submit input to the permitting process and the ability to protect our sense of community tranquility and peace. Based on our neighborhood, we opposed providing residential permit parking, temporary parking passage to short-term rentals in our neighborhood. Because they are businesses and they are required by city code 234 to provide onsite parking. We would like to see all applicants of a business license, we would like no more than two rental contract within any seven business days and we did speak about 1 million dollars in insurance. Thank you for all that you are doing.

Mr. Thornton: Thank you. Any questions for Mr. Capps? Thank you sir.

Ms. Rucinski: Okay our next speaker is Nancy Parker.

Nancy Parker: Good afternoon. It is going to be a long afternoon for you all. Chairman Thornton and members of the planning commission, my name is Nancy Parker and I have lived in the Virginia Beach for over 50 years and I stand before you today as a home owner, resident of the Old Beach district. At one of your meetings, you asked or somebody did, where the residents, where are the people on the Civic Leagues well, I am one of them and I am concerned about what's been asked and proposed today. I think in several of your meetings and watched your gravel with the issue, but I felt that the conversations and solutions centered on the protection and encouragement of short-term rentals, but on a wider perspective for the unintended consequences on the rest of the city. It is apparent that the investors and agents of the Sandbridge area have done their homework and were very effective in their lobbying efforts and there is nothing wrong with that, but several other options presented and created no protection for home owners or residence like me and other neighborhoods of the city. At the December meeting, one of the investors lobbying for greater freedom in Sandbridge was asked by one of you, where do you live and he replied Heritage Park, but he didn't want one next to him especially in a rent house and neither do I. My question is why an investor has greater importance than those of us that have lived and build up our neighborhoods. These are our personal homes that we have spent our money to buy, maintain, planted our tomatoes and our roses, and pay taxes

on for many years, why do we get pushed aside and our tranquility, stability, and sense of peace have to take a back seat in the process for someone that does not live in our personal community or even in our city. I understand that the internet has dramatically changed the process and opportunities for rentals, but that should not be at my expense or the expense of every neighborhood or the expense of what Virginia Beach has worked so hard to accomplish over the decades. The three options that I have been following, option number two I realized you have made some changes recently with this, with the use of the conditional use permit requirement offers the best opportunity to provide some neighborhood input and protection. Please keep in mind, this is a profitable business venture in the form of a house including into a residential neighborhood which can change the character of the area. This should not be classified as a principal use by right. Even a daycare center requires a conditional use permit, the rest of the city deserves consideration and protection from the unintended consequences of a blanket open market for short-term rentals, but may work in a subsection of Sandbridge, may not be appropriate for the rest of the Virginia Beach, again thank you so much for your time on this issue.

Mr. Thornton: Any questions for Mrs. Parker? Thank you.

Ms. Rucinski: Hey our next speaker is Robert Walker.

Robert Walker: My name is Robert Walker, I live at Sandbridge Beach, I am also a home owner and I work for Siebert realty. Three years ago, I volunteered for the

Van Homes Committee and I crunched quite a few numbers about Sandbridge [No sounds from 02:22:15 to 02:22:28]. Over 42% of the houses in Sandbridge are managed by rental management companies and the rental management companies do a good job of enforcing regulations already. Over 64% of the condominiums are managed by the rental management companies and the one number that really no one ever talks about is that 30% of the houses still empty. Are these residents, I mean that own by people that live in Richmond, Pennsylvania, Norfolk and they come down in the summer time, spend their vacation, most of them have earned these houses for many years, Sandfiddler road has 475 houses over 300 are managed, this is the ocean front and semi-ocean front, 125 of those houses still empty. No one is there, they are owned by out of state people. The residents of Sandbridge Beach make up about 30% of the properties that does not count the condominiums and I feel that one people stand up here and talk about integrity of neighborhoods, I agree with that, but Sandbridge Beach is it a neighborhood, it's always been a vacation destination and I find that the ordinances and all the restrictions in the ordinances to be designed and geared up to make short-term rentals difficult for an owner, which down the road people doing it and short-term rentals will come to an end, which will hurt property values, it will hurt revenue to the city of Virginia Beach because the vacationers between 35-40 million dollars into the local economy around Strawbridge and the

General Booth area, we pay over 6 million dollars and transient use tax and like I said Sandbridge is a residential neighborhood. Thank you.

Mr. Thornton: Any questions for the speaker? Thank you sir.

Robert Walker: Thank you.

Ms. Rucinski: Our next speaker is Lee Gause.

Lee Gause: My name is Lee Gause. I live in Sandbridge Beach in one of the condominiums. I also own an ocean front property that I rent out, so a great majority of people who don't have the advantage of being able to live at the beach as I do can come and enjoy the beautiful area of Virginia Beach. I support alternative three, but I have a concern with the three strikes provision. These places are big burden on the property owner, but here is my concern if I rent my property, someone signs a lease a responsible adult is going to be overseeing my property for that period and they chose to do something that causes a violation that is an individual who can be identify, sited and charged as that violation count against my house which is an inanimate object and does it indirectly count against me when I am looking at three strikes throughout if someone who you can identify breaks a rule, they are the one which should bear the consequences not the house nor the owner. That's my concern, thank you.

Mr. Thornton: Any questions for Mr. Gause. Thank you sir.

Ms. Rucinski: Our next speaker is Sarah Houck.

Sarah Houck:

Good afternoon members of the planning commission. I am Sarah Houck and I live in Chesapeake Beach and admitted I am going to tell you about the experiences I had for about a month with the weekly rental next to me, but I do want to say Nancy Parker and Donna Watson covered all the points I wanted to make, we need a CUP, we need regulations. We need one rental per week. Okay, so back in 2013-14, property next to me was sold to a Cape Cod family, husband and wife and they said they are going to rent it for two years and then they are going to move in, but they never told us it was going to be weekly rental. So this one give you what is like living next to a weekly rental for about a month. Number one, one of the first groups we had was a large group of young man who were here for a fish concert, fish concert last years for 4-5 days, they become stoned right away, try to hang their sleeping bags hammock in our trees because there was not enough room in the house for them to sleep as they continued to be stoned all the time, they see us in the yard and hey maam. How are you doing? What can I do for you, hey can you believe the property manager's boyfriend, just offered us prostitutes, so you can imagine how we felt about all that. Okay, next person, next group, they came in and stayed up to 4 a.m., laughing and drinking around the deck while the water carries the sound, people on both sides had to go to work 6 o'clock in the morning, and they found they had to yell of their windows would you please go inside, they had a bonfire which way too close to the house. Number three, 75 people arrived on Thursday night for a change of

command party, heavy drinking and parking noise, whatever trash, so we thought oh god, we got through this, but on the next night, they had another one of 75 people and this was like the lower class on the sort of all for the military I guess, so anyway two nights in a row 75 people parking all over the streets, no parking areas, trash, alcohol, whatever kids running through our yard. The next week, had a wedding party, there were too many people to count, I couldn't keep track, heavy drinking and parking in no parking areas, same thing just loud noise whatever, living next to this was exhausting. We felt we are past aside, so someone could just make some money, [Inaudible] [02:29:45] so why you should allow only one a week, two a week we just cannot live with that. Thankfully the owners of this rental became tired of taking care of the house since they live in Cape Cod and sold it to military family are quiet, narrow, street lined with [Inaudible] [02:30:03] trees is now back to normal. I need you to protect my neighborhood.

Mr. Thornton: Thank you Mrs. Houck, any question for Mrs. Houck? Thank you.

Ms. Rucinski: Hey our next speaker is Billie Almond.

Mr. Thornton: He left.

Ms. Rucinski: Next speaker is Larry Horvath.

Larry Horvath: My name is Larry Horvath. I have been asked by my neighbors in Baylake Pines to speak on their behalf. We have about 340 homes in our neighborhood about 70-80% our members of the Civic League. We do

not want any more short-term rentals in our neighborhood and that's the message is that we want and I want to ask you guys, how many of you would want a short-term rental set up in the house next to yours or across the street. Would you rather have a short-term rental or a daycare center because to be honest with you. I would prefer the daycare center because at least I know the person it's living there. I am asking why do you protect the rights of a person who would bringing a bunch of strangers move out of his house and turned it into a business and not protect the rights of all of us who are important to these suburban neighborhood. We love our neighborhoods, I know my neighbors. I have been there since 1987. They put a lot of great faith in me and having me talk to you. We don't want these things in our neighborhood. We are probably going to have to accept I would think conditional use permits I think would be the best thing to protect us. They are already required for daycare centers, why would you not require them for a short-term rental, these are businesses and the more strangers you bring into our neighborhoods and the more you destroy the fabric of friendships and long term relationships, the weaker our little social bonds are going to be and these things are going to fall apart in front of your eyes. So in conclusion protect our neighborhoods, protect the suburban neighborhood we have built, I don't think any of you would want one of these operations next to your house or across the street, so please require the conditional use permits. If you have to grandfather the ones that already there, I have got one across the street

for me, I think that's been a parade of people, different people every weekend last [Inaudible] [02:33:00] before and I am not going to take anymore of your time, I think I have made the point, please consider it.

Mr. Thornton: Thank you sir, any questions for Mr. Horvath. Thank you.

Larry Horvath: Thanks.

Ms. Rucinski: Molly Brown.

Molly Brown: Good afternoon, Chairman Thornton and members of the Planning Commission. I am Molly Brown and I support the staff's recommendation for alternative two and the recommendations to regulate short-term rental, which was crafted by the City Attorney Mark Stiles, Kay Wilson, and Director of Planning, Barry Frankenfield and Zoning Administrator Kevin Kemp. I think a more conservative approach should be taken when determining the acceptable use of property. By recommending that a short-term rental is a principal by right use of one's property in any zoning district, the planning commission is in effect saying that this will be a vested right that will last forever. If city council agrees, they will be qualifying an activity that will not be able to be amended by future councils, for to do so, would raise the claim of taking of this vested right. A more conservative approach would be to require a conditional use permit for all short-term rentals going forward. Alternative two, in the future if this appears to be the wrong decision; council could loosen the reins and make it of principal use. Online rentals have changed the way

people book their vacations, Airbnb, Vacation Rental by Owner, Home Away, FlipKey and many more. These online rentals are having an impact on the brick and mortar realty companies in my neighborhood. My neighbor use one of the rental companies that charge at 18% management fee. Then he switched to another company that only charged 15%. Now, he chose an online company because the online company only charges 3% and guess what, he has had more weekly rentals this summer's than he has ever had with the old management companies. This is the future. This is going on all over this city. This is why regulations are needed to protect the safety and health of all residents and visitors, don't temper with the 311 number and operator of a short-term rental or agent should provide contact information and be able to respond within 30 minutes to calls of complaints received by the city 311 service. As already written in section 39 that 169 of the city code, as a quote president Dwight Eisenhower extremes to the right and to the left any critical dispute are always wrong, I believe a conditional use permit require for all short-term rentals going forward will put you in the middle of the extreme of calling short-term rentals a principal use and prohibiting altogether and I just received what commissioner Ripley and Mr. Horsley have presented and I think that's going very much in the right direction and I see that as a compromise, any questions?

Mr. Thornton: Questions for Ms. Brown, thank you.

Molly Brown: Thank you.

Ms. Rucinski: Karen Thumb?

Karen Thumb: Good afternoon members of commission. My name is Karen Thumb. I would like to support option three, but I would like to do with caveats. I know that it is extremely difficult for this group and for the City Council to come up with the proposal that is going to make all of your constituents happy. Virginia Beach is made up of a myriad of communities, it's one of the things that makes it so attractive, it's one of the reason so vibrant and I think you are going to end up making a lot of people unhappy no matter what you do. I also would rather we didn't do any of the options but I think that should be sell and amongst the options I would support number three, but I have three primary concerns. Item one, the ordinance is not specific on how to attain a short-term rental registration, presumably if you go through a management company, they will be able to get it for you, but I am wondering if you really thought about that you are going to have just from Sandbridge over 900 registrations all are ones hitting the commissioner of revenue's office, so it would seem like you are going to have to have a phase-in period. Item two, the ordinance states the three adjudicated violations in two years will resolve in the revocation of the registration, so couple of issues with that. The adjudication process needs to be delineated, I understand, it's a legal judgment but when then initial call comes in someone needs to go out and investigate and as someone who is live next to an event home for five years since it was build, I can tell you I called a number of times, there has never been a response ever

by the city, so if we are going to have this in this new ordinance, it has to be enforced. There needs to be an investigation, I also think the home owner and the management company if there is one, needed to be notified as timely as possible because if it's a chronic problem, we need to address it before we get three strikes in three days. I know it takes a while ago through the adjudication but it will still be a violation that coming through the pipeline. Then if the ordinance and if the registration is revoked, then the ordinance needs to stay for what period, is it forever, three strikes and you are done for ever or is it for a year for what period of time. The other thing is if the revocation occurs what happens to that rental property because presumably it is being rented. There are lot of renters that will be fired up, they will put down their money in good faith, are you now going to call them and say, I am sorry it's the middle of July but that house is no longer available because there will be no other home, comparable homes available for them to rent and you have just destroyed their vacation that will give Sandbridge a very bad reputation and also Virginia Beach, particularly in the stain of social media. The suggestion I have is to takes places and that rental period and the renters that are in the house would be told they cannot be rent for the next year or so that turned on impacting the tourism business. Item three, on the enforcement of the noise, parking, and trash, it just has not happened in the past, so looking and somebody needs to come out, when I go home and they parked in my driveway and I call someone needs to come out and make them get out of my driveway, I

don't need to wait until that person decides to leave the party or whatever. I think the number one addition needs to be outdoor speakers, whether they are temporary for an event or permanent in the home, the ordinance needs to specifically just allow outdoor speakers, because the number one issue is quality of life whether it's renters in the house or residents, the noise level is totally intolerable and I thank you for your time.

Mr. Thornton: Any questions for the speaker? David?

Mr. Redmond: I have a question. Could you come up closer to that mike please? So someone parks in your driveway, why just you don't call the towing company, it's your driveway.

Karen Thumb: I don't know a towing company.

Mr. Redmond: I give you a number.

Karen Thumb: But the point is, you know, what I do, I go next door and ring the doorbell, and I say, I am going to call the police and have your car towed but I am risking a confrontation every time I do that.

Mr. Redmond: Then I would like the towing company, risking the confrontation, I mean if it's your driveway, I have every right to have somebody's car tow and the one of the problems that we have is we keep trying to assume things that are, I mean assume under our umbrella, things that have probably not and I think it's my opinion with the insurance very frankly, but somebody parking in your driveway, tow the car [crosstalk] I understand that. So let me make one point clear though because we have gone I think far enough

before it needs to be said there are not three and only three alternatives. One of the unfortunate things in this entire process is that we are all presented, all 450,000 of us with this menu of option which was artificial. There is a much longer menu of things that we can do. First time, we saw it was already drafted up in legislative language on our agenda, there is awful lot more than that, so people sometimes think that they are presented with these are the only three alternatives and we all of us not just us, not just City Council but all of us in this community, always have a lot more than that because we are the ones who call the shots, it's not the case like a Russian election where you get Vladimir Putin and the two guys Putin chooses to run against him, so I mean there is a much much broader range of options at our community around here, I think that was a very unfortunate thing just kind of put people in a box and thinking that these were the only alternatives that they had and that's never been true and I think that was very unfortunate, very wrong of done so, sorry, I don't bring that up. Thank you.

Mr. Thornton: Thank you.

Ms. Rucinski: Our next speaker is Jean Davis.

John Davis: Hello good afternoon. My name is John Davis, I want to thank you for letting me speak and I want to thank you for listening to everybody. I live in Sandbridge Beach, which has always been a vacation rental community, it is a safe community, in fact, at our last Sandbridge Civic League, our council person Barbara Handley was proud to report captain Square from

Virginia beaches report that our numbers are very down, very low and they continue to be that way. I don't think that we should be compared to other traditional residential communities because we are not, because of that there is a certain charm to Sandbridge that we all love, I am not going to keep going on and on because a lot of people spoke with some of the information I agree with but I do want to ask you and let you know I am speaking from my heart and this Valentine's day, don't take the charm of our Sandbridge, thank you.

Mr. Thornton: Thank you, any question for Mr. Davis? Thank you.

Ms. Rucinski: Did you fill out two cards, Mr. Davis. Is there another John Davis?

Mr. Thornton: John Davis and Jean Davis.

Ms. Rucinski: Oh John, my apologies. So John Davis. Okay Michael Davis.

Michael Davis: Good afternoon ladies and gentleman. My name is Michael Davis, I am here representing the Sandbridge Vacation Rental Association and I will see. I am here today with only three minutes to speak, I want to speak about the three strikes and you are out, all these ordinances that have been proposed are focused on one thing and that is an enforcement through the three strikes and you are out that is completely unfair. I would like anyone on your commission to tell me how a responsible home owner who is running his house, who is not negligent, who is not present and who has done nothing that is forcible of what's going to happen at that house and it's done by a renter, why he should be held responsible beyond any other

citizen? I don't understand that and I don't think they should be accountable. In addition to that each one of these rules, regulations that you are proposing are already quantified with the general public and by imposing them through the three strikes rule, you are giving them a disproportionate punishment and that punishment is if over period of time somebody fireworks off at one year residences or rentals, three times in two years that you can have your rental privileges taken away from you, that can cause someone to have a penalty of depending on what the rent is 50 or 100,000 dollars a year and that penalty can continue in perpetuity as oppose to a residence committing that same crime and being fined 25 dollars or being required to take corrective action that seems extremely disproportionate to me and I can see in the future and I will respectfully disagree with the city attorneys position on this. I am as an attorney myself this is going to lead to a lot of lawsuits for due process issues, equal protection issues, condemnation of property issues, and it's just going to turn into a real mess. I think you need to rethink the three strike rule. In addition to that I heard someone said, all of the chaos that rentals have caused and I will say this for Sandbridge; we are the safest community in the entire Virginia Beach area. We have almost non-existent violent crimes, our property crimes are down 76% in the last 10 years and our nuisance crimes only represent 3% of the total calls for those types of calls in the City of Virginia Beach that's per capita square of the Virginia Beach police department. So we are the highest percentage of rentals and

the lowest crime rate in the city, so all these people who are saying that rentals are creating all this havoc, I think have to rethink that. They are not as bad as people are trying to make them out to be, with that I will take any questions you might have?

Mr. Thornton: Any questions to the speaker? Thank you sir.

Michael Davis: Thank you.

Ms. Rucinski: Hey, the next speaker is Elaine Fekete. I apologies, I am sure I really mispronounced your last name, so if you can state it for the record.

Elaine Fekete: It is Elaine Fekete. Just like it is spelled. I am afraid that everything has been said, I have to do a little add living, the first thing I want to start to huff with is I just want to be the one to point out that three-day rentals are not the four letter word that everyone keep saying they are. I want to share with you my three days rentals. My three day renters are the ones that we have paid a lot of money to lower to this area to come to the Sportsplex, the convention center, soccer tournaments, wrestling tournaments. That's my three day renters. The other ones are military families. I will get a call that says my son or daughter is being deployed or is coming home from deployment. We want three or four days to be under one roof, that's whom my three day renter, it's not the party, it's not what the [Inaudible] [02:48:44] telling you that's my three day renters, so that is what I needed to say after hearing some of the comments today. My husband and I bought a house in Sandbridge 24 years ago and made it our

home. We knew there were short-term rentals there but it's a beach, it's sort of foregone conclusion. We chose to buy our home there anyway, we still live there. We were raising our kids there, but due to a sudden loss of income we are now renting our home during this summer and have been successfully doing so for nine years, we are not alone. Many Sandbridge families chose to rent out homes in the summer just to make ends meet. As a member of a group of home owners who rent their primary residents are employ to reexamine the potential consequences of the way the three strikes rule is written unless I am misunderstanding it, so consider if you will what happened if my registration is revoked on July 1st of the second year, as another woman pointed out what happens to the other bookings that I have already taken, it's my home, it's my only home and I don't have anywhere else to accommodate them, but more importantly remember it's not an investment property for me. I am not stashing the cash somewhere for a rainy day, my rainy day is now, this is my income, this money that's paying my mortgage, my liability insurance, preparing for the renters to come with bikes and kayaks and linens. I cannot refund their money. I don't have another place to put them. I will go bankrupt, my family will lose its home. I will be sued and then that's the reality, that is the potential reality of the three strike rule and how all this happened, potentially it could happen not because of a loud party or drugs in the street or whatever, it could happen based on what I am reading simply because of one misplaced garbage can, one extra child traveling with the

family, and one missing when I wrote this, it was an [Inaudible] [02:50:47] one extra car, so all of this could happen in just one rental, and the other thing about that is I am understanding from you since it's my primary residence, I am being held to the same standard when I live there. So if I have 20 people for thanksgiving and Edith won't leave by 11 o'clock is that a strike, it might be a plus for me but it is a strike. So please consider relooking at the ramifications of some of these issues. From the perspective of the person who is the residence that they rent to make ends meet. Thank you.

Mr. Thornton: Any questions for the speaker?

Unknown Speaker: One question, how do you screen those applicants, how do you do that?

Elaine Fekete: Very carefully. I go through an online platform but that platform allows me to communicate with them by phone, by email, I have never had a problem in fact. We have become dear friends of many of the ones who have stayed in our home. I know exactly how many people are coming. I market my home to children, to multigenerational families because people with little children are not going to be party at all night, I keep my occupancy, you say, I can have 17, mind you, usually at max 10, I have plenty of parking, I am on call for them 24/7, I offered to be their concierge service because then I will know what's going on and they will call me what restaurant, what should I get, can you get me tickets for this, I am operating a business where the guests are, I know, everyone when they get there.

Unknown Speaker: Very good.

Elaine Fekete: And if they happened to where it wants to bring an extra car, I have them call and say can I bring one more car, can I bring one more person, we have been very blessed with doing, there is a way to control it through the online platform, it's not Airbnb or VRBO's fault, it's the owner that's not controlling who is coming into their home.

Mr. Thornton: Thank you. The secretary has informed me, we have got about 15 more people signed up, but what I like to do is for you guys to have a 5 minute break and give my friends up here a chance to stretch and maybe round to the restroom. So about one minute after three, we are going to get started, backup, after four I am sorry.

Ms. Rucinski: Okay, let's go ahead and going to go ahead and get restarted, Brandon Beavers.

Brandon Beavers: Hello everyone, Brandon Beavers. I want to clarify the Resort Beach Civic League's position. I was at the meeting the other night and I have kind of feel like Mr. Chaps may have misled the commission here, we didn't discuss option two specifically, we didn't vote on as a Civic League approving the conditional use aspect of proposition two. We went line by line and I read alternative three, we voted as a Civic League on alternative three, not two. So I specifically want to clarify that. I have been doing a short-term rental since 2015, in my four summers, this year and I have heard all the problems and I think the problems that folks are having are

the exception not the rule. I personally screen all of my renters, they have to communicate with me before they rent the house, I specifically say on my side, this is not a party house. We don't do parties, we don't do bachelors parties; this is a family home. I have never had issues with police being called, my neighbors know what I am doing and my neighbors are being neighborly, if they see a problem they call me, they contact me. I am a firm believer in law regulation, I know that there needs to be some sort of regulation but I don't want to go and overkill folks that live in the resort area especially where I am at 16 street in Baltic, hit the beach, know that it's a resort town. If you move into a resort town, you have to expect activities that go along with the resort, I mean it's that simple and I don't think my rentals has ever stopped anyone from growing their tomatoes. So I don't work for a rental agency, I work for myself. This is how I am saving for my 3-year-old daughter's college, Emerson, and it's called Emerson cottage, right this is for her, so I have vested interest in making sure that this house runs appropriately and is not abused. I don't know, maybe I misunderstand but I don't see why the rules for Sandbridge should be the same for the rules in someone in the Princess Anne District for example. I am of the believe that where I am at, at the Resort Beach, there may be, should be a set of rules for where I met, because of the boardwalk maybe a set of rules from the folks that we have heard it in Sandbridge. Because I don't think the rules were someone and let's say the north end, where there is no parking, right should be the

same for Sandbridge where they have plenty of off street parking, so I don't know if that's an option to put in different rules for different areas of the city, but I am firmly against a conditional use permit, I am all for regulation. I am also oppose the one rental per seven days, I don't have any weekly rentals currently. They are all 3 and 4 day rentals, so the two per seven day consecutive period I am in favor of, so thank you guys, any questions?

Mr. Thornton: Thank you, any questions?

Ms. Rucinski: Okay, our next speaker is John Fristachi. How badly did I do on that one?

John Fristachi: I am John Fristachi. Baylake Pines, Lake Joyce resident, 20 years navy, I was not born in Virginia Beach, I chose to make this my home and thank you for hearing me this afternoon. I have heard of someone else who spoke [Inaudible] I fly with the Virginia Beach police department in their helicopter program to assist the city and my neighborhood has one of the lowest crime rates in the city. Virginia Beach City code section 500 legislative intent regarding residential zoning states, the purpose of the residential districts is to provide areas for residential housing types at a variety of densities, providing for harmonious neighborhoods located so as to create compatibility and provide for certain other necessary and related uses within our residential communities, but limited as to maintain neighborhood compatibility. This is a stunning document that attempts to redefine in a blanket way, the ways residential housing is defined so as to pave the way for a new breed of hotel forced upon us by the internet to

thrive in these residential areas that are zoning loss are intended to make compatible for the residents, not for the business owners. The city's contemplation of redefining these throughout this thrive is constitutes of taking or taught based on the conditions under which residents bought and have been taxed on our properties. As you deliberate on the issue, I encouraged you, it's the first picture of three 100 person parties at both houses adjacent to yours from the months of May to September and to make allowances for ordinances that allow Civic Leagues and homeowners associations to regulate their neighborhoods, so the unique characteristics of the various localities in the city are not trampled by a blanket redefinition or what residential zoning means, we are not all Sandbridge, please don't assume that what is acceptable to the party or is in one house next to the other house of partiers is acceptable in other places in Virginia Beach. Thank you.

Mr. Thornton: Thank you, any questions? Thank you sir.

Ms. Rucinski: Okay, our next speaker is Andrew Glowatsky. Not here, looks like Andrew,

Mr. Thornton: Hallstrom is a last name, Hallstrom?

Ms. Rucinski: Susan Satwski, Andrew, oh my gosh, thank you. You will think with Rucinski, I would be able to do these more difficult names, but it just does not work.

Andrew Glowatsky: Sometimes it happens that way.

Ms. Rucinski: Exactly.

Andrew Glowatsky: Good afternoon. Andrew Glowatsky an owner in Sandbridge, here to speak about the short term rental market which I participate in. I am opposed to all short-term rental statutes that are not focused on safety of residence, guests and emergency responders in the Sandbridge neighborhood. So for example, the recommendation me to assure parking at short-term rentals and full term residents does not spill over into the street, locking egress or emergency routes that makes sense and that is consistent with expectations of local government rules and statutes, but items like number six, number seven, eight, number eleven, twelve, and thirteen of this, you know proposal in my opinion are recommending the recommendations and solutions which they were on significant problems, I recognized that loud parties have to be addressed as exceptions in my opinion, the current short-term rental business model that has been around I heard for 60-75 years as working for owners, residence and small and large businesses. Those small and large businesses support these activities, now I do recognize that a lot of the work has been done by this commission and lot of the workshops and that likely recommendations in alternative number three which I support would likely move forward once reasonable revisions are made or deleted. I just want to take time to advice this council on to take caution and a measured approach on these changes and revisions in order to avoid any unintended consequences. If revisions result in reduce short-term rental activity, the economic activity

could decline that could result in lower tax revenue and based that the city depends on. With the fast forward to my retirement years, we bought this house a year ago, little less than a year ago and I would see my wife and I living in a house that we bought in the future until then the short term rentals helps keep that dream alive. If Sandbridge is a vacation destination, for me, it's a retirement destination. I thank everybody for the time and consideration in this matter and I understand that this is not like going to be a one in done solution, you know, you are going to have to address safety first that's what I expect and then gets some input and just like any improvement process, plan, do check act and then you know, move forward with, you know, as appropriate, any questions?

Mr. Thornton: Any questions for the speaker, thank you sir.

Ms. Rucinski: Tarry Stevens?

Terry Stevens: Good afternoon everyone, my name is Terry Stevens and I am a fulltime year around resident of Sandbridge. I have been in Virginia Beach since the early 90s and my husband Matt and I bought our home over 14 years ago. We purchased our home from the previous owner who rented us on a short-term weekly basis through the summers. So buy in Sandbridge was a stretch for us. We decided to owner the short-term rentals that summers and that helped us to make repairs on the house. To give you some perspective about where I live, the house directly across the street for me is a rental. The house diagonally behind me is a 9-bedroom rental with 5 bathrooms and sleeps 20 and the house next to that one is also a rental. In

the 14 years that I have been in that house, I only recall a few times when I had to call the police or the rental company about the music being too loud or a noise issue. In both of the cases, the job was done. They came and the music was shut down. My point is there are already laws in existence; they just need to be followed. We have a noise ordinance; you are not supposed to play loud music after a certain time in the city. We are community of families in Sandbridge who welcome others to live their dream by vacationing at our beautiful beach. My family and I enjoy our summers in Sandbridge, we like meeting new families who rent on our street, we love the businesses that thrive in Sandbridge, it's a small community. We go to the restaurants, we go to the market, we enjoy the ice-cream shop. We don't want to see more regulation on the short-term rentals in Sandbridge. Sandbridge is different. It is different than the other parts of our city. It has always been different and it needs to be treated that way. One comment I do want to make on the proposal that you are looking at again that three violation rule, what happens if your neighbor hates you, what happens if they say, oh I don't want that house being a rental next to me, I know what I can do, I will go ahead and call the city and have three noise violations, three trash violations, three parking violations, once they get convicted or it gets through, that house cannot rent anymore. I just don't think that's fair, so I think you need to re-visit, look at some of the things that you having there, I know that you have already heard from a lot of people but my family like Sandbridge, we

like it exactly how it is and I think you just need to consider some of the regulations that you are putting on the short-term rentals. Thank you.

Mr. Thornton: Any questions for Ms. Stevens? Thank you.

Ms. Rucinski: Our next speaker is Tim Solanic.

Unknown Speaker: Gone, he was leaving.

Ms. Rucinski: Andrew Roper?

Andrew Roper: Good afternoon Mr. Commissioner, ladies and gentleman of the commission, members of staff. My name is Andrew Roper; I am the current president of Sandbridge Beach Civic League. I stand here before you today as a resident of Sandbridge and as a president of the Civic League; however, I have no formal position from the Civic League with respect to any of these ordinances because quite frankly this has been a moving target, we have had an opportunity to really deliberate and properly come to a decision where we stand as a community on any of these proposed alternatives. I would tell you there was a resident in a Sandbridge that I enjoyed the fact that where I live is a vacation destination for a lot of people, in fact, when my family decided to move down here in 1991. It's because we had vacation in between the beach, but frankly we had stayed in hotels, but we knew that we want to live near to beach. We enjoy the beach atmosphere and quite frankly if we could stay in a house, we would have, because it's better to stay in a home than to stay in a hotel. I don't want to eat out every night. My family did not

want to eat out every night, it's very expensive. You know, the more comfortable feeling being inside a home than the hotel. So there is a certain draw to renting out someone's home if they willing to make that available to people that brings people to the community. If you put in regulations that or have the potential of stifling this activity or making it honourous for homeowner upkeep the building and stay within the ordinances and be law enforcement [Inaudible] [03:15:59] intermediating between disputes between residents and neighbors or stepping in and making sure that the noise isn't too loud or the trash cans are going in all time. People are not going to bother to do this, some of them want to sell, move out, they are going to take the business down to Kitty Hawk. So I don't know about you but I don't want to see the tourism leave our city, it's one of the vital economic drivers of our community and to do anything to jeopardize and I think it would be foolhardy on the part of the planning commission and the City Council. Specifically, we haven't hear some ordinances and all the alternatives that are particularly concerning, a lot of people spoken about lot of these, namely the three strikes and you are out rule, I won't be redundant on that, I think enough has been said already on it, but the item two no noise shall be created in excess what normally is expect in the residential neighborhood, what is reasonable in terms of noise in the neighborhood. We go out to Pungo, where it's partially populated, it's going to be lot quieter out there [Inaudible] [03:16:58] or something like that but it's going to be relatively quiet, you bring yourself

closer to the ocean front perhaps, it's going to be collectively noisier, go to town center, go to Kempsville, or go in these regions, it's going to be noisier, but take a section like Sandbridge we have five miles of ocean front, we have a National Wildlife Refuge, we have a bay behind this, we have state park, we have the bay as well, there was a lot of draws, so that while people come down to our little section of the town, they don't normally stay there, don't live there, so there is going to be collectively more people now, therefore, more noise. So how is it reasonable than as a homeowner from renting our home to control the amount of noise that other people are generating because they haven't [Inaudible] [03:17:40] come down to my neighborhood. Secondly, no additional traffic shall be created. Again in Sandbridge, we have one road in, one road out, we are about the 1000 people per day who are day trippers who come down during the summer months to visit our beach, they are using a one road in and one road out, they use one road on [Inaudible] [03:17:58] to get down to the city parking lots to 1000 spaces that city has provided for these people across the public restrooms to visit those 5 miles of beach that we pay for in terms of replenishment with our tax revenue and the people that are renting in our neighborhood. So what is a reasonable amount of traffic for our neighborhood, is it the busyness that happens during the summer months, but not during in winter months or during the winter months and not during in the summer months, what is reasonable then? There is also this indication that if you are somehow to allow it by a right as a use of the

home then everybody in Virginia Beach will also start renting out their homes and that is going to be all these problems associated with it. Before we started considering any of this, people can rent their homes in anyway, in fact, some of them already were. While there are some exceptions and some problems, there are no more so statistically then what happens to any other type of home ownership or rental agreement. There are plenty of people who own their homes who don't care about the neighbors, who like to have parties and make too much of noise around holidays, there are plenty of people in the long-term rental agreements to do the same things, but yeah because someone decide to stay for less than 30 days, they are going to be subjected to additional regulations. They go far and above and are redundant to existing ordinances. Lastly, the idea that you have to have someone who response within 30 minutes or 60 minutes or whatever the ordinance calls for, I think sort of informally deputizes the homeowners to be law enforcement officials. This is very dangerous precedent to set. There are so much intermediate between a conflict or a dispute or a complain to some kind put the homeowner or the agent in a dangerous position, especially in any hours late in night because if anyone has been drinking anything or anyone, you know, have violent nature, [Inaudible] [00:19:40] home owners involved, there is now an altercation, now you have two problems to deal with, the original complaint and the follow up assault [Inaudible] [03:19:48.9] and the police is here for a reason, we pay good taxes [Inaudible] [03:19:51] they do need some more

help, but I don't think they are making home owners responsible to [Inaudible] [03:19:58]. I thank you for your time today for all the efforts you put in to come to this particular point. Any question?

Mr. Thornton: Thank you sir. Any questions for the speaker, Mr. Roper? Thank you.

Mr. Roper: Thank you.

Ms. Rucinski: Next speaker is Dr. John Rosenman.

John Rosenman: Hello, I am John D. Rosenman, wanna put middle initial. First, I would like to thank the planning commission for all the work you have done in this area and with these documents and also to wish you a great Valentine's Day. I hope you find your heart's desire today. I have been taking notes for hours, there they are, I know I am going to here talk about the three strikes rule in my dreams, that's for sure. I am a retired English professor from Norfolk State University. My wife and I and two children, our two children moved to Abingdon Village in 1982, that's a way back and we wanted a neighborhood with a residential area that was a community with stable homes with people basically who own those homes. You know, a 17th century jurist made a statement that I think you are probably familiar with. He said, a man's home is his castle, he didn't say a man's home is his hotel. He did not and therefore I liked and my wife likes Abingdon Village as it was, yet after hearing all this talk about Sandbridge. It should be obvious that no two communities are the same, one size does not fit all, there are differences, you have to take a nuanced

approach. Despite this, in general and serving for communities like mine, I am oppose to short-term rentals and principal use, yes they can and often do stabilize the communities involved, I am concerned about safety, welfare, the health of the individuals, I am thinking of noise, parties, it has been said that you can scream very carefully the renters, but I am not sure that everyone always will and there are some who slip through and cause problems. It's a big concern to me. In my neighborhood, you have people from the military who rent homes when they do so for a year or six months and you have that stability. There was one, we have one daycare center where they have kids that's exception on my street and in our community and every now and then there is one little dog who get away and once a year I find that little dog and scoop it up and walk it back two houses over to its owner, but that's no big deal. I think the most renters would be very well behaved, but I am concerned about the exception, moving quickly, I do think that I recommend that the commission take an incremental nuanced approach. There is no reason we have to go from zero to 60 odd ones and for that reason after looking these documents over, I would recommend the alternative two, which is more moderate and balanced in my opinion. Thank you very much for your time and if you have any questions, I will try my best to answer them.

Mr. Thornton: Any questions? Thank you sir.

John Rosenman: Thank you.

Ms. Rucinski: Thank you, our next speaker is Cory Belcher.

Cory Belcher: Hi there, can you guys hear me. My name is Cory Belcher and as Ms. Petticrew eloquently pointed out, I am one of the many, many people in Sandbridge who works for a realty company and I am speaking today because this affects my livelihood and my future. My family has own property in the Sandbridge since the 1960s, but I was raised in Chesterfield Virginia about two hours away. While attending college at Virginia Commonwealth University, I had the opportunity to intern at Siebert Realty. I have now been employed by them for nearly 7 years and I have moved here and bought a home just outside of Sandbridge. One of the many benefits of short-term rentals for this city aside from the enormous tax revenues is that educated young adults are drawn to the area for job opportunities in real estate and property management. In addition to myself, Siebert has interns from Longwood, Washington and Lee, James Madison, as well as other notable universities. If the short-term rental ordinances go through, it will undoubtedly change our business model in Siebert Realty. As these ordinances been in place in 2011, I may not have had the opportunity to move here, start my life as a young adult and begin my career and closing I want to thank you for your time today and listening to everyone. I pray that we can figure out a way to keep the peace without tanking property values and crippling the rental companies but it had been a business for decades. Thank you.

Mr. Thornton: Thank you Mr. Belcher.

Ms. Rucinski: Debra Griggs.

Debra Griggs:

Good afternoon ladies and gentleman and thank you for giving me just a minute to speak to about this. My name is Debra Griggs, I am a real estate broker, I have practiced real estate for 34 years, I was delighted to hear that they are real estate folks on this panel because I know you will look at this through a lens that is important not only to our business but to our economy. I do want to [Inaudible] [03:26:46] property management companies and I feel I need to say that because an earlier speaker narrated that or said that many of the people in the room are employees with property management companies as if those people are less valuable in the conversation and I would submit to you that those people not only work at these property management companies, many of them live in Sandbridge and they care deeply about the community and I just really need to [Inaudible] [03:27:14]. Twelve years ago, my husband and I went to the Outer Banks to buy a second home in a vacation rental home and we ended up buying one in Sandbridge, which totally surprised us, we loved Sandbridge, we love the culture, we love the people, we love the environment, Sandbridge has been a vacation rental destination for years and vacation rentals are the economic engine in Sandbridge. We still own that home and we love it and we still love Sandbridge. I believe strongly that this proposed ordinance will devastate property values in Sandbridge. I say that as a real estate broker who has been actively involved in that market. The three strikes and you are out and the conditional use permit components are particularly onerous and overbearing in my opinion.

Also, I would just simply say to you that this proposed ordinance I perceive to be overzealous and sincerely believe that it will [Inaudible] [03:28:20] unintended economic consequences on that community. I urge you to think about it very carefully and dial it back, thank you.

Mr. Thornton: Thank you Ms. Griggs.

Ms. Rucinski: Our next speaker is Patrick Keenan.

Patrick Keenan: Mr. Chairman and members of the commission. My name is Patrick Keenan, I am with Siebert Realty in Sandbridge and I just wanted to start of spending a couple of minutes telling you about the 12,000 plus leases, as we had last year that did not have a single problem. I didn't get a single phone call from resident of Sandbridge indicating that there was a problem, as a matter of fact, I got a call from Mayor's office at the end of the summer, telling me that he received one phone call this year complained about a short-term rental and it was actually the renter himself complaining about his property management company, not Siebert Realty. So it just seems to be a little bit awkward that there seems to be a lot of attention put on to the activity with perhaps hypothetical problems because there is no record of complaints and I am not saying that the people that are complaining don't have a legitimate right, they do, there is just no history here that. The problem has been elevated to be much larger than it actually is, so I just wanted to address a couple of things in the ordinance in themselves since I have had that particular to say, I have received numerous emails over the last couple of days with regards to the parking

suggestion, one parking space per bedroom effectively eliminates every condo in Sandbridge from being able to be rented, two-bedroom condos are the only ones that can rent because there is an assigned parking situation at the condos down there, so if you passed this rule, you are going to eliminate 100's of property right of the shoe, not to mention I would imagine a fair number of properties that are houses in Sandbridge that will no longer be able to rent under that particular roof and some of those they have been renting for decades and have had literally no complaints over parking. So I just would encourage that particular rule to be considered. I would also like to mention that in my brief and perhaps incomplete review of the insurance requirements, I have not been able to find anywhere else where the city requires an individual to have an insurance or business for that matter, only if you are going to have an event on city property, you have to have liability policy and listed city as additional in short the only other situation that I am aware of the city mandating insurance as a business owner, I am not mandated to have insurance on anything, but when I operate a vehicle on the road, the state requires to have insurance but the city does not. So and again that's an incomplete survey of the available resources there. I asked several insurance agencies, they weren't aware of any mandate on an individual have insurance. I would encourage the market to drive that factor, to let people make the decision of what risk they wish to take. Roughly 20% maybe little bit more than that 22% of our rentals on an annual basis are

less than 7-day round and to eliminate the ability to have two renters come in one week would be up burden that many property owners perhaps could not recover from, but likewise with 100's and 100's of short stays in Sandbridge in the last 12 months, zero complaints, none. And I wanted to point out the online platforms are effectively like an advertisement in the newspaper, if you rent something or buy something, you are going to ad in newspaper and you have a problem with that, you cannot call the newspaper, they don't care, same thing goes with Airbnb, Home Away, VRBO, they are nothing more than an advertisement. They don't have any stake in the game, nor do they have any mechanism to address agreements. Thank you very much for your time.

Mr. Thornton: Thank you. David Weiner and Mike Inman.

David Weiner: So out of the 1200, you said 1200 rentals?

Patrick Keenan: There are 1200 rentals in the city; you had 1000s of leases every year.

David Weiner: How many do you have though?

Patrick Keenan: I manage 340 properties.

David Weiner: So out of those 340 out of last year, so you had no, but you know the owners got a violation for anything, loud noise or anything that you are aware of?

Patrick Keenan: Violations, no I haven't even had a complaint from a neighbor.

David Weiner: That's all I am going to have.

Mr. Thornton: Mike?

Mike Inman: Can you tell me approximately what percentages of owners who call a rental property from you or your company asks, does the owner of this property have liability insurance?

Patrick Keenan: We require our property owners to have liability insurance through our management.

Mike Inman: Sorry that was not my question.

Patrick Keenan: I am sorry.

Mike Inman: The question was how many ask you does the owner have liability insurance.

Patrick Keenan: I have not had that question asked of me perspective guest ever.

Mr. Thornton: Don.

Mr. Horsley: What do you do for parking problems?

Patrick Keenan: Well if we are aware of a parking problem and the need to have a vehicle moved, so it does not create a problem. I certainly allow overflow parking in my facility but you know to quantify that would be difficult, that's a business decision that I make to smooth the waters and make it possible for people who enjoy the property and not create a disturbance.

Mr. Horsley: So in other words, you provide outside parking for, if you?

Patrick Keenan: Mind you, I have a limited amount of space, but yes sir, I do currently and I have not ever had an issue with exceeding the available space that I currently have.

Mr. Horsley: You said the condos, it would the requirement would do, what to those?

Patrick Keenan: Most of the condos are 3 and 4 bedrooms. They are all in Sandbridge Dunes, they are all assigned one. They are allowed to purchase a second one at the Sanctuary Condos, I believe they are assigned two and what we refer to is overflow parking at all those facilities, so any people that exceed the number of assigned spaces go to those spots. Mind you, I understand that topic has not been in conversation here because the condos never ever have a parking problem. They always accommodate all of their parking on-site and so just don't brought it up because by rule since I am expected to follow the rule, I would have told the property owners they cannot rent anymore, so I would like you to consider that and perhaps just the ordinance to accommodate parking at the condos as well. Thank you.

Mr. Horsley: And how much insurance do you require?

Patrick Keenan: We don't have a require limit, we require liability insurance with us as additional insurance.

Mr. Horsley: But you don't give them an amount, whatever they give you, you accept?

Patrick Kennan: I allow them to make the decisions and accept the risk they are willing to take.

Mr. Horsley: Okay, but you do require them to have liability insurance?

Patrick Keenan: Yes sir.

Mr. Horsley: Okay, thank you.

Patrick Keenan: You are welcome. Any other questions? Thank you.

Ms. Rucinski: Charlie Kelly?

Charlie Kelly: My name is Charlie Kelly. Thank you Mr. Chairman and members of commission for allowing me to speak today. I live in Sandbridge. I am a real estate agent who specializes in Sandbridge and I have the [Inaudible] [03:35:38] probably having sold more homes in the last 10 years in Sandbridge than anyone and I mentioned that for one reason, one reason only that I know more the people who have bought these homes for rental purposes than maybe anyone that is in this room today and these people bought the homes with the expectation that this activity renting their homes in Sandbridge, I mean going after 40 or 50 years and had no idea that it was illegal or not legal, I guess it's more, maybe that's the correct like and so to turn around and say everything you based your decision on is now out of the window and we have new rules that could impact your rentals, I think have very unexpected consequence and I have had you know last several weeks more people called me and enquiring about selling than to have at this time a year in the 15 years that I have been doing this. Now maybe this just the time in the year, maybe it just coincidental, but there is a lot of angst in the community. I was at a

meeting that was a meeting of All Civic League members from the city and a city official got up to address this group of residents and the city official said we have got the Wild Wild West going on out in Sandbridge and we have got to do something to control it, it's out of control and he said, one week you have the [Inaudible] [03:37:20] living next to you and then next week, you have the [Inaudible], now I lived there since 2000 and not on wood I haven't seen either of those couples and I don't think that, I think it's a little extreme but I am a little worried about the three strikes and I am not going to go into that but if these are the people who are going to, this individual is going to be very involved in the process. I am a little concerned with the work may that they may decide that they just want to clamp down this, so that's one thing I see the other way. Another point I would like to make it's a principal residents, my home is my principal residents I live there seven months of the year. The other five months of the year I rent that home, so it's a short-term rental, so I would ask you to think about that and say when I live there, I would expect to have the same rights and privileges as any other resident of the city and so maybe you could say when in use as a short-term rental, thank you very much, appreciate your time.

Mr. Thornton: Thank you, Mike?

Mr. Inman: Yes sir, leaving that aside the three strike thing from it, we were off the topic today, what is it in the list of regulations is that we apply that would scare somebody or worry somebody, point out to us the unreasonable ones

that would make someone, oh my god, wow, I don't think, I can live with that?

Charlie Kelly: Well, I think Mr. Inman that three strikes is the main thing, it's just the uncertainty of that and the fact that we are not controlling the people who are creating the violations, noise, fireworks, trash, fires on the beach and I would, you know, encourage you to say how can we put in place penalties because if I tell my guest, please don't light a fire on the beach, I could lose my right to rent my house, I really nice guy that I am, I don't care.

Mr. Inman: Going to the three strikes rule, I want to emphasize because it's been very very popular topic today and matter that I am not sure everybody stands although it's been reiterated a couple of times and you just said it, it says may the alternative is to say shall be revoked but it says may resolve and revocation so it will somebody way, give some of room for discretion and the revocation. I don't say an immediate revocation, I mean people would worried about they would be revoked right in the middle of the season, but would not necessarily be revoked in the middle of the season that could be taken to account, you know, the revocation day could be the end of the season. So it's not quite as bad, big dog bite as you might think.

Charlie Kelly: Well for me personally, it would be a 280,000 dollar a year penalty and if someone has a fire on the beach one week, fireworks a next week, and a trash can that was not pulled in on time, I think has 300,000 dollar penalty is excessive, I am getting a little excited because this is important and it's not in sink and I just.

Ms. Wilson: We have heard a lot about the three strikes rule and I just want to make sure everybody understands it. It's already in the law, it's already one of the provisions to the registration and paying transient occupancy taxes, it's not like this is the first time, and it's already passed. It's in the city court, it's already there, it's in the state court, so we have taken it and cleared it up little and make sure they adjudicated, make sure they are within a two-year period that kind of thing, we have tried to make it clear what exactly it is, but it's already in the ordinance under the treasure rules permit to this activity.

Charlie Kelly: Within the last year that came in to the cover?

Ms. Wilson: That came in, yes, last year.

Charlie Kelly: As a result of this discussion.

Ms. Wilson: Oh, actually came in as a result of the state's discussion, registration of these and transient occupancy taxes.

Charlie Kelly: Thank you for your time, any other questions?

Mr. Thornton: You are welcome, any other questions of Mr. Kelly? Thank you very much.

Ms. Rucinski: Jimmy Fasen? Last, but certainly not least Lynn Hume. And look, she was sitting right up on the front row the whole time.

Lynn Hume: Hi, I would not plan on speaking today, however, I am here.

Mr. Thornton: Name for the record.

Lynn Hume:

Pardon me, Lynn Hume. I am home owner and an investor in Shore Drive area and I have been a realtor since 1984. I am confused and I totally disagree with that short-term rentals aren't legal use because they are not mentioned in the zoning court. If that's a case, then everything that is not in court or a law is illegal and that is not how a country works, that's not how the State of Virginia works and hopefully that's not how the City of Virginia Beach works. This court allow these buildings to be built, city has made laws to register these properties, taxes are already being collected on these properties, how can they be called illegal. They have been here, they are here and they are in use. Many of these properties have been here over 60 years; people may have plans for long term use. They are taking reservations for the future right now. They have got reservations for May, June, July, and August; it's not stopping, what would you do with those reservations? I am not really in favor of alternative three, it has some things that are not good, I am in favor of not any of these alternatives and different from what I heard in all the workshops I attended and the draft, I am hearing now that the continual use permit maybe in play, if so, I am strongly oppose to that requirement. If a conditional use permit is now required and denied, the city will have taken away a person's long time right. In many cases, creating great financial hardships, the market will determine the use in the non-beach areas. Laws are on the books to take care of nuances and I hope that a untrained owner or property manager will not be required to put

themselves in the middle of disturbance, is dangerous and can escalate the situation, please let the professional handle these situations. Please don't require conditional use permit, or required untrained people to put themselves in harm's way. Also in regards this somebody is saying it's been on the books with the city treasurer, I brought it up to many people in the audience maybe a month ago, none of us had any knowledge of those extra requirements to council approve, no one, it wasn't bedded, we didn't know about it. I talked to many of the companies around here and I actually forwarded what was added to the city treasurers, so you know, I have also has the understanding that that's not enforceable unless it's in court, but again, I don't know if that's true, but what's on the city treasurers' office that's a requirement kind of slipped in and no one and none of these people who the Sandbridge people and all of them did not now that have been putting there, of course, I didn't because I thought that this was all Sandbridge thing.

Mr. Thornton: Any questions for the speaker? Thank you.

Lynn Hume: Thank you.

Ms. Rucinski: There are no more speakers on this application.

Mr. Thornton: Thank you. So before we get started, there are couple of points that I want to clarify because that last point confused not only some of you folks, but some of us as well. In July of 2017, the general assembly gave the City of Virginia Beach permission to pass an ordinance that required registration

of short-term rentals. The city council passed that regulation. We refer to it is to Phil Kellam commissioner of revenue ordinance because it has to do with registering properties for the collection of transient occupancy taxes and that is on the books and there are some things in it that we wanted to make sure that we didn't countermand or pass our own ordinance from the planning side, it contravenes that. So if you are curious to know what is in that ordinance, do you know the number of it right of the top of your head?

Ms. Rucinski: Not of the top of my head.

Mr. Thornton: But it is in a fact it requires people that own short-term rental property to register and someone mentioned earlier that the city has in fact hired a company to look for all the short-term rental properties that are in Airbnb, VRBO and there are many of these have been found and communicated with and for the most part most of them have registered. So that's a fact and we didn't want to do anything with our proposed ordinance that would contravene that.

Mr. Rucinski: And that ordinance is 35-169 of the city code.

Mr. Thornton: 35-169 and it was passed, it was on 7/1/17.

Ms. Rucinski: That's when it became effective, yeah.

Mr. Thornton: Became effective, so that's something that we have learned and we are working within the confines of that. So I would close the public hearing and then we can debate this amongst ourselves and I would certainly open

the floor to anybody that would like to speak and again in terms of brevity let's not go over a stuff that we have gone over 100s of time, but all of us would like to know all of their opinion of that because it's my desire that we pass a resolution or pass an ordinance or recommend an ordinance today and pass it on to City Council, so they can hear your concerns.
David Redmond.

Mr. Redmond: Mr. Chairman I move denial of agenda items number D1, D2 and D3.

Mr. Thornton: Is there a second on that motion?

Unknown Speaker: Second.

Mr. Thornton: Okay, so we have a motion to deny 1, 2, and 3 which essentially deals with the requirement to setup an overlay district, actually a geographic overlay district, so we are ready to call for the questions.

Ms. Kwasny: I just want to state that I have a personal interest in the Miller Group, my husband works for the Miller Group and the city's attorney has indicated that it is permitted for me to vote on this despite that because it's a recommendation we make the City Council.

Unknown Speaker: That's good. I have your vote.

Mr. Thornton: So we have a motion to deny 1, 2, and 3 and we have a second by Mr. Hodgson and we are ready to vote.

Unknown Speaker: Mr. Redmond made a motion?

Mr. Thornton: Yes.

AYE 11 NAY 0 ABS 0 ABSENT 0

HODGSON	AYE
HORSLEY	AYE
INMAN	AYE
KWASNY	AYE
OLIVER	AYE
REDMOND	AYE
RIPLEY	AYE
RUCINSKI	AYE
THORNTON	AYE
WALL	AYE
WEINER	AYE

Unknown Speaker: By the vote of 11-0, the commission has denied application D1, D2, and D3 [Crosstalk].

D4

City of Virginia Beach

An Ordinance to Amend Sections 111, 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 and Add Sections 209.6 and 241.2 of the City Zoning Ordinance pertaining to Definition, Requirements and Use of Home Sharing and Short Term Rentals.

Mr. Thornton: Thank you. Now we would take up item number D4 and should we read that into the record again? Are we okay with?

Ms. Rucinski: I think we are okay.

Mr. Thornton: Okay. Item D4 is essentially alternative two from when we got started and we have Mr. Ripley and Mr. Horsley came today with some suggestions as to how to modify that and I think Mr. Ripley would want to make an substitute motion for alternative two.

Mr. Ripley: Yeah, I do want to make a substitute motion and it's alternative two, revised dated 2/14/18, and we passed that after day but what I want to first talk about is that the planning commission has worked pretty hard on putting together the planning commission version, which is the next item down on the agenda and in that there were number of things that Don and I, we mentioned Don because Don and I are kind of brought this forth to the commission, but the first thing was it was in a modification of the parking plan, which everybody is saying, a parking plan demonstrating how one parking space for every bedroom shall be provided, stake parking shall be permitted. Such plans shall be reviewed for re-approval of the zoning administrator or there is any appropriate to the zoning district and

the adjacent neighborhood. There was also a change that we thought would make a lot of sense was the two consecutive calendar being added to the punitive provisions of the law of the proposed ordinance, item number five and then the other modification there was no more than two rentals per contract during any consecutive seven days instead of one and then modifying the insurance to 500,000 instead of a million dollars and omitting the emergency exit in the structure of provision and that dealt really with mostly with the home sharing in a short-term rental, the same provision regarding the parking would apply. The same provision, and a modification to the notice in the event there was an incident at the property and I will read this, the owner or the owner's agent must be identified and able to present on-site within a reasonable time of approximately 60 minutes of being contacted any time during the rental period. The other provision that we modified in this, we are modifying alternative two by the way, I should have said that on the front end that there shall be no more than two rental contracts during any seven days consecutive period and then modified also again in the short-term rental the insurance requirement to 500,000 and the maximum number of people after 11 shall be instead of two would be three individuals plus two additional persons and then also the inspection period required a 24-hour notice before the city would actually inspect a property. So those were the modifications and in this instance, this is a provision in that, no other changes were made. Okay. So in alternative two, there is a grandfather

clause that a grandfather is everything up until January 1 of this year subject to some conditions regarding the commissioner of revenue and so that would be part of what would happen if there was a majority of members on this commission that would support this. So you know, we are not, it is lot about Sandbridge and rightly so, but we are really dealing with the whole city here. We are dealing with Baylake, you know on the Ocean front, Chic's Beach, the North End, Groveton, Sandbridge, it's a lot of lot of property and we cannot jump lump it all on Sandbridge, maybe Sandbridge at some point, this was just off the site but maybe Sandbridge come back and think about an overlay of that something that would make a difference in that particular district because they feel like things were some special but in this sitting, on this seat and in this commission, we are looking at the whole city, we are not looking just at one district. So I think we need to take all that in consideration. We have heard testimony from all of the city, we have received how many emails from all over the city pros and cons all these things were talking about and one of the speaker said that we need to think in term of more moderate and balanced approach, the gentleman with came up, that's the English professor at Norfolk State, and I said reasonable recommendation this way I was looking at it and I think this is the good place to start, so the amendment is the substitute motion and Don do you want to say anything for this, before I would make this motion?

Mr. Horsley:

Yeah, I would like to because Ron and I had conversation just today and Ron [Inaudible] [03:54:55] to go through this thing and I applaud him for that. The thing that bother me the most about as this thing was coming down, we have to make a decision one way the other was the protection of the neighborhood and you know, I feel the Sandbridge has got its thing going and you know I am not the one who is concerned about that as I am some of the other neighborhoods within our city and as I spoke this morning in the session, you know, we are trying to drive something for the whole city and I really don't think it's really possible to do that and make it work right, it just, but we are going to try and do the best we can and I am sure it will get, it will have our vision and whatever but when we have to, when we are given the test to try to drive something, we do the best we can, so that's one of my main concerns is we had with some way to protect the neighborhoods in the other parts of the city who aren't use to the short-term rentals like Sandbridge and some of the Ocean Front and North Beach is, they are not used to these and when they start popping up in the areas in neighborhoods and that's concerning to me and I think it's concerning some of the neighbors too and the residents in those neighborhoods. So that's a reason I would support these changes in to our alternative two [Inaudible] [03:56:28] to you, so that's the main reason that we do this and I hope, we don't create too many enemies rather but the conditional use permit process which goes along with that alternative is one way that I think we can help protect the neighborhoods and that's

the main reason. I am not a big fan of adding extra word to planning say but I think that's one way that we can help and protect the neighborhoods and I think one speaker said if we go ahead and allow our thing by right, it's hard to go back and take it and at a later time, when you find that there is a problem with it, and I agree with that. So if we go this route, and if there is something that needs to be change at a later date, I think we can but that's my comment at this time.

Mr. Ripley: So it's grandfathered and any conditional use permit is for anything going forward, everything in the past grandfather based on what it said in this ordinance, so my substitute amendment is the alternative two that revised on 02/14/18 of the top that was handed out to you today and that's my motion.

Mr. Thornton: Before we, I think there are still more questions, before we call for the vote?

Unknown Speaker: I made the motion, we got a second [Crosstalk].

Mr. Thornton: We need to keep working at it and I think Jeff, Mike, and David.

Mr. Hodgson: I mean I have been struggling everyday with whether CUP or no CUP and whether what I am going to refer to is D4 which would be the supplement would have the teeth to protect the home owners more so than D5 would, so really trying to think but the home owners will ask Barry how many short-term rentals we had last year registered and you said approximately 1400.

Mr. Frankenfield: Yes.

Mr. Hodgson: So if we had just say that same number going forward for this coming year that would be about 120 CUPs, we would have to see in a meeting like today is I mean, if my math is correct and the staff we have to work on and I don't know how we can do that. I mean, and that's if the number stayed the same at 1400, if it cut in half, then you had 700, you so have to divide 700 applications over a course of a year and that's.

Planning Commissioner: I need to clarify something.

Planning Commissioner: Yeah, I have a problem with that math and oh, I am not good at math, but if we had 1400, those all would be allowed, so all you would be new incremental.

Mr. Hodgson: That's what I am saying though is that last year, there were 1400 new ones that came on live.

Unknown Speaker: Yeah, that would be once it had been [Crosstalk]. There were 1400 that had been in for 10 years. [Crosstalk]

Mr. Hodgson: Okay, well how long did it take to accumulate those 1400? I mean?

Unknown Speaker: Forever.

Unknown Speaker: We have no idea.

Mr. Hodgson: Oh, I thought you were telling that by after registration requirement.

Unknown Speaker: No, these are ones that have been out there forever or you know, they are just once, you now, they are now that we know about.

Mr. Thornton: Any other questions from the left? David, Mike, okay David?

Mr. Weiner: Couple of things, conditional use permit, I have heard from number of us here that we don't want to regulate this and my feeling is we do conditional use permit, staff comes up with the conditions, people come front and talk in front of us, we came up with more conditions and then on top of that they have the regulations or the ordinance. To me that's over regulating and I don't think that we need to do that. To the neighborhood protection just because of the CUP and there is a [Inaudible] [04:00:23] having a party this weekend, they have party every night does not matter if you have the CUP or not, if they gets out of hand and you call the police, I don't see how that the CUP is going to help that. I think the neighborhood, I think the regulations in this is going to and being regulated having the ordinance and that's going to help out the neighborhood, I think it's up to the people, they are going to have to call the police or whatever they does to take care of the problem. I think also if we think about to like this when we have a home based business come in front of us, if CUP whether it's gone or whatever, the only thing we can do or think about is parking. We have a parking plan in this regulation, we might be come up with some other things but I think the parking is going to be the number one thing and Karen I have said this couple of times there is no tool to regulate the conditional use permit and I guess the biggest thing I have a problem with also is no way to be consistent with the conditional use permit, how can one person come up here and came in

front of us [Inaudible] [04:01:32] something or other because I don't, what it could be, and then another person come up pretty much the same thing and let him have a conditional use permit. We have to be consistent and there is no tool to be consistent, that's all I have.

Mr. Thornton: Dave Redmond and Inman?

Mr. Redmond: I think that I am going to oppose Mr. Ripley's substitute. The biggest problem I have with the conditional use permit is it is fundamentally unfair. It creates a system of haves or have not. You either have property rights or you don't and for someone who might have owned house for 50 years, if they decide that they need a help now in retirement paying for the mortgage and say they do like a one gentlemen said living a part of the year and want to do it on short-term, he said I done a short-term basis for certain number of months, they have to go through the conditional use permit process, that means time and it means money and all the people don't. I don't understand how that can possibly be fair, just you know, if you can get down into the wire, then you have to go through all of that and that just I don't know how to square that, the question of and the grandfathering wishes the fundamental on fairness in my view comes back to the whole conditional use permit, probably no conditional use permit and don't have to worry about that part. So all along it has been cleared to me that this process that we have been in is going to be disrupted, so I mean if you are thinking that this is not going to be disruptive in some ways, you better wake up and smell the coffee because it is and that's one

of the reasons why I haven't liked it all that much. I think it's simply is altogether too onerous to expect someone to get a conditional use permit for their own residence, which they might have spent 10 years acquiring the down payment for and I know the 30 years to buy and say now you are going to have to go through this step and you are going to be second guest by handful of busy bodies who don't like any of these things because they want to know who is in your house, you know, it's your house. It just seems to me altogether too onerous and we ought might go down pass like that with people private property rise, if you have a problem with someone parking in your driveway get the car towed, if you have problem with someone being disruptive and they are on drugs, and hanging hammocks from your trees, call the cops, it's your property but the idea that we treat every potential short term rental is something that requires this, you know, this hurdle to get over, we treat every single one like it's [Inaudible] [04:04:17] animal house, strikes me as altogether false and this is just too much to ask of people with assists that after all they acquired on their own, so I think just that's too much and I cannot swallowed once swallowed, I am going to vote against Mr. Ripley substitute, frankly I am going to hold my nose to vote for D5 because I don't particularly care for that, I think we made a hash of this and you know, I cannot wait for this to get up to city council and let them grabble with all these issues in a same way we have because they are ones who sent it down to us with this artificial dictate that it has to be done right now whether the sky is going to fall, so

we have had these things for at least 100 years we have had short-term rental, so I don't know what the [Inaudible] [04:05:04] so I would urge folks to oppose Mr. Ripley's alternative and support when we eventually get their D5 albeit, you know, reluctantly on my part, thank you.

Mr. Thornton: Mike Inman?

Mr. Inman: Thank you, thank you very much. [Crosstalk] I just wanted, I guess emphasized the fact that we kind of need to strike a balance, so after property rights but at the same time protecting neighborhoods, how do we do that, how do we go about that as gently as we can, would that imposing anymore restrictions and we can and I don't think a conditional use permit needed to do that and hearing speakers today and emails we have gotten, I think parking is a big deal, I think we can protect our neighborhoods a lot with the parking requirements and I need to make sure that some folks here, all of folks here understand that the parking plan illustrating, you know, how the space for each bedroom is going to be provided does not mean on-site, it was drafted that way but now it can be satisfy with offsite arrangements that are proven to the zoning administrator, so these regulations we have got are approaching important issues, I think we have got to narrow down what needs to be done, we got rid of the emergency exit sign planning and some more couple of other things and I would support that but I cannot support a conditional use permit, it's too much of a burden economically, economic development wise, in general it's too harsh.

Mr. Thornton: Okay Jan, wants to speak.

Ms. Rucinski: Okay, so this is one of the things that I have been thinking and I heard it a number of times today is that one size does not fit all and I am, the people from Sandbridge have an absolutely different opinion from some of the speakers we heard from other areas of the city and I think that's because that area is uniquely different than other areas of the city. So I am not sure, I am really grabbing with the fact that I don't admit with anything we have come up with is the right answer, I don't quite frankly know what the right answer is, I do agree that trying to rush it through is just the fact of life that we have got to do that, but I just I really think there needs to be more work on it and I think at this point it's going to have to be done at the city council level because we have been mandated to send something out, but I just think we need to really send the message and remember that we cannot always do the same thing for every area of the city because they are so different and so unique and I think in order to respect the property values to expect the neighborhoods, I think we need to find a way that be able to provide some regulation for those people who are in neighborhoods that needed and those that are traditionally rental neighborhoods and especially short-term rental neighborhoods, the Ocean Front, Sandbridge that it needs to be looked at differently and I think you have made the comment about that earlier that maybe there needs to be an overlay for Sandbridge and something else differently but I don't know how we get there.

Mr. Thornton: Dee?

Ms. Oliver: I just wanted to talk about the CUP for a second and I know there were several people that mentioned that we do that with daycare centers, which is true, we do, we do that for gun sales and I thought about this, I mean, that's all we have thought about for weeks, months. When we do a daycare center, it's different. It's an existing use, we understand, everybody understands how it works, you know, how many children per adult, there needs to be a fence, we stagger the drop off and pickup times so that we can regulate the traffic. It's a use that we understand how it works. Short-term rental is so individual according to how someone actually runs their house, their business, how they conduct their rentals, it's not a use that you can before it's in place, actually understand how that particular person is going to use it, sort of like sort of equated with the hotel, when we want the hotel goes up, it's either going to be a really good one, it's going to be clean and have good food and nice sheets and things like that or it's going to be one has got bed bugs and you are not going to go there and they are not going to clean it well. You don't know it until it's already starts to happen in the after fact and so to put a conditional use permit on something before it's already in place, it makes it difficult for us to be objective and fair, so if you just have a lot of opposing opinions against it, because they just don't want it. It just, it makes it difficult for us to do what we are supposed to do correctly and that's why I am oppose to it, I think that with the registration and the noise and all of a city codes

in place in the parking and the amount of people and the event permit in place and all the other things, I think that will actually do the job of a CUP, I just don't think that it would be really hard for me, I know personally to be objective on something that has not happened yet.

Mr. Thornton: Karen?

Ms. Kwasny: I think each one of us feels it's necessary to say just a little bit on this because it affects so many of you and the English professor actually said it would take a nuanced approach to do this right, which would mean addressing each item separately which is what Jan was saying will be really nice if we could do and obviously we don't have the time to do that and were working to move this forward. I also remember somebody saying that they felt as though we had not taken into consideration, residential communities, they are historically residential and how they are going to be affected and well I don't necessarily take offense to that, that's a little too strong, I am bothered by it because I think part of the reason all of us should comment on this and how we feel about it is because we have all taken it home with us and thought deeply about it and it's affected our sleep, our relationships, you know, conversation constantly and so all elements of it not just one and the CUP for instance for me has been, you know, kind of a linchpin I keep going back to it, going forward with it in my mind and then pulling back on it because I would really like as you heard me saying another application that quality of life and you know protection of communities, it is important to me, but the CUP bothers me

the most because there is no way to make it an expedient process, somebody wants to come into the short-term rental and they want to get started right away, it's going to be costly and it's going to be time consuming and so we are going to prevent them from doing that. Two, we don't have as David and I have talked about and as he pointed out, we don't have an objective consisting assessment tool that can be applied each time that makes a problematic to me. Finally, it seems to me that the registration and the ordinance were creating already feel very stringent to some people, we have had a lot of people come forward and say this is going to be cumbersome, this element is going to affect me in a negative way, so as Dee said we may have already provided enough protections tool not necessitate the CUP, I don't know how else to better articulate that, but that's where I am right now that the CUP is not necessitated because we have created ordinances that maybe cumbersome to some and therefore may protect residential communities better and so after a long thought that's where I land.

Mr. Thornton: Jack, your turn.

Mr. Wall: My turn, I think we thought deeply and we have quite a few points, we haven't really dealt into these points but you know I kind of echo Karen in that we have, you know, addressed a lot of the issues through the 15 or so points that we provided in the ordinance and 14 because we struck the emergency exit point, but I am in, I am favor of not having a CUP.

Mr. Thornton: Okay, well, I will just add a couple of thoughts in a perfect world if we could do this what I would love to see is to have runs amended alternative and totally exempt Sandbridge, we cannot, you know, I don't know whether we can do that or not, we have already decided we don't want to have overlay, so we can do that.

Unknown Speaker: With an overlay.

Mr. Thornton: But we have decided, we don't want to bother the logistics of an overlay district, so we have got professor said it, I actually written it down before he spoke, there is no one size fits all and if we do something that overburdens one part of the city and the other part of the city says you are not doing enough for us then I suggest the city feels that way, you know, there is a City Council, there is a planning staff and we certainly are not going to every close our door to deal with this as it needed to be tweaked. So I am fearful of a CUP because it's inconsistent, it's back to Dave's idea about creating inconsistency so I am, I guess we are ready to call for the question on your amended.

Unknown Speaker: Yeah, call for the question on the substitute and there is one, and it does not sound like it's went our way so that's fine but I did, there was a technical correction that January mentioned, there is a commission of revenue date should be January not 2017, 2018, January 01, 2018.

Mr. Thornton: I am glad you brought that to my attention the law was actually effective July 01, 2017, so I am going to ask you should it be consistent with the date of the ordinance or does it really matter?

Mr. Ripley: It does not really matter, this would just make everybody who had had one that was registered and paid their taxes by January, a month ago.

Mr. Thornton: Okay, good, I picked it up but I am not sure it's going to matter.

Mr. Ripley: But I think it will, but you know, I just will point out that the planning director is going to have to review every one of these in the city thus far parking and meet all these requirements, so you talked about regulations, these going to really be [Crosstalk]. You know, what to do on this by right and making it by right throughout the city so you know, it's hard to come back from that so with conditional use permit at least we have a place to go one way the other so I will just want to point that out where you vote in way that and you have and purpose of this is to have the discussion, consider it and move on.

Mr. Thornton: Thank you.

Mr. Horsley: I echo what Ron said and there is no way I could have sit here today [Inaudible] [04:17:30] my thoughts about this and I am glad we had an opportunity if we go down, I am not always in the winning side, so does not make any difference but I just feel for the people like the gentleman said that he had been in his neighborhood for 50 years and then all of a sudden someone decided to sell the house, you know, stable

neighborhood, [Inaudible] [04:17:53.9] people in there every week, you know, so I think that affects neighborhood and that's what bothers me the most about the whole thing is his old neighborhood where people being there for many years and house goes up for sale and someone who sees a business opportunity to go and buy and start renting and I think that's what my main concern is, like I said, you know, I got a house in Sandbridge, I love the people in Sandbridge, you know, we love it down there, I went there to sell my house or rent it either one for that matter, I love it too much, but you know, they got their own thing, but it probably, we probably missed that boat early on Barry when we didn't say let's put overlay district and maybe overlay districts and maybe we could have fixed it better that way and it may come to then in the future, I don't know but anyway I thought this was the best way to get started, it could be tweaked in the future but if you go in by right, it's done deal.

Mr. Thornton: Jan?

Ms. Rucinski: Okay so I have a question okay, maybe you can answer this. So [Inaudible] [04:19:02] by right it becomes a done deal and then it can never go back.

Ms. Wilson: It can go back but everything is nonconforming up to the point where you take it back, so you will have all the nonconformities to deal with. Do you understand?

Ms. Rucinski: No.

Ms. Wilson: Okay, when you decide you are going to make it a permit of use, okay, and then in six months it was just Mayhem so we decided no, no, we are going to make it a conditional use, will anything that has been done between those periods is grandfather, not grandfather, nonconforming because we had changed an ordinance on some money who is doing something legal, okay.

Ms. Rucinski: So it wouldn't that be the same as the people now that it would be grandfather [Inaudible] [04:19:44].

Ms. Wilson: No, it's a different concept. Very closed and sometimes you could use the terms interchangeably, but the grandfathering has to be done specifically by a legislature, it cannot be done by an act like a changing the ordinance and it has to be specifically said out in the ordinance that you are grandfathering these people and you make a distinction of who you grandfathering. If you go and you change the zoning ordinance, people who are legal under the old one, then become nonconforming. Okay, so they won't have to get a CUP.

Unknown Speaker: Okay.

Mr. Thornton: So you have made a motion, we have a second, so we call for the question and this is to vote in favor of or against item number D4. Well we are voting either to approve this, he is made a motion to approve it, you can vote in favor of that, you are approving his substituted motion, if you put

the red button, you are voting against his substituted motion. That's right,
you are ready?

Unknown Speaker: We are ready.

	AYE 09	NAY 0	ABS 02	ABSENT 0
HODGSON	AYE			
HORSLEY			ABS	
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY			ABS	
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

Unknown Speaker: [Inaudible] [04:21:18].

D5

City of Virginia Beach

An Ordinance to Amend Sections 111, 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 and Add Section 209.6 of the City Zoning Ordinance pertaining to the Definition, Requirements and Use of Home Occupation-Short Term Rental

Mr. Thornton: Okay last item on the agenda today is item D5 and what we are going to call D5 is the planning commission version which is what we brought out of our meeting last Wednesday and it's essentially alternative three and we have amended it and we didn't call it alternative three, we have called it a planning commission version and this is up for discussion. We have gone through at this morning and I think we made, did someone else want to speak on this or you are all okay with me.

Unknown Person: I will make a motion.

Mr. Thornton: On item number 11, we have reduced the insurance to 500,000 dollars, Mike gave us a reasonable explanation for that because he spoke to an insurance professional and it's not practical for a people to buy million dollar policies. Item number 13, we have taken out the emergency lights, one of the things I am going to throw at his for discussion, a quick discussion. I heard it from several people own the signs, item number 6 is no signage, I would, may be like to consider something like architectural house signs would be accepted because we heard today in testimony the people has spent 100s of dollars for beautiful architectural signs and it seems like we are talking about a real estate sign be in one square foot, but [Inaudible] [04:22:59].

Unknown Speaker: So maybe advertising sign?

Mr. Thornton: Oh, I don't know when you go to Sandbridge and you go to [Inaudible] [04:23:07] banks people buy these very expensive gold leaf painted signs, it say?

Unknown Female Speaker: The decorative home sign.

Mr. Thornton: You know, Ron's palace or whatever you call it and I don't think we [Inaudible] [04:23:17] they cannot put those on the one of their vacation homes, so my thought was to add the word architectural house signs accepted, if that's not, I don't know how else you would call it?

Unknown Person: How about architectural naming signs that way it would be the name of the house and it wouldn't be something else, so architectural naming signs?

Mr. Thornton: We are okay with that? We would amend number six accordingly and we amend number 11 to 500, we strike number 13 and then let's see what else we decided over this, on that maybe it. Did I miss anything? So what we need is a motion to have a substitute alternative instead of voting on the original alternative three, we need to have a substitute alternative three, which is what we as a planning commission came forth with last Wednesday. So may I have the David Weiner?

Mr. Weiner: I give it a shot. We approve item D5 with the substitute of the planning commission substitute motion planning commission version with the changes in item number six, signage to read architectural name signs, item

number 11 to say half million dollar liability insurance and to take out item 13 completely.

Mr. Thornton: Do we have a second?

Mr. Redmond: Second.

Mr. Thornton: Mr. Redmond seconded the motion.

Kay Wilson: Mr. Weiner you wanted to exempt architectural naming signs correct?

Mr. Weiner: Not exempt to put [Crosstalk].

Kay Wilson: To exempt them from the one foot by one foot?

Mr. Weiner: Oh yeah, I am sorry, I am sorry. [Crosstalk]

AYE 11 NAY 1 ABS 0 ABSENT 0

HODGSON	AYE	
HORSLEY	AYE	
INMAN	AYE	
KWASNY	AYE	
OLIVER	AYE	
REDMOND	AYE	
RIPLEY	AYE	
RUCINSKI		NAY
THORNTON	AYE	
WALL	AYE	
WEINER	AYE	

Jan Rucinski: By the vote of 10-1, the commissioner has approved the application D5 to changes the [Inaudible] [04:25:32] of item 6 and 11 and to take out item 13.

Mr. Thornton: Okay, we have just one or two statements to make it with no other business; we can call it a day. I want to thank before we get to gravel, I would like to thank all of you all, this has been as Karen said, we have lived with this, left with this, talked about it, dealt with it, dreamed about it, had nightmares about it, since November and we have now come to the conclusion that we send it forward to City Council and so we just asked that you maintain your civic interest in it and go see City Council sometime in March. If there is no more further business, meeting adjourned.