

Virginia Beach Planning Commission

Public Hearing

December 12, 2018

Mr. Thornton: Get started, I will ask Jeff Hodgson to lead us in prayer and it will be followed by the pledge led by commissioner Horsley. Please stand.

Mr. Hodgson: Dear Heavenly Father, we come to you today, thanking you for your guidance and wisdom, as we begin this hearing today, guide our hearts and our minds in the spirit of fairness, right thought, and speech. Help us to remember our responsibilities to serve our community with great insights, guided by understanding, wisdom, and respect for all. As we make decisions today, it helps us to promote the common good as we work together for the betterment of our great city. As trusted servants, we seek blessings on our deliberations and on our efforts here today, thank you for giving me the courage to take David Weiner's 100 dollar bet to wear this ridiculous suit in your name will pray, Amen.

Mr. Horsley: Please join me in the pledge. [Group Pledge]

Mr. Thornton: Thank you Jeff for the prayer and the apology and commissioner Horsley for the pledge. I have asked commissioner Weiner to introduce the members of the planning commission.

Mr. Weiner: Thank you Mr. Thornton. On the far end, we have Kay Wilson, Kay is our city attorney. Next is Jack Wall. Jack is a civil engineer and he represents the Rose Hall District. Next is Dr. Karen Beasley Kwasny, she is a professor of cultural studies and represents the Princess Anne District. Next is Don Horsley. Don is a farmer and he is At-large. Next is Ron Ripley. Ron is in real estate management and he is also At-large. Next is Jan Rucinski, our secretary of the planning commission, this will be our last meeting as secretary, Jan is in property management and she represents the Centerville District. Next is Bob Thornton, Bob is in commercial real estate, he is a chairman of the planning commission and he represents the Lynnhaven District. Next is Dee Oliver, Dee is funeral director and she is At-large and she is a vice chairman of the planning commission. Next is Jeff Hodgson; I have no words except for I'm broke. Jeff is in real estate management and he represents the Beach District. Empty seat here is Mike Inman, Mike is an attorney and he is not here right now, but he will be here shortly and he is At-large. My name is David Weiner; I am in commercial sales and represent the Kempsville District. Sitting next to me is Dave Redmond, he is in real commercial real estate, he represents the Bayside District and then we have Barry Frankenfield, who will be with us one more month and he is a director of planning.

Mr. Frankenfield: Alright, thank you very much Mr. Weiner. I would like to introduce on my left Dalina Cartwright, Pam Sandloop and the Nicole Garrido who do a fabulous

job welcoming everybody and getting this list of many, many names, so we're good with that. On the planning bench, I have Carolyn Smith, Bill Landfair, Torrie Rice, in the back row is our city attorney. Robert Davis, Marchelle Coleman, and Jonathan Sanders and I have to call him out, his name is George Alcaraz, our newest planning commissioner starting in January, so welcome George. That's it, thank you.

Mr. Thornton: Thank you Barry. The next order of business is the explanation of the rules that we use to run the meetings.

Mr. Frankenfield: I missed two people, they are not that important. Our zoning administrator and, which I can't remember name right now and Jimmy McNamara, Kevin Kemp and Jimmy McNamara, that's why I missed you, I apologize. This is -- we're falling apart today, we better get this together.

Mr. Thornton: Mary told me in the meeting, she said you know why you don't give a drunk a cup of coffee, she said why, and he said you don't want to wide awake drunk. So I am not sure why he told me that joke. Anyway sorry for the lack of intro for Kevin and Jimmy, but anyway I will ask Jan Rucinski to read the rules that we use to run our meetings.

Ms. Rucinski: Now we got to get serious.

Mr. Thornton: Got to get serious.

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 understand how the commission normally conducts its meetings. It is equally important that everyone treat each other and the members of this commission with respect and civility. The commission requests that if you have a cell phone to please silence it or turn it off at this time. This is an abbreviated explanation of the rules. A complete set of the rules is found in the front of the planning commission agenda. Following is the order of business for this public hearing. Withdrawals and deferral, the chairman will ask if there is a request for anything to be withdrawn or deferred on the agenda, consideration of these requests will be made first. Consent agenda, the second order of business is the consideration of the consent agenda, which are those items which the planning commission believes, are unopposed and have favorable staff recommendations. Regular agenda, the commission will then proceed with the remaining items on the agenda. Please note that the actions taken by the commission today are in the form of a recommendation to the Virginia Beach City Council. The final decision for approval or denial of any application is made by City Council. The commission thanks you for your attendance and we hope that your experience here today leaves you feeling that you have been heard and treated fairly, thank you.

Mr. Thornton: Thank you Jan. I wanted to make one, I have got two announcements to make and then vice chair Oliver said she had an announcement to make. The other night we had our annual get together with the staff, the planning commission takes the staff to Christmas Dinner or holiday dinner and I have failed to mention there, but I want

to, I am glad I did because I would rather do it publically on behalf of the planning commission to thank the staff Barry and your folks with the great job you have done this year, it's an unbelievable experience to work with you guys because you do such a good job of working with the public and a good job of working with us. You are in the middle and we see it in the work that we get and we see and hear it all the time from people who make applications to the planning commission, so I personally want to thank you on behalf of my planning commission members. The second order of business for me is I want to call on the chairman or the vice chairman of the nominating committee to give recommendations for next year's leadership of the planning commission.

Mr. Ripley: The nominating committee has duly met and that consisted of Don Horsley and myself, so you don't have three, so you don't have to have a public hearing here, but anyway the recommendation we would like to make is for chairman Dee Oliver and vice chairman Jan Rucinski.

Mr. Thornton: Thank you, is that in form of a motion?

Mr. Ripley: That is a motion.

Mr. Thornton: And I need a second for that.

Mr. Horsley: Second.

Mr. Thornton: Second and call for the question.

Ms. Sandloop: Mr. Ripley, Mr. Wall, by recorded votes of 10-0 the recommended nominations for officers of next year have been approved.

Mr. Thornton: Thank you. The folks that will remain look forward to having your leadership and we know you all would do a great job and with that vice chair Oliver has asked for the floor.

Ms. Oliver: So I have a little presentation to make and I just want to thank our outgoing planning commissioners, our chair, and Bob Thornton and Karen Kwasny and then my sidekick Jeff Hodgson for being with us all this time. They have been a great asset to the planning commission and to our city without a doubt and I learned a lot from them and they have led us very well where we are and I just really it has been such a pleasure and a privilege to serve with him and work here with them, I just can't thank all three of them enough and so with that we have little presentation for you all, so with that let's have our chairman down and then so Bob has done a fabulous job leading us the last couple of years and keeping us straight and I just want to present this to you and then with Karen, who's been wonderful to have with us, who served her district well Princess Anne and so nice of you.

Ms. Kwasny: Thank you every one.

Ms. Oliver: And then of course Jeff who we have all decided not to, so I am just so happy you wore this too, Jeff represents the Beach District and has been next to me.

Mr. Hodgson: Thank you.

Mr. Thornton: Thank you for that. On behalf of my other two commissioners, we certainly thank you for that and we speaking from ourselves, it's been a fast eight years, Jeff and I came on together eight years ago and it's like the fastest eight years of my life and Karen has been here for four years so we have, I can speak for, I think all of us, it's been a real honor to serve the city and back to the staff, you guys are the greatest, you have to be able to come up here and see the kind of work you do and let us presented, invaded and deal with the public it's just a really seamless effort on your part. Anybody else have anything they want to add before we get into the real business. Okay with that.

Mr. Hodgson: I would just like to say thank you, I am going to say exact same you did but thank you everybody, I know, it has everything to do with Barry's great leadership as to why you guys are so good but you guys really are, you make our job so easy, so thank you very much and I would like to thank all my commissioners.

Ms. Kwasny: I will say the same thing, I would like to thank all the commissioners and I would like to thank staff, I am pretty sure, I put you to task so I cannot thank you enough for late nights, early mornings, texts, you guys are great and I learned so much from you, and I really enjoyed working with all of you, thank you.

**Item #1
Coastal Virginia Unitarian Universalists
Modification of Conditions (Religious Use)
809 South Military Highway
District – Kempsville**

December 12th, 2018

CONSENT

Mr. Thornton: Thank you. The next order of business we will address are those items that had been placed on the consent agenda, the Vice Chair will handle this portion of the agenda.

Ms. Oliver: Thank you Mr. Chairman, this afternoon we have six items on the consent agenda. The first matter is item number one and this is an application for a Modification of Conditions for a religious use on property located at 809 South Military Highway in the Kempsville District. Is there a representative for this application? Hi, how do you do, would you please state your name for the record?

Mr. Bevon: Yes, I am Leo Bevon. I represent Unitarian Church of Norfolk, which is now called Coastal Virginia Unitarian Universalists.

Ms. Oliver: Wonderful, are the conditions set forth in the application good with you?

Mr. Bevon: Yes.

Ms. Oliver: Great thank you very much. Is there any opposition to this matter being placed on the consent agenda? Hearing none, the Chairman has asked Commissioner Weiner to read this into the record please.

Mr. Weiner: Thank you Mrs. Oliver. This is a Modification of Conditions for religious use. On January 5th, 2016 City Council approved a Conditional Use Permit for a religious use on this property. The church relocated from Norfolk to Virginia Beach to the 9.50-acre site to accommodate the church's projected growth. The applicant is requesting a modification of condition four which states any signs that are illuminated must use an external source of light. The church proposes to use both an internal and external lighting source to illuminate the proposed freestanding sign, with that stated purpose "to ensure that the sign is visible from the roadway at night." We recommend approval and put it on the consent agenda.

Mr. Thornton: I wanted to make a comment on this application before it leaves the screen up there. So, this building was built in 1959, it was built by Tidewater Construction Company and at that time it was a state of the art facility. It was so far out into Princess Anne County that it had no water and no sewer and I have no involvement in it today, but I was actually the broker that sold this property to the church and they have gone in and spent millions of dollars rehabbing this facility and it's just when I was trying to find somebody to buy it. I hated to see it torn down, it's got a slight roof, copper gutters, it was just a magnificent structure. I want to publicly commend them for what they have done. I have actually been in it since you have opened and when you drive by, it's just an elegant stately building and I am so thankful that you all were able to save it because it was rehabbed several people that wanted to tear it down and it would have been a real shame to tear it down such a beautiful building, so thank you for your work and I can vote on it, because I have no financial involvement today, so thank you.

Ms. Oliver: Thank you. Mr. Chairman I would like to move to approve consent agenda items number one, four, six, seven, D2 and D4 to be approved.

Mr. Thornton: Thank you, I have a motion to approve the items on the consent agenda, do I have a second, Mr. Ripley?

Mr. Horsley: I will second.

Mr. Thornton: Seconded by Mr. Horsley.

Mr. Ripley: I have a couple of disclosures on that abstention if you don't mind Mr. Chairman. First disclosure and these would disclose because I will be voting on these matters okay, the first one is item number seven, I own the property across the street and I just want to disclose that, although, I have no interest in this property or any financial ventures, I do want that to be known. Also item number D4, the applicant has issued his listed TowneBank as the lender, I am disclosing that I am a member of the TowneBank Advisory Board in Chesapeake and I have a letter on file with the clerk that stating and TowneBank is not the applicant and I have no interest and it has no interest that I know having this, at least I don't and since the planning

commission has recommendation and advisory council, does not make the final decision, I disclose I will be voting on this matter as well and I do want to abstain on item D2 which is the ordinance with the B-4K. I have my own property in this District, it effects the property I owned, I don't necessarily agree with the ordinance, but I am abstaining on voting.

Mr. Thornton: And I need to not vote on, no, no I am sorry I need to disclose in item seven, the company that I work for is handling the brokerage of that, I have no financial interest in it and I will be voting on it, but I did want to disclose that. Can we have a motion and a second, any other conflicts we need to disclose?

Ms. Sandloop: Vote is open. By vote of 10-0, items one, four, six, seven, D2, and D4 have been approved by consent with Commissioner Ripley abstaining from item D2.

	AYE 10	NAY 0	ABS 0	ABSENT 1
HODGSON	AYE			
HORSLEY	AYE			
INMAN				ABSENT
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. Other than dead, dying or diseased trees, to the best extent possible, existing trees in front of the building along South Military Highway should be preserved and properly maintained.
2. The existing parking lot shall be restriped clearly to delineate the parking spaces. In addition, handicap parking spaces shall be installed and shall comply with the requirements of the American's with Disabilities Act (ADA) with regard to the amount required and marking.
3. All necessary permits and a Certificate of Occupancy shall be obtained before occupancy and use of the building as a church.
4. Any on-site signage shall meet the requirements of the City Zoning Ordinance. A separate sign permit shall be obtained from the Department of Planning & Community Development for the installation of any signage.

Item #2
Suburban Capital, Inc.
Alternative Compliance
281 Independence Boulevard
District – Bayside

December 12th, 2018

APPROVED

Ms. Sandloop: The next application is agenda item number two, Suburban Capital Incorporated; an application for an Alternative Compliance on property located at 281 Independence Boulevard located in the Bayside District. Is there a representative for this application?

Ms. Hotta: Hello, Katie Hotta I represent Suburban Capital.

Mr. Thornton: Thank you. Would you give us an overview of your application and any thought you would like for us to consider in processing the application?

Ms. Hotta: So the application is for Alternative Compliance for both the monument sign which will direct hotel guests, and a building sign for the Hyatt Place. I am sorry, wasn't sure how much summary I needed to give on the project. Do you want me to give you the whole project or just the items?

Mr. Thornton: Just whatever you want us to know that we might not know.

Ms. Hotta: Okay, so it's a Hyatt Place, 127 rooms being constructed at the corner of Broad Street and Independence. The alternative compliance request is for two items, one is for the freestanding sign that's been identified right there, as well as the sign facing Independence, which is roughly 26 square feet larger than zoning permits. So the recommendations I received from Mr. Davis, we agree with the landscaping, being requested around the freestanding sign. In addition, Mr. Davis called me today asking that the sign be reduced from 12-feet to 8-feet and we are in agreement.

Mr. Thornton: Okay, thank you. Any questions of Mrs. Hotta? Thank you.

Ms. Hotta: Thank you.

Mr. Thornton: With that, there is anyone else to speak on the matter?

Ms. Sandloop: No.

Mr. Thornton: Okay with that, we closed the public hearing. Are there any statements or questions or motions on this, Mr. Redmond?

Mr. Redmond: I would just like to thank the applicant. We had a discussion this morning about my concern with the height of the sign. I think it is certainly appropriate to some extent in terms of the directional nature for which it's intended, but it's not as a normal suburban site. It's an urban site, and we want to try and stick as close as we can to the important things that make the Central Business District what it is. So, and it was largely my concern, that caused the Staff to inquire with her and so I appreciate that you are doing that, Thank you for that. Unless anybody else has any comments, I will be prepared to make a motion.

Mr. Thornton: Okay, please go ahead.

Mr. Redmond: Mr. Chairman I move that we approve agenda item number two with change of the height being reduced from, I mean, from 12 feet to 8 feet.

Mr. Thornton: Any second for that?

Mr. Wall: Second.

Mr. Thornton: Mr. Wall has the second.

Ms. Sandloop: Vote is open. By recorded vote of 10-0, agenda item number two, Suburban Capital Incorporated, has been approved as amended.

	AYE 10	NAY 0	ABS 0	ABSENT 1
HODGSON	AYE			
HORSLEY	AYE			
INMAN				ABSENT
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. The building crown sign shall be constructed in substantial conformance with the submitted exhibit entitled “Hyatt Place Design Drawing 4 of 6, 279 Independence Boulevard, Virginia Beach, VA,” dated March 09, 2018, and prepared by Coast Sign Incorporated. Said exhibit has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development.
2. The freestanding sign shall be constructed in substantial conformance with the submitted exhibit entitled “Hyatt Place Drawing 6 of 6, 279 Independence Boulevard, Virginia Beach, VA,” dated March 08, 2018, and prepared by Coast Sign Incorporated with the exception that the freestanding sign shall be no taller than eight feet in height from the ground elevation. Said exhibit has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development.
3. There shall be at a minimum, seventy-five (75) square feet of landscape material planted surrounding the freestanding sign. The landscape material shall be a combination of ornamental grass, ground cover and low shrubs, not to exceed three (3) feet in height at maturity.

Item #3

Glenn McDermott

Alternative Compliance

4452 Virginia Beach Boulevard

District – Lynnhaven

December 12th, 2018

DENIED

Ms. Sandloop: The next item is agenda item number three, Glenn McDermott which is an application for Alternative Compliance on property located at 4452 Virginia Beach Boulevard located in the Lynnhaven District, is there a representative for this application?

Mr. McDermott: Good afternoon, I am Dr. Glenn McDermott. I am applying for a freestanding sign in front of my property. I am the owner of the Diamonds Direct Building on Virginia Beach, Boulevard and basically we have had a significant problem, not the Diamonds Direct part, but the two other suites really have no visibility from the Boulevard, whatsoever, to see them, so I am applying for whatever the variance is.

Mr. Thornton: Thanks. Any questions for Dr. McDermott? Thank you.

Ms. Sandloop: We have one speaker Eddie Bourdon.

Mr. Bourdon: Mr. Chairman for the record Eddie Bourdon, Virginia Beach Attorney. I represent the owner of the property to due east of this. who has no objection whatsoever to Mr. McDermott getting a sign. But I want to make sure, because he contacted me and I have listened to the discussion you all had this morning, which I thought was, I thought a lot of it made a great deal of sense. But what his concern is that, be very clear, and Mr. Chairman, you asked a question in the informal that if it were true, I wouldn't be standing here. Where this sign is going to be located is north of the south face of the building on the Diamond Exchange property. The adjacent property, also in the Central Business District, will redevelop at some point and that building can be up to the property line or two feet of the property line. The subject sign, when that happens or if we park a truck in the parking lot, will not be visible from Virginia Beach Boulevard. The sign is not where the orange sign was that you have in another picture, that's in the public right-of-way and if that's where they were going to put it, then it would be, it would still have visibility, which that's an whole another situation. And again, my client is not opposed and I am not here to oppose. Mr. Davis this morning made a reference to the adjoining property and I get the impression he was saying something as though we were opposed. We are not opposed at all, we just want to make sure that the understanding is that where this sign is going to be physically located when this property is redeveloped and/or if cars are parked out here, that sign is going to have minimal affect. It will really have no visibility when this property is redeveloped and that's what everyone needs to just be aware of. We have no issue with that, but it's not going to be visible.

Mr. Thornton: Any questions for Mr. Bourdon? Thank you.

Ms. Smith: No more speakers.

Mr. Thornton: No more speakers. With that, we will close the public hearing and have some discussion amongst ourselves. I am sorry, Dr. McDermott, you are free to come back and rebut Mr. Bourdon's comment if you care to, sorry. Thanks for reminding me.

Mr. McDermott: Unfortunately, either way we really don't have much of a choice right now with the visibility, even if that happens, whatever they will develop, you know. But in the interim right now, the other tenants really have, since they sit further back there is no way, now to know they are even there. And still from my perspective, I'm willing to, even if it becomes ineffective later on, to go to the expense of putting up the freestanding sign that we have for now and develop it that way.

Mr. Thornton: Okay, thank you. Ron.

Ms. Ripley: Dr. McDermott, did you consider, and we had a discussion this morning, and I don't know if you were in the informal meeting.

Mr. McDermott: No, I wasn't.

Mr. Ripley: Okay and the concern is in the Central Business District of having a lot of monument signs around, everybody wants to have one, and it's an urban environment that really, that's why you are in here for special exception, trying to get this. And really

there is a lot of kind of push back on this type of sign and I realize we just approved one for the hotel, but the hotel is kind like a side street and it's an entrance to the hotel. This is out on the Boulevard far more visible and it's concerning. Did you consider hanging a sign off the building. I think that's something you can do, I may be wrong. I am certainly not a sign expert, but did you consider that, as oppose to putting it down on the monument, which would be more of an urban type of sign that would hang here.

Mr. McDermott: You are talking about all over the future renters or?

Mr. Ripley: No off the front of your building, maybe hangs out so that you can see it from the traffic flowing from either direction, versus down on the ground as a monument sign, which is a traditional shopping center type sign that you are asking for.

Mr. McDermott: Well, no I didn't consider it, didn't even know you could do that and I would probably get some significant flak from Diamonds Direct, who's really particular about their sign that sets there. Our problem was with this building. It used to be the old IHOP and at least I am sure you guys appreciated the structure I put up, replacing the old IHOP which was kind of an eyesore. We got locked into moving this building because there was an easement right through our parking lot, so we had no way to put it even up against the existing building that's there on the other side where you could have a freestanding sign. So we were kind of predestined to do that. We did have a full monument sign up there and usually, you know, being in real estate, but most of the time, real estate people always told me, including Bob Thornton, that it's, you know, if you have an existing sign to try and get it grandfathered in. So there are problems with that part of the city encouraged us to bring it down and you know then we could apply later on to try and get a freestanding sign up. So we got the building built, but then we really don't have anything for those tenants, and this picture doesn't really show you if you are coming down the Boulevard, there is an existing building, you know, blocking the signs that would go over the tenants on the building itself. So we are kind of stuck. I think you know right now, it's a matter of, like I said it could be a wasted effort on my part to spend the money to put the monument sign up, but at least people would be able to find it as they come up, and look at the addresses they know it's there and then see and go to the back. I don't know if that helps explain it.

Mr. Thornton: Jack Wall with a question.

Mr. Wall: Dr. McDermott, we discussed this morning and, this is just really to piggyback on Ron's comment, that there is a possibility for building crown sign on the west side. Is that what you are talking about that it wouldn't help, were you aware of that?

Mr. McDermott: Well actually, we have another discussion with one of the other city entities where we have, it's a very small sign on the west side because the visibility is so bad from these sides. So even though that's some kind of variance, I think they approved that. The idea would be that at least it faces where people can see it. We have nothing over there, if you see it from here, it looks okay, but there is nothing. You are driving, then you cannot see those tenants in the rear. I don't know if that explains it but.

Mr. Wall: Okay.

Mr. Thornton: Jeff.

Mr. Hodgson: Are they currently leased right now?

Mr. McDermott: The second one, suite 102 is. The signs haven't gone up. That's what we are working on with that and, as I said, normally you put the sign over the front entrance but the visibility is so bad. They kind of agreed with what we were talking about. They let us put it on the flip side, some people could at least know you are there, that's why I am trying to compliment it with the other sign and it's more directional for people coming by 45-50 miles an hour, it's very hard to see. They will be looking and many times they come in from the wrong lot just by error. At least this way we have some kind of identification. At night it would be almost impossible to do it.

Mr. Thornton: If this does not make it through City Council, would you put some form of identification over the door of these two tenants, these two spaces back there?

Mr. McDermott: I might not be able to do that. The reason is, my sign, I could probably elucidate a little more, because they kind of approve letting us put it on the west side, so you can't have two signs.

Mr. Thornton: I understand, but I would assume there is some negotiation in putting it on the front of this building over the door versus there. I mean that's your call or has that already been approved?

Mr. McDermott: I think that was approved, but from our perspective, it's the visibility that is just so bad. It won't help us unless you literally drive up and then you look up and see it. But I am talking about from the Boulevard as they drive down the Boulevard to, at least know that there is some other entity there and that's where we're stuck.

Mr. Thornton: Any other questions for Dr. McDermott, thank you. Oh I am sorry, Dave.

Mr. Redmond: Dr. McDermott, did I understand you correctly as you said you have a tenant who is in there with no signage?

Mr. McDermott: Right now, yeah.

Mr. Redmond: Okay, alright, thank you.

Mr. McDermott: We are working on getting the sign, but it was first a consideration which side to even put it on. That's why we try, you know, argued for putting in on the west side which is atypical because there is just no visibility, literally. You would have to drive up and look at it to see this, otherwise you think nobody is there.

Mr. Redmond: Alright, thank you.

Mr. McDermott: Thank you.

Mr. Thornton: Thank you. No other speakers?

Ms. Sandloop: No sir.

Mr. Thornton: Okay with that, we will close the public hearing and open it up for discussion. Ron?

Mr. Ripley: Can I ask Kevin Kemp something? It's almost about the signs that he can and cannot do with this building. Can't he have identification, a company name over top of the door that leads into these two tenants?

Mr. Kemp: The code permits for one building sign per unit leased. So you know, in this case, he has chosen to put that one sign on the back. Now he could get a second sign; however, it would need to come forward to you through Alternative Compliance.

Mr. Ripley: What does the sign say that's on the back? This just identifies the building or?

Mr. Kemp: If it's not there now; it's going to identify the tenant who leased that space, so it will be on the back side of the unit.

Mr. Ripley: Yes, two rental spaces. He can go for one sign?

Mr. Kemp: No, each rental space is allowed one sign, whether it goes on the front or the rear.

Mr. Ripley: So you are talking about one that goes on the back and you could have one on one of the other tenants on the front? That's what you are saying?

Mr. Kemp: Correct, yes.

Mr. Ripley: Okay.

Mr. Thornton: Dave?

Mr. Redmond: Can you define the back for me, I mean, I am interpreting that as the back, the building that is?

Mr. Kemp: Okay.

Mr. Redmond: There is a front face towards Virginia Beach Boulevard. You are talking about the back of the building that faces the old Volcano Sushi space?

Mr. Kemp: I am talking about the west face of the building.

Mr. Redmond: You are talking about the west side of the building.

Mr. Kemp: If you are looking at the building from Virginia Beach, it would be the left side, it's just the rear of the leasable units.

Mr. Redmond: Here is the back of the unit is what you are saying?

Mr. Kemp: Yes.

Mr. Redmond: Okay.

Mr. Kemp: Correct.

Mr. Thornton: I have a question for you. If he chose to put a sign over each one of those leased spaces on the east face of the building, but he could not have a same sign on the west side of the building, is it reasonable to assume that would be his call as to where to put that sign over the door or over the back but not one of each?

Mr. Kemp: Absolutely, the code just requires that the sign be on a portion of the building that that tenant occupies.

Mr. Thornton: So if he and the tenant chose to put a sign over the door of the space beyond Diamonds Direct that would count as the sign over that space.

Mr. Kemp: That is correct.

Mr. Thornton: Okay so the fact is that there has been discussion about putting it on the west wall doesn't preclude moving it to the east wall.

Mr. Kemp: No, it is their choice.

Mr. Thornton: Okay, any other comments.

Mr. Ripley: I would prefer him to do that, I would prefer to have sign identifying the tenant whatever the tenant company is over those doors and not have the monument sign. I think that's a more appropriate way to handle this particular District because it's just again, you know, there are others, we have Cheesecake Factory, those people

they want monument sign. So it becomes, it could be difficult to work with, I understand his concern and he wants to get it rented and I understand that very much. But I think a sign over the door would be the appropriate way to handle this I think.

Mr. Thornton: Now one further question. If we were to agree with this, would that preclude the signs over the door of each one of those rental units, if the ordinance allows a sign over each door now and he chooses to put them on the east face and we agree for this monument sign, is this in addition to those?

Mr. Kemp: Yes, it would be in addition. The permitted wall signs are not included in this application. This application is just for the addition of a freestanding sign.

Mr. McDermott: If I could make one more comment on that.

Mr. Thornton: Anybody object? No, come forward.

Mr. McDermott: When I met with the, I guess the sign committee, they understood the problem with putting the sign on the east side from this Princess Anne High School in front of this, then another building, and then this coming down the Boulevard. There was no visibility. That's why, although that's atypical to put it on the other side, they understood the problem and agreed that the visibility was so bad, there is nothing from the Boulevard that would tell anybody that we are even there. And that's why we had that approved on the other side. We can put it there, but still we are stuck with the same problem that we won't have anything to identify that we are even there or that there are even any other tenants. That's where it can go by the variance. Thank you.

Mr. Thornton: Thank you. Anybody else want to say anything? I want to make a comment or two before we ask for a motion. I fully understand what he is asking for because in the world of retail leasing, accessibility and visibility are the two things that make it work. And he has reasonably good accessibility but he has got pretty bad visibility back there, and if in fact the next door neighbor does build something, it's going to block it even more. My personal thoughts are while this might not exactly fit the Pembroke area concept of urban shopping from this property going east bound, it's, you know, it's kind of congested in there and I personally don't think one more small monument sign is going to ruin the nature of the Pembroke area, so I am in favor of this. I don't know whether we could put a time limit on it and make it to be taken down in three or four years. I don't know that that would accomplish anything, but I would like to support this application because I think he has done an outstanding job of building a very attractive building there. And if this were 12-foot sign or something like we saw on the Hilton project, I would had some real heartburn about it. But this is in the Lynnhaven District, so it's my area, so I would like to ask you all to give serious thought to approving this and with that may I have a motion?

Mr. Redmond: I was going to make an alternative motion from the one that you just described.

Mr. Thornton: Okay.

Mr. Redmond: But I would like to make my own comment, I do disagree with that. There are not particularly compelling retail spaces because you can get enough yield out of the property. Doesn't mean that the retail spaces that you build or necessarily going to build will be all that valuable and those are in the difficult spot. They are set way

back from the roadway and they do have visibility problems. I don't know that you remedy that by creating a sign that doesn't really fit into the ordinance or into the neighborhood. Mr. Bourdon's client who sits right next door is going to want one too and so is the Cheesecake Factory and so is everybody else and you know you just get that, just starts rolling downhill like that. I am uncomfortable with the idea of that sign within an urban environment like that. It's a challenge site. Challenged site by virtue of that easement all along the beautiful building and he has got a great tenant that's in there. But that doesn't mean the entire building is necessarily going to be as great or the spaces as marketable, but I don't think you, I don't think we create a little problem and trying to fix that, so that's part of the real estate business, I think. So, I would make a motion to deny the application.

Mr. Ripley: I will second.

Ms. Sandloop: The vote is open. By vote of 9-1, the agenda item number three has been denied.

	AYE 9	NAY 1	ABS 0	ABSENT 1
HODGSON	AYE			
HORSLEY	AYE			
INMAN				ABSENT
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON		NAY		
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. The freestanding sign shall be monument style and constructed in substantial conformance with the submitted exhibit entitled "Diamonds Direct, Virginia Beach, VA, Option 3," dated May 11, 2018, and prepared by Talley Sign Company. Said exhibit has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development.

2. There shall be at a minimum, seventy-five (75) square feet of plant material installed surrounding the freestanding sign. The plant material shall be a combination of ornamental grass, ground cover, and low shrubs, not to exceed three (3) feet in height at maturity. A plan depicting this plant material shall be submitted to the Planning Department for review, and no sign permit shall be issued until plan is deemed compliant with this condition.

Item #4
David Paul Aurillo
Conditional Use Permit (Home Occupation)
5720 Attica Avenue
District – Bayside

December 12th, 2018

CONSENT

Ms. Oliver: The next matter is agenda item number four and this is an application for a Conditional Use Permit, a Home Occupation on property located at 5720 Attica Avenue in the Bayside District. Is there a representative for this application? You will state your name for the record please sir.

Mr. Aurillo: David Aurillo.

Ms. Oliver: And are the Conditions acceptable to you?

Mr. Aurillo: Yes.

Ms. Oliver: Okay, thank you very much. Is there any opposition to this matter being placed on the consent agenda today? Hearing none, the Chairman has asked Commissioner Redmond to this read into the record please.

Mr. Redmond: Thank you. Mr. Chairman the applicant is requesting a Conditional Use Permit for a Home Occupation for Craft Sales for the purpose of producing wooden signs within an existing detached garage. It's not to be a retail site, no customers will come to the site to purchase products, as all of the signs that he sells will be sold at craft markets and similar venues. The typical hours of operation in that shop will be around 9 to 5 p.m., Monday through Friday. There are no employees proposed for the operation and as a result and in Staff's opinion, the applicant's application is appropriate. No significant traffic will be generated with the request. Planning Commission concurred by a consent, thank you.

Ms. Oliver: Thank you. Mr. Chairman I would like to move to approve consent agenda items number one, four, six, seven, D2 and D4 to be approved.

Mr. Thornton: Thank you, I have a motion to approve the items on the consent agenda, do I have a second, Mr. Ripley?

Mr. Horsley: I will second.

Mr. Thornton: Second by Mr. Horsley.

Mr. Ripley: I have a couple of disclosures on that abstention if you don't mind Mr. Chairman. First disclosure and these I would disclose because I will be voting on these matters. Okay, the first one is item number seven. I own the property across the street and I just want to disclose that, although, I have no interest in this property or any financial ventures, I do want that to be known. Also item number D4, the applicant has listed TowneBank as the lender. I am disclosing that I am a member of the TowneBank Advisory Board in Chesapeake and I have a letter on file with the Clerk stating that and TowneBank is not the applicant and I have no interest and it has no interest that I know in having this. At least I don't and since the Planning

Commission is a recommendation and advisory council, does not make the final decision, I disclose I will be voting on this matter as well. And I do want to abstain on item D2 which is the ordinance with the B-4K. I own property in this District. It effects the property I owned I don't necessarily agree with the ordinance, but I am abstaining on voting.

Mr. Thornton: And I need to not vote on, no, no, I am sorry. I need to disclose in item seven, the company that I work for is handling the brokerage of that, I have no financial interest in it and I will be voting on it, but I did want to disclose that. Can we have a motion and a second? Any other conflicts we need to disclose?

Ms. Sandloop: Vote is open. By vote of 10-0, items one, four, six, seven, D2, and D4 have been approved by consent with Commissioner Ripley abstaining from item D2.

	AYE 10	NAY 0	ABS 0	ABSENT 1
HODGSON	AYE			
HORSLEY	AYE			
INMAN				ABSENT
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. In accordance with Section 234 (c) of the City Zoning Ordinance, there shall be no more than one (1) sign identifying the Home Occupation. Said sign shall be no more than one (1) square foot in area, shall not be internally illuminated, and shall be mounted flat against the wall of the residence.
2. The Home Occupation shall be permitted only if the property is the bona fide residence of the applicant.
3. There shall be no sales to the general public of products or merchandise from the home.
4. No more than one person other than a member of the immediate family occupying the home shall be employed and working out of the home.

Item #5

RAW Enterprises, Inc.

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

**South side of Gum Bridge Road, West of Dawley Road
District – Princess Anne**

December 12th, 2018

APPROVED

Ms. Sandloop: The next item of business is Agenda Item number five RAW Enterprises Incorporated which is an application for a Subdivision Variance Section 4.4 (b) of the Subdivision Regulation on property located at the south side of Gum Bridge Road, west of Dawley Road, located in the Princess Anne District.

Mr. Bourdon: Mr. Chairman, members of the commission for the record Eddie Bourdon, Virginia Beach attorney representing the applicant. I will be brief as this matter was on the Consent Agenda. Mr. McNamara in his write-up and in his description this morning, I think did a very thorough job. These lots are part of a larger, I apologize, I don't have copies for everybody, larger partition plat that has a total of 26 lots on it and you can see parts of all of them are on this, here on the south side and here on the north side of Gum Bridge Road. In your write up on page 3 of this agenda item five, you can see the composite map with all the houses, there are nine houses, excuse me, nine lots with eight houses on the north side created by the same plat and there are a total of six or seven houses on the lots that are located on the south side, all of which to my knowledge and I am pretty confident that I am correct in this, have been built without having these lots formally recognized by a Subdivision Variance because they were all created by this 1971 partition plat that was recorded and the city has taxed these as separate lots, separate GPINs since we started using GPINs for all these going on 50 years. So the applicant actually got plan approval and constructed a house on lot five and then came in to do these other three lots and then the fourth one with the two trailers sites out front came into play with dealing with the sellers and the sellers attorney so what we are doing is simply cleaning up lots that have existed for going on 50 years and you get to see what the houses are going to look like unlike the other I believe it's about 14 houses that are on other lots out here on the same plat that have again, never been through this process. We have also agreed to the one foot additional freeboard which I think is also important given the elevated concerns about flooding and subsidence in the City so Staff, staff has indicated we clean up these kind of situations, this has a larger number of them than what we normally would see but this is just housekeeping as far as I am concerned. I don't, not really sure what the opposition is about but I will be appreciate the opportunity to speak in rebuttal.

Mr. Thornton: Any questions for Mr. Bourdon? Thank you.

Ms. Sandloop: Mr. Chair we have one speaker. Mark Johnson.

Mr. Johnson: Hello again.

Mr. Thornton: Welcome.

Mr. Johnson: Thank you.

Mr. Thornton: Name for the record.

Mr. Johnson: Mark Johnson.

Mr. Thornton: Thank you.

Mr. Johnson: Well, I have a small farm on Shipp's Cabin which is east of this particular development and you know normally I wouldn't be opposed to something like this but as I stood here last month and we came up against the Harvest Farm thing, there was a lot of talk about you know the flooding, the science that hasn't been reported yet, the things that we are waiting on and you guys are actually coached the applicant to pull his application until such science is available. So what I am looking at is Gum Bridge and Dawley are extremely low. I drove down the road yesterday and those fields that this plat is or these plats are slated for were still holding water. The ditches on Gum Bridge and Dawley are full of water and Back Bay is dry. The water's gone, so there is the issue of that City Council was running on this whole time about cleaning the ditches, you know, storm drains updating the thing so my fear is that even though this is not on the scale of what Harvest Farms is, it still in its minuteness these developers building three, four, five, six homes are going to kind of like create dots in the Southern watershed and the Southern watershed one of these days is going to need with the flooding and the Dewberry that we saw coming in, somebody is going to try to push it to be storm, I mean, sewers and water which would be the end of the southern way of life that we all know. So I would caution given the sensitivity of the matter now that we don't know what we don't know about flooding that things like this be put aside until we do have the science, three foot elevation above flood according to Dewberry what we saw on the presentation is going to show that that's not going to be enough. My farm on Shipp's Cabin is three feet above flood and these last two floods of last season came right up to the steps and eventually that's going to be to the west of Princess Anne Road. So I am asking Planning Staff and when considering these things in the future to look really hard at what's going on, these are five more septic systems, five more wells capable when flooded by Back Bay could contribute more to the biologic problem that we are having and the southern watershed cannot handle it so, I am kind of like the proponent for save the environment, stop Back Bay West Neck Creek, North Landing River and Currituck's land from being Virginia Beach's toilet, thanks.

Mr. Thornton: Thank you, any questions of the speaker, he left but we can call him back, thank you. No more speakers, Mr. Bourdon.

Mr. Bourdon: Frankly, I never thought I see existing lots that are going on 40 some years in the existence been taxed and 14 of them with houses on it, none of which had the Subdivision Variances that this body is routinely granted for good reason. This is not new development. These are not new lots and there is no evidence that any dwellings in this area, they are built with the three foot three board above flood

elevation, have ever had any water in them and I just, I understand the concern if we are talking about creating new lots, it wouldn't be here and we don't allow new lots down here without a Use Permit which is a whole another story, but these are long existing, long tax lots, platted and recognized but there is not a signature from the finding Director in 1971 on the plat. There were lawyers involved in it, there were lawyers signatures on the plat. All these properties were divided by a family with long history in Princess Anne County. It's just, it's a cleanup and again it allows, I wouldn't be standing here if you are talking about creating new lots or talking about basically telling someone who pay taxes on lots for all these years and all of a sudden we are going to take it away from you because of fear and you know I think we have to be more reasonable than that and all the conditions that are recommended are acceptable to the applicant. In fact, one of these has a house on it on top of that, so we are going to tell them, they guess what, you have a house, you cannot sell or something, appreciate your consideration, while thinking about it, hope everybody has a wonderful holiday, Chairman Thornton, former Chairman Hodgson, Commissioner Kwasny, the City of Virginia Beach is blessed to have people of your caliber who are willing to commit the amount of time and energy that it takes to do this job as thoroughly as all of you do it and having set through multiple briefings about short-term rentals, you know, you guys saints, thank you for all your service.

Mr. Thornton: Thank you Mr. Bourdon. With that and no more speakers, we will close the public hearing and start dialogue amongst ourselves.

Mr. Horsley: Mr. chairman if I might interject this is what I call the housekeeping thing that years and years and years ago lots were platted and may not have been done exactly right but we have rectified that as they come for development, and like Mr. Bourdon said these people have been paying taxes on these residential lots for all these years and I don't have a problem with it. We have gone from seven potential dwellings to five and I think that helps the situation some so, I don't have a problem with cleaning up this application and I move for approval.

Mr. Thornton: We have a motion for approval, can I have a second?

Ms. Kwasny: Bob, can I say something?

Mr. Thornton: Absolutely.

Ms. Kwasny: So I think the complexity of the cleanup, this kind of complex cleanup is going to be something that we see more of and I think that Mr. Johnson's concerns are likely to come in front of us again and again as we talk about building in southern area of the City and so I hope that they are listened to with all due seriousness that they deserve in relation to some of the issues he mentions flooding for instance and the quality of, water quality in Back Bay and how we develop going forward in relation to some of the studies we don't get how that being said cleanup likes this when somebody has been paying taxes on lands and we are able to bring down the density and allow them to go ahead and build in the way that they wanted and it isn't rezoning, I would second the motion.

Mr. Thornton: Okay, we have a motion and a second.

Ms. Sandloop: Vote is open. By vote of 11-0 agenda item number five has been approved.

	AYE 11	NAY 0	ABS 0	ABSENT
HODGSON	AYE			
HORSLEY	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. When subdivided, the property shall be developed as shown on the submitted subdivision exhibit entitled “SUBDIVISION EXHIBIT OF LOTS 1, 2, 3, 4, 5, A & B as shown on PARTITION OF PROPERTY OF J.T. TATEM ESTATE, ET AL (M.B. 85, P. 23),” dated 08/24/2018, and prepared by Fox Land Surveying., a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development.

2. When Lots 1-A, 2, 3 and 4 are developed, the residential dwellings constructed shall have architectural features, and appearance of like quality and character of the home depicted on page 7 of this report entitled “Proposed Elevations,” which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development.

3. The residential dwelling constructed on Lots 1-A, 2 3 and 4 shall have its lowest finished floor at an elevation at least three (3) feet above the Base Flood Elevation.

4. Prior to obtaining a building permit, Lots 1-A, 2, 3

Item #6

Antonio Azevedo

Conditional Use Permit (Bulk Storage Yard)

**Conditional Rezoning (R-10 Residential to Conditional I-1 Light Industrial)
311 S. Birdneck Road
District – Beach**

December 12th, 2018

CONSENT

Ms. Oliver: Thank you commissioner Redmond. The next matter is agenda item number six and this is an application for Conditional Rezoning R-10 Residential to Conditional I-1 Light Industrial and R-10 residential and a Conditional Use Permit Bulk Storage Yard on property located at 311 South Birdneck Road. Is there a representative for this application?

Mr. Bourdon: Thank you madam Vice Chair, for the record Eddie Bourdon, Virginia Beach attorney representing Mr. Azevedo, all the 15 conditions are acceptable. We do not object, although I understand Mr. Ripley's concern about the public, this is a landscaping company, there should be no public members going to the property so we are, I don't disagree with the thought but we have no problem with that condition, we also have no problem with a condition that would be administratively reviewed after five years. I think I heard commissioner former Chairman Hodgson recommend, we are fine with that, appreciate all the work that staff has done. Mr. McNamara particularly and this has been a process, I could give you all the history of this property but you don't want to hear that today, you have got enough to listen to so appreciate being on the Consent Agenda.

Ms. Oliver: Thank you. [Irrelevant Conversation]

Mr. Hodgson: I am going to read it.

Ms. Oliver: Okay, thank you.

Mr. Hodgson: Thank you Ms. Oliver. The applicant has operated a Bulk Storage Yard in the rear of the property without the benefit of a Conditional Use Permit. Construction and landscape materials, as well as supplies and equipment are stored on the industrially-zoned, western portion of the property. The stem of the flag lot, which provides vehicular access to the site from Birdneck Road, is currently zoned R-10 Residential. The paved access runs immediately adjacent to a single-family dwelling. Trucks going to and from the storage yard must use this access way, as there is no other alternative route to the industrially-zoned portion of the site. Due

to the established Virginia case law, the vehicular access to a property must have like zoning to the larger site. As such, the applicant has submitted a request to rezone the 15-foot wide access way from R-10 Residential to Conditional I-1 Light Industrial, leaving the remainder of the R-10 portion of the property residentially-zoned. The access also provides ingress and egress from Birdneck Road to the adjacent property. As there is an existing single-family dwelling, constructed in 2006, on the adjacent lot, the applicant proposes to provide a substantial buffer beyond minimal requirements between a light industrial use and the existing single-family dwelling. This site poses a challenge to blend the uses allowed under Article 18 of the City's Zoning Ordinance, with uses that are compatible with the existing residential dwellings in the vicinity. In Staff's opinion, low-impact, low-intensity uses such as the proposed Bulk Storage Yard are appropriate adjacent to residential uses, provided sufficient protections are in place. Factors such as appropriate screening and potential noise generation must be examined to ensure compatibility with the surrounding uses and to protect the adjacent properties from potential intrusive impacts. I did ask that with Mr. Bourdon did mention that we just put a 5-year review on this Conditional Use Permit which could be done administratively which I appreciate you doing that and the Staff is in support of this application and commission agrees and we have placed it on our Consent Agenda.

Ms. Oliver: Thank you. Mr. Chairman I would like to move to approve consent agenda items number one, four, six, seven, D2 and D4 to be approved.

Mr. Thornton: Thank you, I have a motion to approve the items on the consent agenda, do I have a second, Mr. Ripley?

Mr. Horsley: I will second.

Mr. Thornton: Second by Mr. Horsley.

Mr. Ripley: I have a couple of disclosures on that abstention if you don't mind Mr. Chairman. First disclosure and these would disclose because I will be voting on these matters okay, the first one is item number seven, I own the property across the street and I just want to disclose that, although, I have no interest in this property or any financial ventures, I do want that to be known. Also item number D4, the applicant has issued his listed TowneBank as the lender, I am disclosing that I am a member of the TowneBank Advisory Board in Chesapeake and I have a letter on file with the clerk that stating and TowneBank is not the applicant and I have no interest and it has no interest that I know having this, at least I don't and since the planning commission has recommendation and advisory council, does not make the final decision, I disclose I will be voting on this matter as well and I do want to abstain on item D2 which is the ordinance with the B-4K, I have own property in this District, it effects the property I owned, I don't necessarily agree with the ordinance, but I am abstaining on voting.

Mr. Thornton: And I need to not vote on, no, no I am sorry I need to disclose in item seven, the company that I work for is handling the brokerage of that, I have no financial interest in it and I will be voting on it, but I did want to disclose that. Can we have a motion and a second, any other conflicts we need to disclose?

Ms. Sandloop: Vote is open. By vote of 10-0, items one, four, six, seven, D2, and D4 have been approved by consent with Commissioner Ripley abstaining from item D2.

	AYE 10	NAY 0	ABS 0	ABSENT 1
HODGSON	AYE			
HORSLEY	AYE			
INMAN				ABSENT
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

PROFFERS

Proffer 1:

When the portion of the Property which is the subject of this Conditional Rezoning is developed, it shall be solely as an improved driveway to access the existing I-1 Industrial District Zoned westernmost 16,921.56 square feet of the Property from Birdneck Road substantially as depicted on the “REZONING EXHIBIT – CHATHAM PARCEL B 31652.11 SQ. FT. BY PLAT GPIN 2417416994”, dated 4/16/2018, prepared by Marine Engineering, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning (hereinafter “Zoning Exhibit”).

Proffer 2:

The portion of the Property containing 8,164.45 square feet which remains in the R-10 Residential Zoning District shall not be developed for a residential use.

Proffer 3:

Further conditions may be required by the Grantee during detailed Site Plan and/or Subdivision review and administration of applicable City Code requirements.

CONDITIONS

1. When the property is developed, it shall be in substantial conformance with the submitted Concept Plan entitled, "CHATHAM PARCEL B 31652.11 SQ. FT. BY PLAT GPIN 2417416994," prepared by Marine Engineering, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
2. Evergreen shrubs reaching a minimum height of four feet at the time of maturity shall be installed to the north of the paved access driveway starting at the front corner of the single-family dwelling and running parallel to the accessway to the rear property line. Said shrubs shall be planted at a distance on center as determined by the Development Services Center Landscape Architect once the exact species is determined.
3. The use of the site shall be for the storage of materials associated with a landscaping or construction contracting business such as pavers, stones, brick, sod or plants or parked vehicles associated with the business. There shall be no other activity than the storage, pickup, or delivery of goods to the site.
4. There shall be no freestanding sign associated with the Bulk Storage Yard.
5. No retail uses shall be conducted on the property.
6. No customers or members from the general public shall be permitted on the site.
7. The Bulk Storage Yard shall be closed and no activity including loading or offloading may occur in the bulk storage area except between the hours of 7:00 a.m. and 5:00 p.m. or dark, whichever is earlier.
8. There shall be no storage of boats; wrecked, inoperable or towed vehicles; or containers on the site.
9. All materials within the Bulk Storage Yard may be stacked no taller than six feet in height.
10. If outdoor lighting is proposed, the applicant shall submit a Photometric Plan shall be submitted for review and shall contain footcandle lighting readings for all areas of the site including the perimeter. Said plan shall also specify light fixture height, light fixture type, proposed shielding, and light dimming capabilities.
11. All outdoor lighting fixtures on the site shall be no taller than 14 feet in height.
12. All outdoor lighting fixtures shall be shielded away from the adjacent residential uses.
13. Any outdoor lighting on the site can be no closer than 440 feet from S. Birdneck Road.
14. All light fixtures shall be equipped with automatic photocell on/off and include dimming and or programmable dimming to dim the lumen output to 50%. The automatic dimming

should be the manufacturer's standard but as a minimum shall dim to 50%. All lighting fixtures shall be dimmed to 50% the lumen output after 7:00 p.m.

15. ADA accessible restrooms shall be installed on the site within one year of City Council approval.
16. This Conditional Use Permit shall be valid for a period of five (5) years. At the conclusion of that period, the Conditional Use Permit shall be administratively reviewed by the Zoning Administrator and may approved for an indefinite period of time.

Item #7

6S Development, LLC

Conditional Use Permit (Automobile Service Station)

1910 Kempsville Road, 1924 Kempsville Road, & 1909 Centerville Turnpike

District – Centerville

December 12th, 2018

CONSENT

Ms. Oliver: Thank you Commissioner Hodgson. The next matter is agenda item number seven and this is an application for a conditional use permit, an automobile service station, on properties located at 1910 Kempsville Road, 1924 Kempsville Road, and 1909 Centerville Turnpike in the Centerville District. Hello.

Mr. Beaman: Hi good afternoon, for the record Rob Beaman, Virginia Beach attorney, here today on behalf of the applicant. We have had the chance to read the conditions, they are acceptable and we appreciate being on the consent agenda.

Ms. Oliver: Thank you so much, is there any opposition for this item we placed on the consent agenda? Hearing none, the Chairman has asked Commissioner Rucinski to read this into the record please.

Ms. Rucinski: Thank you Commissioner Oliver. The over 91,000 square-foot site is located in the Centerville Strategic Growth Area at the corner of Kempsville Road and Centerville Turnpike, and is zoned B-2 Community Business District. The property is comprised of three parcels that are developed with a gas station, veterinary establishment, and a used car dealership. It is the applicant's desire to consolidate the three parcels into one property in order to develop the site. The proposed development would be a 6,000 square-foot convenience store with 20 fueling stations. The fuel sales require a Conditional Use Permit for an Automobile Service Station. Vehicular access to the site will be both via Kempsville and Centerville Turnpike. There will be an 8-foot monument sign that will be at the entrance of Kempsville Road and there will be 52 proposed parking spaces which is over the

minimum required of 47 by zoning. The proposed request to develop the site with a convenience store and 20 fueling stations is acceptable and its staff's opinion that the proposed site layout depicts a logical layout with improvements to vehicular and pedestrian mobility and reducing the number of potential conflict between points of vehicular access. Furthermore, the layout and the building are consistent with the Comprehensive Plan's goal of ensuring that all street-facing facades are of high quality. Design elements include lighting and signage, and they are consistent with the typical automobile service stations, and they do have the appropriate screening. Given the proposed safety improvements and the aesthetic pleasing design, Staff recommends approval; therefore, we have put it on the consent agenda because the conditions are acceptable with the applicant.

Ms. Oliver: Thank you. Mr. Chairman that was the last item on the consent agenda and I would like to move to approve consent agenda items number one, four, six, seven, D2 and D4 to be approved.

Mr. Thornton: Thank you, I have a motion to approve the items on the consent agenda, do I have a second, Mr. Ripley?

Mr. Horsley: I will second.

Mr. Thornton: Second by Mr. Horsley.

Mr. Ripley: I have a couple of disclosures on that abstention if you don't mind Mr. Chairman. First disclosure and these are disclosed because I will be voting on these matters. Okay, the first one is item number seven. I own the property across the street and I just want to disclose that, although, I have no interest in this property or any financial ventures, I do want that to be known. Also item number D4, the applicant has listed TowneBank as the lender, I am disclosing that I am a member of the TowneBank Advisory Board in Chesapeake and I have a letter on file with the clerk stating that TowneBank is not the applicant and I have no interest and it has no interest that I know of and since the planning commission has recommendations and advises council, and does not make the final decision, I disclose I will be voting on this matter as well and I do want to abstain on item D2 which is the ordinance with the B-4K. I own property in this District, it effects the property I own, I don't necessarily agree with the ordinance, but I am abstaining on voting.

Mr. Thornton: And I need to not vote on, no, no I am sorry I need to disclose in item seven, the company that I work for is handling the brokerage of that, I have no financial interest in it and I will be voting on it, but I did want to disclose that. Can we have a motion and a second, any other conflicts we need to disclose?

Ms. Sandloop: Vote is open. By vote of 10-0, items one, four, six, seven, D2, and D4 have been approved by consent with Commissioner Ripley abstaining from item D2.

	AYE 10	NAY 0	ABS 0	ABSENT 1
HODGSON	AYE			
HORSLEY	AYE			
INMAN				ABSENT
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. When the property is developed, it shall be in substantial conformance with the submitted Concept Plan entitled, “CONDITIONAL USE PERMIT FOR 6S,” prepared by Bohler Engineering, dated 9/13/18, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning.

2. The exterior of the proposed building, fuel canopy, and dumpster enclosure shall substantially adhere in appearance, size and materials to the elevations and perspective view prepared by Cuhaci & Peterson, which has been exhibited to the Virginia Beach City Council and is on file in the Virginia Beach Department of Planning.

3. The freestanding sign shall be monument style with a stone base and substantially adhere in appearance, size and materials to the submitted freestanding sign exhibit prepared by Bohler Engineering, which has been exhibited to the Virginia Beach City Council and is on file in the Virginia Beach Department of Planning.

4. Signage for the site shall be limited to:
- a. Directional signs.
 - b. One (1) monument-style freestanding sign, no more than eight (8) feet in height, set on a stone base and one (1) building and/or canopy sign.
 - c. Striping on the canopy shall be limited to ten (10) feet on each side of the canopy or one-quarter of the length of each side. Signage on the canopy shall not be internally or externally illuminated.
 - d. There shall be no other signs, neon signs, or neon accents installed on any wall area of the building, on the windows and/or doors, canopy, light poles or any other portion of the site.

5. At the time of site plan review, a Landscape Plan meeting all of the requirements of the Zoning Ordinance, shall be submitted for review to the Development Services Center. Approval of the site plan shall be obtained prior to the issuance of a building permit.

6. At the time of site plan review, a Photometric Plan shall be submitted for review and shall contain foot-candle lighting readings for all areas of the site including the perimeter. Said plan shall also specify light fixture height, light fixture type, proposed shielding, and light dimming capabilities.

7. The dumpster shall be enclosed with a solid wall in a color and material to match the building and any required screening shall be installed in accordance with Section 245 (e) of the Zoning Ordinance.

8. No outdoor vending machines and/or display of merchandise shall be permitted.

Item #D1

City of Virginia Beach

An Ordinance to amend Sections 203, 223, 401, 901, 1001 and 2203 of the City Zoning Ordinance pertaining to commercial kennels

December 12th, 2018

DEFERRED

Mr. Thornton: Thank you, well on with the business. The next order of business is those items they are to be deferred, it's been brought to my attention that item number D1 which is an ordinance from the City of Virginia Beach that the staff has requested a deferral. Is there anyone here that's opposed to this being on the deferral agenda? Hearing no objections, I would like a motion for this please.

Ms. Kwasny: I will make a motion to defer item D1.

Mr. Thornton: And a second?

Mr. Redmond: Second.

Mr. Thornton: Second by Mr. Redmond; vote is open.

Ms. Sandloop: By a recorded vote of 10-0, item D1 has been deferred.

Ms. Oliver: Thank you Mr. Chairman; I would like to move to approve consent agenda items number one, four, six, seven, D2 and D4 to be approved.

Mr. Thornton: Thank you, I have a motion to approve the items on the consent agenda, do I have a second, Mr. Ripley?

Mr. Horsley: I will second.

Mr. Thornton: Second by Mr. Horsley.

Mr. Ripley: I have a couple of disclosures on that abstention if you don't mind Mr. Chairman. I will be voting on these matters. The first one is item number seven. I own the property across the street and I want to disclose that. Although I have no interest in this property or any financial gains, I do want that to be known. Also item number D4. The applicant has listed TowneBank as the lender. I am disclosing that I am a member of the TowneBank Advisory Board in Chesapeake and I have a letter on file with the Clerk. TowneBank is not the applicant and I have no interest especially since the planning commission has recommendation and advisory council, does not make the final decision. I disclose I will be voting on this matter as well and I do want to abstain on item D2, which is the ordinance with the B-4K. I have own property in this District, it effects the property I own. I don't necessarily agree with the ordinance, but I am abstaining on voting.

Mr. Thornton: And I need to not vote on, no, I am sorry I need to disclose in item seven, the company that I work for is handling the brokerage of that. I have no financial interest in it and I will be voting on it, but I did want to disclose that. Can we have a motion and a second, any other conflicts we need to disclose?

Ms. Sandloop: Vote is open. By vote of 10-0, items one, four, six, seven, D2, and D4 have been approved by consent with Commissioner Ripley abstaining from item D2.

	AYE 10	NAY 0	ABS 0	ABSENT 1
HODGSON	AYE			
HORSLEY	AYE			
INMAN				ABSENT
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

Item #D2
City of Virginia Beach
An Ordinance to amend sections 901 of the City Zoning Ordinance pertaining to use regulations in the B-4K Business District

December 12th, 2018

CONSENT

Ms. Oliver: Thank you, the next matter is agenda item number D2, and this is an application for an Ordinance to amend sections 901 of the City Zoning Ordinance pertaining to use regulations in the B-4K Business District and our Zoning Administrator, Mr. Kemp is going to read this and tell us about it.

Mr. Kemp: Thank you commissioner and for the benefit of my boss, my name is Kevin Kemp, I am the Zoning Administrator here at the City of Virginia Beach. This proposed amendment is to the B-4K historic Kempsville area. In 2006, this was established. The uses in the B-4K were limited, really to keep the historic feel and support smaller pedestrian oriented development. As this ordinance has matured, city has worked really hard to consolidate parcels. Looking back at what is permitted and what's not, it seemed to be overly restrictive. What this ordinance does is opens up a more permitted uses to make development potential greater in that Kempsville area, while still maintaining the historic feel. I would like to commend commissioner Weiner Councilwoman Abbott and the historic Kempsville CAC. This is a model of how ordinance amendment should come forward. The past year, we have worked this out. We have had numerous public meetings. The first one had over a 100 people, and I am happy to say the last meeting was probably the most civil and productive public meeting I have ever attended. So it really has been a community effort. it has buy end across the board and the staff is happy to recommend approval of this ordinance.

Ms. Oliver: Thank you.

Mr. Kemp: Thank you.

Ms. Oliver: Thank you. Mr. Chairman I would like to move to approve consent agenda items number one, four, six, seven, D2 and D4 to be approved.

Mr. Thornton: Thank you, I have a motion to approve the items on the consent agenda, do I have a second, Mr. Ripley?

Mr. Horsley: I will second.

Mr. Thornton: Second by Mr. Horsley.

Mr. Ripley: I have a couple of disclosures on that abstention if you don't mind Mr. Chairman. First disclosure and these would disclose because I will be voting on these matters

okay, the first one is item number seven, I own the property across the street and I just want to disclose that, although, I have no interest in this property or any financial ventures, I do want that to be known. Also item number D4, the applicant has issued his listed TowneBank as the lender, I am disclosing that I am a member of the TowneBank Advisory Board in Chesapeake and I have a letter on file with the clerk that stating and TowneBank is not the applicant and I have no interest and it has no interest that I know having this, at least I don't and since the planning commission has recommendation and advisory council, does not make the final decision, I disclose I will be voting on this matter as well and I do want to abstain on item D2 which is the ordinance with the B-4K, I have own property in this District, it effects the property I owned, I don't necessarily agree with the ordinance, but I am abstaining on voting.

Mr. Thornton: And I need to not vote on, no, no I am sorry I need to disclose in item seven, the company that I work for is handling the brokerage of that, I have no financial interest in it and I will be voting on it, but I did want to disclose that. Can we have a motion and a second, any other conflicts we need to disclose?

Ms. Sandloop: Vote is open. By vote of 10-0, items one, four, six, seven, D2, and D4 have been approved by consent with Commissioner Ripley abstaining from item D2.

	AYE 10	NAY 0	ABS 0	ABSENT 1
HODGSON	AYE			
HORSLEY	AYE			
INMAN				ABSENT
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

Item #D3

City of Virginia Beach

An 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 the definition, requirements and use of home sharing and short term rentals.

December 12th, 2018

APPROVED

Ms. Sandloop: Our last item of business today is agenda item D3 City of Virginia Beach which is an 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 Ocean Front Resort District Form-Based code and add sections 209.6 and 241.2 of the City Zoning Ordinance pertaining to the definition requirements and use of home sharing and short-term rentals.

Mr. Thornton: Thank you. I am not sure where we even begin.

Ms. Sandloop: Mr. Chairman we have 14 speakers.

Mr. Thornton: Oh that's where we begin. So we will instead of I guess starting with the proponent for this, we would start with the those that are opposed or just I guess come and speak. However, if you feel like speaking and then we will close the public hearing and know that for those who have attended our workshops, we have spent a considerable amount of time on this matter, we think we have come to some reasonable conclusions among ourselves and maybe you all today can change some of our thinking and some of our minds but we want to hear from you. I would like to ask that if someone else has made your point and you just want to get up and say it again for the sake of saying it, in light of time, we like to ask you to be brief and if it's already been stated, be very quick with your thoughts, because we have allowed ourselves until 6 o'clock tonight to deal with this matte., I am just kidding, but feel free to come forward. she will call your name. state your name for the record and we want to hear your thoughts, so with that.

Ms. Sandloop: Okay first speaker is Jack Drescher and then Janie O'Dell Young.

Mr. Thornton: Welcome.

Mr. Drescher: Good afternoon, I am Jack Drescher. I represent the North Virginia Beach Civic League and as I told you the last time, we worked together. I also chaired the ad-hoc committee studying short-term rentals. On behalf of the civic league, we

support the proposed ordinance as is. We think that strikes the proper balance between property right and advocacy and also those who want to preserve our residential characters of our neighborhoods. That having been said, and being aware somewhat of what has taken place in your workshop, I understand that there are concerns over occupancy and also the number of rental contracts per week. Recall if you will that the civic league and I personally as the chairman of the committee support the one rental contract per 7-day period. We know that there will be those who argue to the contract that one more contract per week will not make a difference, we tend to disagree. We think that by having more than one per seven day period, what will end up happening is the residential character of the neighborhood will simply change. There are horror stories that we heard from any number of people who spoke at our committee meetings and we've had a number of instances at the north end where we saw people basically dealing with revolving doors of tenants coming in and out of the adjacent properties. So we are in favor of the one rental contract per week. The occupancy issue is a little different. we think that two per bedroom plus four is sufficient. I understand from the workshop, there was a consideration of three, we understand that. We do believe that the registration of lodgers with phone numbers and addresses is important, I am not that familiar right now with the way that Commissioner of Revenue actually enforces the collection of taxes and I know that there was a software program at one particular point in time that he was utilizing in order to make those collections, but this registry will be sort of a failsafe to make sure that he is catching everyone that may be running these properties. So our position is very simple is this, we support the ordinance as drafted, we think it accomplishes the desired objective.

Mr. Thornton: Thank you sir, any questions for Mr. Drescher, thank you.

Ms. Sandloop: Janie O'Dell Young and then Larry Horvath.

Ms. Young: Good afternoon, my name is Dell Young. I live up on the Bay and it's an area that could be greatly impacted by what you decide, so I just want to talk to you bit about that. I think he was eloquent in what he said, so I am not going to go over what he do said but I just want to tell you that I thought at first short term rentals, were gonna be big deal even though I live in a resort area and I knew that we probably would be impacted. I thought it was chance to meet some people, some neighbors can make some money and that kind of stuff. Then I started talking to people that been impacted and I started looking and making my own observations; I am sure you have done that too. I am sure, you have been around where there have been some short-term rentals and you see what's happened. So I changed my mind, I change my mind pretty dramatically. I know you spent a lot of time and effort as you said considering all these concerns that people have and you seem to have addressed them. I am not sure why you decided to change things, couple of things that the city council had decided. I just want to talk about a 4-bedroom home, most of the homes around me are at least 4-5 bedrooms we'll say a 4-bedroom home. I have a house on each side, a house in the front and the back so that's four immediate neighbors. I am not talking about as an anger, just four immediate neighbors; I am into numbers. So you are saying four people, three people per four bedrooms, three people per bedrooms that's twelve plus two more. That's 14 people and you are

going to allow that twice a week, That's 28 people a week that could potentially be living next to me immediate neighbors, 28 that's over a 100 a month. Now I want you to stop and think if you live an area where you could have a 100 strangers and that's just during the night time. Who knows how many people are going to be there during the day time. So I want you to stop and think about 100 strangers coming in and around you, you and your family those people that you know, that you love, that you want to be with, with these folks coming and going, imagine too that if you wanted to try to sell your home, what it would like with all these cars, all these people constantly coming and going with what you suggested. This is our third home in a series of homes, it's our lifetime home, it's a home that we expected be taken out feet first, you know that all adage. We want to be there for the rest of our lives, we spent a lot of time meeting our neighbors, becoming good neighbors, getting involved with the Civic League, and these are lifetime friends that we have got. These are folks that we love, that we care about, that's who we want next to us and I think that's you people want next to you as well. You know what this idea of all this constant stream of strangers coming and going. So what we just want to do, I want to also make a point and that is I know some people will say that they cannot afford their homes unless they do have short-term rentals, but my question is why I am subsidizing them, why is that I should be paying for them to be able to get a home that's more expensive than they can afford. My husband and I save for years to get the home that we are in and we definitely are in a home that we can afford, so I just want you to think about these things as you start to think about what's going to happen with the short-term rental issue and thank you for your time.

Mr. Thornton: Thank you, any questions for Mrs. Young. Thank you.

Ms. Sandloop: Larry Horvath and then Molly Brown.

Mr. Horvath: My name is Larry Horvath; I am here on behalf of the overwhelming majority of our civic league members and Bay Lakes Pines, we support the draft ordinances as they have been drafted and we civic league members want you to know that we support those draft ordinances. We are particularly in support of the conditional use permit requirement. This is the only way to control the spread and proliferation and control these things. We do not want these things in our neighborhood and a conditional use permit I think is probably the best way to get a handle. We are not particularly, we are frightened of the disruptions that disorderly and inconsiderate renters could have but mostly as the previous speaker said. We are mostly afraid of losing our sense of neighborhood and familiarity and with that number of new people every week, they would really upset the residential nature of our neighborhood. Webster defines residential as meaning to permanently occupy, so rentals of less than 30 days is not permanent occupancy. So a conditional use permit when its nonconforming usage is particularly applicable in this case, so we are in. Hopefully you will not do anything to change the city council ordinance that has that included and its proposal. We want you to protect our neighborhoods and we are hoping that you won't do anything that will facilitate the conversion of homes into businesses in residential neighborhoods, thanks.

Mr. Thornton: Any questions for Mr. Horvath, thank you sir.

Ms. Sandloop: Molly Brown and then Mark Bissette.

Ms. Brown: Good afternoon chairman Thornton.

Mr. Thornton: Hello.

Ms. Brown: Thornton and members of the Virginia Beach planning commission. I am Molly Brown and I support city council's recommendations for short-term rentals, after three years, the city council as well as the staff that Mr. Thornton you just elegantly praised as they should have been, have developed a fair compromise and I ask you to support the recommendations on short-term rentals. They have looked at all the codes, they have studied, they have heard from the public and I think that the city staff and the city council I think the recommendation should be considered. Also I ask each of you to support your own comprehensive plan and protect all Virginia Beach residential zone neighborhoods, all residentially zone neighborhoods in Virginia Beach need your help to protect the health, safety and public welfare of all the residence and visitors alike, thank you very much, any questions.

Mr. Thornton: Thank you, thank you.

Ms. Sandloop: Mark Bissette and then Todd Solomon.

Mr. Bissette: Good afternoon, my name is Mark Bissette and I am speaking in opposition of couple of the issues with the new regulation. I owned a duplex in Ocean Park since 1987 and over the last 12 years or so we have rented it that as a short-term rental during the summer time and mostly through a realtor, Atkinson Realty but also recently through VRBO as well. So we have not had any issues as far as problems with neighbors or anything. we have had problems in the past with a long-term rental, but not really any with the short-term rental, so not sure you know if there is a difference there. We rent to one or two tenants a week and that's pretty much it. It's never above two but it's one or two week and we are okay as far as I am concerned I am okay with two people per bedroom plus the four. I mean that's I really don't want any more than that in the house anyway to be honest with you and then the other thing is the registry as far as turning in I guess registration of names to the city, you know, not sure that I am in agreement with that and to me that it's not really what we are submitting the taxes to the city. I am not sure about the city needs to know who stay in the house. So basically that's it, I've been using the property for 12 years, I have two sons in college and you know this is sort of income has been helping maintain our lifestyle and getting our boys through college so, just want to be able to use the property the way we have for the last 12 years, appreciate your time.

Mr. Thornton: Any questions for Mr. Bissette, thank you.

Ms. Sandloop: Todd Solomon and then Martin Waranch.

Mr. Solomon: Good afternoon, my name is Todd Solomon, I am a resident of Cape Story by the Sea, currently we have about 15 homes on our little street. It's a dead-end street and we have two bed and breakfasts out of 15 homes, so we are already kind of living with this. I am actually in support of short-term rentals. I don't have any issue with

people using them, it's the way they use them; it's the biggest issue that we have in the neighborhood. My first concern in the item that you have on here is parking, since our streets are little, they have no on-street parking at all. Off street parking is almost non-existent. Also, you've mentioned on here a minimum, you have a minimum of one parking spot per bedroom. I would ask you to look at making that maximum amounts with the ability to have one women that mentioned 14 people in a home at one time. I guarantee there is going to be about seven cars, everybody, if you are lucky, you get two in a car, maybe one in a car if you are military. So if you got seven cars and you have a minimum on-site of four, where the other three parking, you are going to do a plan and you are going to do off-street parking, on our street the off-street parking is my front yard, so I am going to have a neighbor parking their cars in my front yard in the right-of-way for their bed and breakfast for their short-term rental, it's not going to fly. So I would ask that you make those maximum and make them all on-site so if you are going to have four, they all have to be on-site, if you think, there are going to be seven cars, push it up to seven but put it all on-site. so make it a maximum parking versus the minimum because the overflow is going onto our streets no matter what. The second part of which you have that I am little confused about is the grandfathering but the violations and penalties and how you pull a grandfather when it happens even the grandfather once it appears going to happen every two years on the renewal. If there are violations and then they won't get a renewal of their conditional use permit, but say for a grandfathering, so these two homes, these two that are being used as short-term rentals on my street are going to be grandfathered. Right now, the one is working fine, they turn and over, they sell it to somebody else, they come in and they are not very good owner of it, they have keggers twice a week, since if you allow twice, we call it in. how does it get the city council that whole path of who we call, how it gets the city council, city council then pulls their grandfathering and they have to turn around and then come before you with the conditional use permit and then hopefully you shoot it down too. How long does that process take? Who is in-charge of that? There is a lot of questions with the ownership of it, how it works, the process who is in-charge, who as we as residence and neighbors, who do we call, are we calling the police for all these violations for parking and for noise and for egg throwing and all the other issues. it seems you don't want to call the police, you have somebody else, maybe it's zoning, maybe hire more zoning people, hopefully you've thought about all of this and it's going to be in a process somewhere that we will be able to read but before we can vote or before we say this is acceptable. We would like to see that whole process and understand it rather than try it out and I guess it determines how we make the changes afterwards.

Mr. Thornton: Any questions for Mr. Solomon, Ron.

Mr. Ripley: Mr. Solomon the idea of the parking the minimum, seems like that's the word you want. I mean you want a minimum to have one parking space if you can have more than one that will be good.

Mr. Solomon: Well what I am saying is that the home on our street has four bedrooms, so you would require them to have four spots minimum on-site after that if they only have four, but knowing full well that they are going to rent the 14 people that means

seven cars are showing up Friday to rent the place where the other three. I mean you would bless it off, you look at their site plan and say one, two, three and four, good four bedrooms and four cars, minimum great, thank you very much, so Friday seven cars show up, where did the other three go?

Mr. Ripley: Well, the one that's in your neighborhood is going to be grandfathered if they meet these requirements, that's been.

Mr. Solomon: So they don't even have to do a parking plan right?

Mr. Ripley: Yeah, somebody new coming in is going to have to do a parking plan.

Mr. Solomon: Well that's even a worse scenario then, so then only you have a parking plans, so they don't even have four, so we are calling daily because they are over parking onto the streets and that falls into the, how do you revoke their grandfather question, but you see what I am saying, I mean you are going to bless off minimum four, four, four, you know they can show it all on a plan but then the overflow goes where, where the other three go.

Mr. Ripley: Well, the grandfather it's what's out there right now, that's what the idea.

Mr. Solomon: It is, I am just saying, right now, I don't see a process for, I mean, and you say city council could do.

Mr. Ripley: I would think you'd go through zoning, that's where you would call, they enforce this.

Mr. Solomon: I hope you guys are putting this plan together or you are passing it on the staff or somebody is putting this plan together. I mean got it, hopefully I can read it somewhere, at some point on your website under planning for the plans for this but right now it just says it's going to happen magically and every two years that it happens which is kind of ridiculous. Why I have to keep calling and there is violations and they mount up every week? That I got to wait for two years for the conditional use permit to get renewed for them to go away, so and I am sure there is a bunch of legal things that Kay is going to have to worry about if you doing it within the two-year period, so I would like to say maximum I think is the word.

Mr. Thornton: Question from Mr. Weiner for you.

Mr. Weiner: When you say calling weekly who you are calling, you are calling for the parking problems, people you are calling the city?

Mr. Solomon: No, I am just hypothesizing well there is one when it first started up, we called weekly and we called the police, the non-emergency number.

Mr. Weiner: What did they do?

Mr. Solomon: For the parking violation, they turned around and told us to call towing.

Mr. Weiner: Okay.

Mr. Solomon: For the noise, they went up and knocked on the door. For the egg throwing that was after the fact so that was just a report, I think that was filled at.

Mr. Weiner: Did so, when you called towing, did they come out and tow the cars, and did they come out?

Mr. Solomon: I believe no, I don't think they ever showed up.

Mr. Weiner: When you called the non-emergency number and the police came out.

Ms. Solomon: Obviously, we had to get signs; parking signs put it, no parking signs.

Mr. Weiner: When you called the police, they come out and knock on the doors, how many times is that happened?

Mr. Solomon: Let's see when it first started, twice.

Ms. Weiner: Okay.

Mr. Thornton: Jack Wall has a question for him.

Mr. Wall: You brought up good point, you know, you are talking about maximum though. Yeah this refers to minimum parking spaces but you are mentioning maximum number of cars that they can have, okay alright.

Mr. Solomon: I mean I would suggest that they are going to have the four bedroom that you require him to have six on-site or seven, you make the decision at six or seven what you think is going to be a good average that would cover all cases. Hopefully they are not going to bring 14 cars in and everybody drive one, that would be crazy, but.

Mr. Wall: Okay.

Mr. Thornton: Any other questions for Mr. Solomon, thank you sir.

Mr. Solomon: Thank you.

Mr. Thornton: Oh I am sorry, Kay.

Ms. Wilson: I just wanting to make sure you all understood that there is a provision in the proposed ordinance that would require even grandfathered structures because they are not nonconforming, they are grandfathered. As a grandfathered uses, they would have to comply with all the parking, with all of the requirements, with all of the conditions, okay so even the grandfathered ones would have to come into compliance.

Mr. Thornton: So they don't get a hall pass?

Ms. Wilson: No sir.

Mr. Thornton: Okay, thank you.

Mr. Hodgson: Can I say something more?

Mr. Thornton: Sure.

Mr. Hodgson: Just make sure I am doing this right, the only thing the grandfather would be for conditional use permit.

Ms. Wilson: Yes sir.

Mr. Hodgson: Okay.

Mr. Thornton: Good to know, okay.

Ms. Sandloop: Martin Waranch and then Lynn Hume.

Mr. Waranch: Good afternoon everybody, my name is Martin Waranch, I moved to the north end in 1990 and soon thereafter I got involved with the north end zoning review committee, so I'm more familiar with zoning problems than I am with planning commission problems and I have been here many times for zoning, but I think it's the first time I have ever shown up here for this. Although they are all familiar, same faces different places. Before I start those comments, I would like to comment on what Karen said a moment ago, you guys missed the boat a minute ago on that zoning request of with the lots because the lots were undersized, they are in a flood area and they are going to have septic tanks and water problems and if you are going to allow that and it's going to come up again, you are absolutely right. You are going to allow that. You should not allow that they have undersized lots in addition, so much for the zoning end of that and the zoning end of it here is that I am, I was totally oppose to changing zoning, as I, I am an old guy and as I recall we got industrial and you got business and you got residential and I live in a residential area which typically means people buy a house and live there, I live at the north end, the world is as the world is and people have been renting down there forever and that's fine, we have never had any real problems, what's happened is that the digital world has come upon us and Airbnb has suddenly made it extremely easy for people to starting to rent their spaces out a little bit, so what they have done is they have complicated the problem and they've complicated the problem for anyone who lives near any kind of an attraction, the water, the river, a park, call it what you will, people can rent spaces and they will do it. I am opposed to any commercialization of a residential area, you want to rent a room for couple of days, we got motels and hotels all over Virginia Beach, the entire resort area is dedicated to that, so despite and I will tell you this I was in all the comments and all the discussion and so forth in north Virginia Beach Civic League, Jack Drescher has done a duty, his comments were very brief here today and I am sure you people are aware of how much effort and time he is put into this thing and what has happened is we have got what we need in Washington DC, it's been a compromised. The compromise is that the residents who live in a residential areas have not gotten everything they want and the people who want to rent everything in site have not gotten everything they want and council has come up with something that will control it a little bit and work, my reason for being here today is because I read online that you guys want to add two rental contracts in a seven-day period, you are looking at a guy don't want any contracts on a seven-day period, I think two weeks to a month is fine but I definitely don't want two in any particular week anywhere because as gentleman before me said, we don't need that kind of traffic, we don't want anything with people's property rights but I am not in a business of making a business for people who are living nearby and one lady said that she bought her home, people said they cannot afford their homes, I remember the trauma of moving

in to where we moved in and I said at that time to my wife, my next move is going to be handled by olivers and still in line, any questions.

Mr. Thornton: Thank you sir.

Ms. Sandloop: Lynn Hume and then Jim Moffat.

Ms. Hume: Hello, my name is Lynn Hume and I am back again, I have been a resident of Shore Drive and the Great Neck area since 1980 and I have attended or watched all of the planning council and workshops and hearings for the past two years and I really get confused when I hear about all the discussions about problems and preserving neighborhoods. Many of these neighborhoods along Shore Drive were first seasonal short-term rentals and second homes, there weren't residential homes first they were built without the visit city water and sewer, people were bringing cinder blocks. The short-term rentals are part of the character of the neighborhoods, it's use has been allowed for over 70 years and many of the neighborhoods along Shore Drive still have duplexes and cinder block cottages, they are all very colorful neighborhoods and in fact many of still zoned R5R and R5D and in zoning it states that it's mixture of seasonal and long-term residents and duplexes. So when they say that they want to keep the flavor of the neighborhood or keep it residential, these neighborhoods were always seasonal, always rentals, mixed in with owners and the owners love it. The neighbors, one of the rentals I have in Cape Story and the neighbors told me that they love the guests, they lend them their paddleboards, brand new neighbors who bought a 650,000 dollar house next door said oh my god, where do you get your guests, we love them, and we'd love to meet them. We have got people from Canada recently, military families, people with young kids coming to see their grandparents at West Minister, so most of the short-term rentals in the Shore Drive area Ocean Park, Chesapeake Beach, they have always been two, three rentals a week, the one per week doesn't work down there, people come into fish, to boat, to come to the new Brock Center, ride their bikes over the new bridge, the state park, the light houses, it's been developed as a resort area. The wave bus goes and picks up people in the resort area and takes them to the beach. One rental per seven days is a hardship for these neighborhoods. There is no real difference between two rentals in seven days or one rental, there are still people, and there are still cars. You can always have a terrible owner, home owner next to you or a long-term tenant that never leaves and I watched the council meetings where they talked about where registers being added for all the guests, there is not a lot of discussion at the council meeting when this was added, it was kind of tossed in, Councilman Wood ask about the legality, it's not legal for hotels, we know it's not legal in some of homes or a long-term rental, so just to have the city say hey, I want to have a register who has been in your house that we cannot go down that path, so I don't think that's a good idea to say that all the kids, everybody needs to be registered and have the people forfeit their right to privacy upon renting a unit. So once again, thank you for your time and helping to solve this controversy, I know it's a hard situation but not all areas are the same, thank you.

Mr. Thornton: Thank you, any questions for Ms. Hume, thank you ma'am.

Ms. Hume: Thank you.

Ms. Sandloop: Jim Moffat and then Elaine Fekete.

Mr. Moffat: Thank you today for giving me the opportunity to speak. You have made many commonsense decisions on a number of these ordinances, but there are two that are very important to the success of short-term rentals in Virginia Beach and Sand Bridge, we are asking that you change the city council recommendation from one reservation week to two per week, the reason was very simple. Virginia Beach tourism just announced the average stay in Virginia Beach is 2.8 nights hence the two reservations per week, why would we only allow one reservation for a short-term rental knowing that the history of Virginia Beach is 2.8. I have sent numerous breakdowns of the money which would be lost to owners in the city and the state if you do not go with the three per bedroom plus two, I also listen to the stuff that was brought up this morning and I agree with a compromise of the three per bedroom and not add the plus two to make it difficult for people to understand as David brought up. I realized you were talking about the three per bedroom and drop the plus two, we also realized I think at this point that the smaller homes are not effective one way or the other, it's still comes back to the larger homes, they can financially cripple the owners with these larger homes, I had a whole thing of money to put down and the loss it's not worth going over that with the commission, it's already been issued to you numerous times in letter form on what taxes and sales tax and different things that could be lost by taking it to two bedroom plus four it does make a big difference. The owners built these houses because of demand for larger families coming to Virginia Beach and to follow every regulation that the city has set forth. We know we can fight this battle with city council, so we are not making a very larger deal at this point in time, we know there were some discussion on the size of signs, I am not sure why, I sent pictures to all of you to know how small a two foot by two foot sign looks on a house, it should be noted that Airbnb houses do not use the signs because they are not allowed to show them on the Airbnb site. If they do have a sign, we have a rental sign which is on Airbnb, it gets cleared off you cannot see that sign. The sign helps guests find the right house and also helps emergency personnel know which real estate company to contact when there are issues. Signs are not a problem throughout the rest of the city and number four should stay as four square feet, architectural signs have never been an issue, size is based on the size of the house and what looks good, not getting the name and address and phone number and dropping number 12, the guest log just make sense, we have the names responsible on the rental contract and they are held accountable for their guests. The ordinance was asking for something almost impossible to achieve. Our goal is to have all Virginia Beach under the same set of rules; Sand Bridge is not want to go after an overlay even though we will if necessary. I believe we have made many concessions to get where we are and I want to change as a planning commission made that you have as planning commission to go back to city council. We didn't ask the home owners to come today because we realized that everything going back, the city council's recommendation and we also know how that turned out last time, thank you so much.

Mr. Thornton: Any questions for Mr. Moffat, thank you.

Ms. Sandloop: Elaine Fekete and then Mike Megge.

Ms. Fekete: Good afternoon, before I go on my rant, Merry Christmas to everyone and happy new year and I do want to thank each and every one of you because I do realize how much work that you have been into this and I know you dream about it and have nightmares about it as do I, so I didn't even prepare remarks because it's just automatically in my conversation every day. I attended every single city council workshop this summer and there were two points that I wanted to bring up that I don't think really were conveyed one of them is a very simple thing the effective date, you all were asking about why the effective date was moved back instead of it being effective the day that you or, council passes the resolution and the answer to that was we don't rent for tomorrow night, we are renting six months and twelve months out so that was to give us time to finish if it passes in city council in March that gives us time till November to finish up the rentals that we have because no one wants to call their renters and say when you stop at the rest stop, you need to leave four of the kids out of the car is, now the guideline is you know 12 not 16 so that was to help particularly the people of Sand Bridge who are renting a year in advance, people that are coming for vacations, not people that are coming for keggers in the other areas of the city. The other thing I wanted to bring up is I think it's painfully obvious to everybody at this point that Sand Bridge is different, I am not saying Sand Bridge is special or more entitled, I am just saying everyone keeps trying to turn the pieces of the jigsaw puzzle to make it work for everyone and it's never going to happen. Sand Bridge contributes 28, it could be 30 million dollar by now in tax revenue to this city and pays for its own sand and it's traditionally always done for 60 some years, seasonal rentals. We don't want to do two rentals a week in the summer; it's too annoying, and it's a pain. So but we still want the option in the shoulder seasons and the holidays to do two rentals per week. I rent my home myself, it is my residence so I rent it in the summer and I rent it during the holidays, every Thanksgiving and Christmas I have two rentals that week because I get military families and based on their schedule, they're like we have to celebrate Thanksgiving at this weekend and the other one needs to do the other weekend, it was seven people this year in my house for the first four days of the week, it was seven people in my house the last three days of the week, it's still seven strangers. It's part of our business model in the off season to do that but I see the light blinking, I knew I should have done a better job preparing this, my point is looking at the occupancy and the number of rentals per week, reducing those numbers, constricting those numbers is going to have a financial impact for the whole city because of the amount of revenue Sand Bridge generates for the city and all I am asking is that when you refer this to city council, you ask someone to do their due diligence and looking at the financial repercussions.

Mr. Thornton: Question from Ms. Oliver.

Ms. Oliver: Let me go back to the shoulder seasons, usually it's a weekend.

Ms. Fekete: Right.

Ms. Oliver: So when you start your week, how do we start it?

Ms. Fekete: Exactly.

Ms. Oliver: So if we started on a Wednesday and they technically come on Wednesday to Sunday and then the following week they come on Wednesday to Sunday, does that, I guess my question is there a week day that we actually legitimately start on or can we start on any day?

Ms. Fekete: In the shoulder season, no because it could be someone coming from Thursday to Monday but what I am referring to are like the week of Thanksgiving so somebody came Saturday, Sunday, Monday, Tuesday and left Wednesday morning and somebody came Wednesday, Thursday, Friday and left Saturday morning, so that was a seven day period.

Ms. Oliver: It's still within one week.

Ms. Fekete: In one week and we,

Ms. Oliver: That's still one rental in one week, I am just saying if you count your week a different versus from Saturday to Sunday, you do it Wednesday to Wednesday, did I do that wrong.

Ms. Wilson: Yes ma'am.

Mr. Thornton: In seven days, it's two rentals.

Ms. Wilson: Yeah that's two rentals and it's in seven a consecutive days is what the ordinance says, it doesn't talk about week, it doesn't talk about days any seven consecutive days.

Ms. Fekete: We are not doing it, I realized it's a separate issue in other neighborhoods and they want to protect the integrity but anyone who does that in Sand Bridge is only doing it in the shoulder seasons and the holidays, no one wants two rentals per week during the summer, I mean that's just not good business, so that answer your question?

Mr. Thornton: Any other questions, thank you ma'am.

Ms. Fekete: Thank you.

Ms. Sandloop: Mike Megge and then Mr. Holden.

Mr. Megge: Good afternoon, I am Mike Megge and I live in the Shore Drive area of Virginia Beach, I want to thank all of you for the hard work you have done on this topic, I think this is the third go round, but anyways I will keep this short and concise like I hope the STR regulations turned out to be, I think we all agree that STRs should be registered with the city, they should pay their proper taxes and they should conform all the city regulations and ordinances when it comes to trash, noise, parking, outside fire signs, we have ordinances and I think many of the hypothetical complaints are exaggerated, I mean we all know that there is problems. There are problems with short-term rentals, there are problems with permanent neighbors but I do believe that a lot of the hypothetical concerns with the 28 people living coming every two days all the way around you, I think those are little bit exaggerated, it's

a market driven and there is not every house is not going to be a short-term rental, it's just not going to happen. So I agree with the lot of the ordinances that you are putting forth, I don't agree with and I think it's going to be very difficult to regulate the number of people that come into a room, I mean the city said it everyone has said it 100 times, the city is not going to go counting heads and beds in all these rentals, so I think that's one of those feel good regulations, it's going to be very difficult to enforce and the big item is the idea of having to keep a register where everyone signs in and you are going to have, you know, children and cousins and everyone signing into a register and then for the city to say, we want to see that register and it just says at the request of the city whenever they want to see it, I just think that's kind of an invasion privacy and it's going to be very tough to keep and I don't even know if it's legal but at the end of the day, this is a residential issue, it's just, we are just talking about the number of days, it's legal to rent your house, it's always been legal to rent your house, the city is being allowed short-term rentals for 70 plus years, right now we are just talking about the number of days we are renting, it's still a rental, it's still a residential rental, we are just talking about the number of days and with that I hope you guys all have a great holiday, have Merry Christmas, thank you for your time and again thanks.

Mr. Thornton: Questions for Mr. Maggie, thank you so much, sir.

Mr. Megge: Thank you.

Ms. Sandloop: Mr. Holden and then Ms. Rose.

Mr. Holden: Hello, my name is Tom Holden, my wife and I Denise own a cottage at 24th in Baltic and there is always an outlier and I think we are one of them. I think the work that you are doing is important and I support it. We do have a rental and it's been very profitable for us and successful both in terms of the quality of people we get and the care they give our property. However, our property has no parking and never has, it didn't have it when we were married in this house, it didn't have it when we started our family and the reason is because when the property next door was developed, the zoning allowed it to go right up to our property line essentially to the kitchen steps, so we have always used the street, we get our parking permits from the city, do other things you have asked us to do, so my question is what do we do, are we going to now not be able to participate in this and just go back through year long rentals which have not always been the best, the best financial outcome for everybody. There must be some way for a small tiny operation like ours, it's one house like cottage with two bedrooms that we could find a way to allow us to continue to take advantage of the great opportunities in the city but also meet the needs of this commission so I am here to say that most importantly, I also have couple of final things I am not really sure about this registry, I always happy to comply with the court order, if the court says we need to turnover information of an individual, we are happy to do that but I don't know that city of employees looking for the names of people, things are little onerous, two times a week would be nice frankly yeah I mean the people that we be get in our house are couples, retired and they have their dog and it's kind of the niche mark that we picked up on, a lot of people like to travel with their pets and hotels don't typically like that,

so we allow a small dog 40 pounds or less to sit in the house with, I mean they are thrilled. Those are the people we get a lot of time, in fact most of the time. So I will leave it that, this parking matter is really a problem for us, happy to comply with any regulations but the parking is an issue.

Mr. Thornton: So Jan.

Ms. Rucinski: So where do your guest park now?

Mr. Holden: On the street.

Ms. Rucinski: On the street.

Mr. Holden: It's a little pink house at Baltic and 24th. If you drive down Baltic Avenue, you cannot miss this house, and it's a little house with flowers, it's real cute.

Mr. Thornton: Question from Dee.

Ms. Oliver: Mr. Kemp what does happen with an instance whether he is renting it or not renting it that he has no driveway because it was.

Mr. Kemp: Right, well this situation the parking would be non-conforming, I am sure it was built prior to you know us having a zoning ordinance.

Ms. Wilson: 241.2 the conditions that are listed speaks to your issue, says if you don't have off street parking, you can submit a parking plan to Mr. Kemp and Mr. Kemp can make sure you have some provision for parking and then approve a plan for you.

Mr. Holden: Okay, so that might be what we are doing now but it's just sort of official.

Mr. Kemp: Right that plan or that language was put in the ordinance pretty much centered around your area and up in Chesapeake Beach area where there are these older cottages, that don't have the parking. It is a way to accommodate not having that parking, so not having parking wouldn't preclude you from taking part in rentals, you would just have to tell the zoning office how are you parking it, you know, what are your accommodations and we would review that.

Mr. Holden: Right, thanks.

Mr. Thornton: Any other questions for Mr. Holden, thank you sir.

Mr. Holden: Thank you very much.

Ms. Sandloop: Joan Rose and then Catherine Miller.

Ms. Rose: I wasn't going to read my presentation but I have decided because of some of the things I have heard. It needs to be read. I am a part of an organization called Protect Virginia Beach neighborhoods, we in Sand Bridge, we are residential, all people don't know that but it's a residential neighborhood, we do have renters and we like them but they are weekly family renters that we have always had. Since these big homes in Airbnb and all the stuff everything has changed. It's made, it's just almost unbearable. We do support the city council's recommendation and the spirit of compromise. We have worked with the rental agencies, I have testified myself for

you, I have testified before city council, the water waste collection, the whole thing and it's time to think for us to bring it to an end, there are two issues I think are important. Two individuals per bedroom is what the state rental association recommends and heard and they do that for one reason for safety and compromise for the rental companies as I understand it, city council allowed plus four, but that's it. We are tired of compromising our neighborhoods have been compromised and the number of rentals allowed in a week, one, would you like it if your renters or your next door neighbor rented their home twice a week, at 52 weeks a year that would be 104 different groups coming in and out beside your family. This is I am worried of. Whether or not, you have children, you are retired, you built your dream home, this is not what you had in mind for your family and we ask for your help, thank you.

Mr. Thornton: Any questions of the speaker, thank you ma'am.

Ms. Smith: Okay our final speaker Catherine Miller.

Ms. Miller: Hi, Catherine Miller, you were waiting to hear that about the last speaker, weren't you. I just wanted to say that I would appreciate it if you would go ahead and vote to recommend what city council had sent you without additional changes, it's a compromise, and it's been going on three years. The discussions of how many week, how many you have got, they are not helping, they are actually harmful and I know unless you're a medical doctor you may not have taken a while to do no harm but I am hoping that you wouldn't purposefully put something in place that's going to harm your Virginia Beach neighbors. You know, you have talked about the people, I have written you a couple of letters, I don't know if you have read them but I did discuss about the traffic that is incurred from rentals and if there are two what that additional would be and I have talked about some other things with you. Just to remember, it isn't legal now to rent your house which is why we are going through all this, it isn't a legal use, we are making it a legal use, for those people who keep saying, you are allowed, it's legal, it isn't, Sandbridge isn't different, we are a neighborhood, we have a lot of rentals, we sure do but so do other places, but we are not different, we are like you. We want to live a nice peaceful life, do we have parking problems, do we have other problems yes they have been addressed, they have been talked about, we have houses that have 10, 12, 14 bedrooms in our neighborhood, so if you are talking about times three that's 42 people twice a week really that's what you would like, that's I really would not and parking, they are not going to bring 14 cars, 14 bedrooms, they bring 20 cars, so I understand that there will be a plan in place that's fine, but I would like you to think carefully about the fact that you are allowing so much more traffic so many more people, so much more turnover and not just the people who are coming to rent but also as I said the cleaners and the carpet cleaners and the pool cleaners they are all in and out, in and out, in and out. I have had people walked into my house, I have had people trespassing my property, it's just there are so many people there, I don't know who belongs there and who doesn't. there has been illegal activity going on in houses that are kind of empty, you know, you call the police and they will come over and they are like oh okay yeah they were there, there was a kid that was storing his cigarettes in an outdoor box in one of them and he was meeting

people and selling these illegal, you know, contraband cigarettes that kind of thing, so it's not just that one time the people who are coming in, it's the in and out, in and out, in and out, I don't know who belongs there and who doesn't, so we don't like living that way, I don't think you would like living that way, I just hope you will recommend what city council has done, it's a compromise, it's a three-year process and I am sorry I rambled but thank you.

Mr. Thornton: Any questions for Mrs. Miller, thank you.

Ms. Sandloop: No more speakers.

Mr. Thornton: No more speakers, okay with that we will close the public hearing and I would like to offer a suggestion from our fellow planning commissioners to consider if you will take the sheets that Kay gave us earlier that has blue, the blue wave on the top and it's a sheet that shows there three pages there are, box put down on the left the item, the middle column is the city council version and the right column is our where we think we might be unless we change our thinking and I would like to go through these and eliminate the ones that are not controversial, the ones that we brought closure to and get them out of the way and in the next go to the items that there is some debate minor debate not a lot of angst over and get those out of the way and it maybe end up with two or three items that we think need a fair amount of discussion, so does anybody have any problem with that process.

Mr. Horsley: Roll on Mr. Chairman.

Mr. Thornton: Thank you, alright, well I am going to read off the ones that in my mind are ones that we have agreed to because in the right hand column it says so, so unless you have reason to disagree and speak up and I want this to be a 100% fair debate and if you aren't satisfied speak forth but home sharing we have agreed with. Parking requirements, we have agreed with. Special events, we are okay with. Responsible parties, we are okay with, with the exception of Jeff on the signage and I am not picking on you, do we need to let that be in the second category of discussion or.

Mr. Hodgson: We do.

Mr. Thornton: We do, okay fair enough that's what I want. Registration and taxes, we agree with. The code section summary, we have agreed with but there is a footnote that we want to make sure that they are simple and understandable, but will leave it as it is. Trash, we agree with. Insurance, we agree with. Noise, we agree with. The guest log, I am going to ask that now do we want to remove this, we have agreed to remove that, is that are we comfortable with that removing it, okay, so we have agreed with that one.

Ms. Rucinski: When you say, you are not talking about agree with city council, agree amongst ourselves.

Mr. Thornton: Agree amongst ourselves, we discussed in a work session to remove it, so we are all okay with removing that.

Ms. Oliver: Yeah, right.

Mr. Thornton: Check that box off. In the life safety, we have added a condition that would make sure it's the USBC code, is that okay, okay and then the accessory structures we are agreed with. Violations, we have agreed with and inspections we want that removed, is that acceptable to remove that.

Ms. Wilson: That's not in the ordinance.

Mr. Thornton: That's not in the ordinance.

Ms. Wilson: That was in your prior ordinance but it's not in this ordinance.

Ms. Kwasny: So you have it on here that city council said inspect after 24-hour notice to owner and contact person.

Ms. Wilson: It doesn't, Mr. Kemp, I am going to throw Mr. Kemp under bus, this is his.

Mr. Thornton: Alright, well, we have asked to have it removed and you all want it removed, does that correct?

Ms. Wilson: Yes, we want it removed.

Mr. Thornton: Okay, that's what we have all agreed to, now we'll start over. I want to save the conditional use permit as a debate item, I think probably the number of contracts down in the middle page two, we have discussed amongst ourselves two contracts within seven days is that we want to leave that as it is?

Mr. Ripley: No, up to.

Mr. Thornton: No more than.

Ms. Oliver: No more than, up to.

Mr. Ripley: I have some wording, I would propose.

Mr. Thornton: Okay.

Mr. Ripley: When the time comes.

Mr. Thornton: Well.

Ms. Kwasny: I think this is the time.

Mr. Thornton: Hang on, Jan has a question, but she wants to make some proposed language, you wanna wait or ask now?

Ms. Rucinski: I want to ask my question.

Mr. Thornton: Go ahead.

Ms. Rucinski: So why does it have to be seven consecutive days, why couldn't it be five consecutive days because that then sort of maybe as a compromise between the two, I mean why was, I mean because there is a reason that seven days was.

Ms. Wilson: Because we were talking about weekly rentals I mean that was the discussion so seven days is weekly rentals and it gets you out of the issue of what day you start on that kind of Wednesday. We can do that to seven consecutive seven days.

Mr. Thornton: Well, they came to us with one per seven and we countered with no more than two per seven is that how we ended our discussion the other night.

Mr. Horsley: Mike has got a different word.

Mr. Thornton: And you have got, okay, then now we are ready for your word.

Mr. Inman: I want to say as number eight and the ordinance short-term rental shall have no more than I would submit but have no more than two rental contracts per any consecutive seven-day period unless the CUP limits it to one.

Ms. Oliver: Right, okay.

Mr. Inman: That was the reason for putting up to two that's good, I like that.

Mr. Thornton: Okay.

Mr. Inman: If the CUP is used.

Ms. Wilson: That's assuming on the CUP.

Ms. Kwasny: On the part of the ordinance, yes.

Mr. Thornton: That would be true.

Mr. Kwasny: Okay, actually that's one version, if the CUP becomes the part of the ordinance.

Mr. Thornton: If the CUP doesn't, then it's a good point Kay.

Ms. Wilson: Actually the first paragraph of 241.2 says short-term rentals shall be subject to the following conditions unless specifically modified by action of the city council in granting a conditional use permit or creating a short-term rental overlay district, so unless modified by a CUP is in there.

Mr. Wall: Okay, that's for all.

Ms. Wilson: That's for all.

Ms. Rucinski: That's for all, so then basically we with what city council is proposing is what is in the ordinance, no?

Ms. Kwasny: If the CUP is applicable that will apply if a CUP is applicable.

Ms. Wilson: Grandfathering doesn't get a CUP.

Ms. Ripley: Well frankly I think it would be clearer to the public using this, if we put it in here because they are not going to know about 241.2.

Ms. Wilson: No that is the conditions.

Ms. Ripley: Pardon.

Ms. Wilson: That's the conditions, they will know about 241.2 because that's the conditions, and it's the first paragraph of all of the conditions that they have to abide by.

Mr. Thornton: So you don't think we need to add to the two contracts within seven days unless modified by CUP.

Ms. Wilson: No.

Mr. Thornton: Okay, alright, you okay with the language that's in there blue wave sheet Mike? We have amended there one contract to two contracts.

Mr. Inman: Right.

Ms. Wilson: Up to.

Mr. Thornton: Up to.

Ms. Wilson: It's always up to. If we say you can have two, you don't have to have two, you don't have to have any, and you could have one.

Mr. Inman: [Crosstalk] No more than two, that's what a rule say no more than two, right now it says no more than one, no more than two.

Mr. Thornton: No more than two.

Mr. Inman: And then it can be limited to one under the introductory paragraph.

Mr. Thornton: If there is a CUP, it can be negotiated.

Ms. Wilson: Yes.

Mr. Thornton: Okay let's see.

Ms. Oliver: We are done with that one?

Mr. Thornton: We are done with the number of contracts. So the next item is occupancy. We have talked about this a lot, we were asked to approve two plus four, we have decided that there is a reasonable, just a flat three, I think the argument is easy to understand, we don't have to worry about high math, so anyway are we comfortable with three, move on.

Mr. Hodgson: I think if we have up to or no more than.

Mr. Thornton: Well, three is back to Kay's point, if it says three per bedroom that means up to three, right.

Ms. Wilson: Yeah, every time we put a number and we don't put up to, because the number is the maximum.

Mr. Inman: It shall be two individuals, and I would read shall as being pretty strong.

Mr. Thornton: May is a better word than shall, shall be no more but may be up to three, how does it read?

Mr. Ripley: I was trying to, I'd argue that I can tell you. I think if we just say up to or no more than.

Mr. Horsley: Up to and no more than three.

Mr. Thornton: However you feel, you know, what we want on that Kay, no more than up to, okay we got rid of, don't throw anything at me, so we have occupancy out of the way, we have talked about guest log, right, approve the guest log. Time limit for the CUP I think is a last; [Crosstalk] I almost see that to a [Crosstalk] let's do the time limit for CUP.

Mr. Hodgson: Hold on a second.

Ms. Rucinski: You cannot do that if you haven't talked about the CUP yet.

Mr. Thornton: Well, I am assuming and I understand that. Okay let's forget that and go back to the sign and we are down to sign. You have to tell us what you would like to sign thing to read you, surf boards, rental signs, flags.

Mr. Hodgson: Well listen, I have no problem with a 2 x 2 or 4 x 1, 4 foot square sign but I just, I have issue with why my neighbor can put a four square foot sign on his house to rent his property but if I want to make decoys out of my house, I can only have a one foot sign, it just, I don't understand why that is given a sign that could be 4 times the size of what we give everybody else for home business.

Mr. Thornton: So you are saying the idea we came up with one square foot sign, you want that removed or you want us to not let that be our suggestion?

Mr. Hodgson: Next year when I am gone, you guys should look at the sign ordinance and say okay a one square foot sign, can that be changed for home occupations? Well, I just think if we consider as a home business, which it is the essence, they should be consistent, and I don't care which consistency, I got no problem with the architectural sign, I just would rather see some consistency with the size of the signs.

Mr. Thornton: So if we assume if the architectural sign is exempted from this, okay so we are back to it would be then probably easier to just say the sign would be consistent with the existing ordinance.

Mr. Hodgson: I go back to, I am okay with a four foot square sign, I just, and I am not going to fall on my sword over this but I think either we need to look at it now on this or next year somebody should relook at a sign ordinance for home occupation, I mean, I don't necessarily want a four foot sign on my neighbor's house selling anything.

Mr. Thornton: Well in this case, it's interesting, the city proposal is much more liberal than the way we are thinking, correct or at least you want to thinking to be consistent, Mike.

Mr. Inman: I have a question for Kay which is by exempting architectural signs does that mean that they are exempted from this ordinance but other sign regulations apply to them.

Ms. Wilson: No. They are not considered signs.

Mr. Inman: They are exempted from any sign regulation?

Ms. Wilson: They are not considered signs.

Mr. Inman: Oh, they are not signs.

Ms. Wilson: They are not considered signs because signs advertise something and if I put a turtle done really advertising thing.

Mr. Thornton: Alright, Dave Redmond.

Mr. Redmond: Jeff I understand your concern but I think there has more of a concern to do with other parts of the public domain and simply in this ordinance. I don't think a four foot, I mean I don't like a four square foot sign on the side about 8000 square foot house or something like that is all be a deal, I think what city council has done is reasonable, you know, the big dolphin on the side of the place, I don't know how to argue with that, I just don't know how we really get our arms surround it, I don't know that is really frankly all that much of, you know, pervasive thing anyway, so I get it, but I think that's really more, I think it's a little different discussion than the context that we have of the short-term rental, I think we probably should keep them separate but there is a guy who whatever repairs watches in his garage should have a one foot sign or a five, you know, I just don't know that we can get that deep into that in this context Lord knows we got enough here.

Mr. Inman: So in my question, do you.

Mr. Redmond: I understand your concern is a both home based occupations in one way.

Mr. Horsley: I am not sure that they are home occupation. This is not a home occupation, short-term rentals.

Mr. Redmond: I miss spoke, somebody you know Airbnb's his house for two week and a year, it's not the same thing is somebody who whatever builds decoys 50 weeks a year and goes on big hit for the other two, but anyway I think that's a little off what we are doing is my point.

Ms. Rucinski: But I think it's still running a business out of your home, I mean it is a business, it's just your business model is different.

Mr. Horsley: Yeah definitely.

Ms. Kwasny: Yeah that may be something for the city to attack later because they are designated differently in the ordinance right now [Crosstalk].

Mr. Thornton: Well what I would like now is a suggestion.

Mr. Redmond: I think city council got it right.

Mr. Inman: I think it's okay to segregate this particular kind of signage from other kind of signage and just say this is what we are doing short term rentals.

Mr. Thornton: So I have an informal motion to leave it and say we are okay with the city council recommendation, is that, I need to hold out on odds on this one, okay, I mean in

back to your point, maybe we can, Kevin this is really more enforcement, if the city council four square foot thing goes into effect, do you see this being a great big giant nightmare problem with people advertising Airbnbs and stuff I mean we have a lot of trouble now there, now with signage, violations of the signs.

Mr. Kemp: No, I cannot recall having, we have a lot of problems with certain types of signs but for home based occupations. I can't ever recall dealing with an issue.

Mr. Thornton: So if it's a home-based business in a place where there is short-term rental activity going on, they are going to have to have a sign that conforms with the home-based section of the code.

Mr. Kemp: Correct and that is one square feet and affixed to the building.

Mr. Thornton: We are not changing that by agreeing with the four square foot sign that deals with short-term rentals, a monkey with a piece of the ordinance that deals with.

Mr. Kemp: Correct, because with the short-term rentals, we are creating a new use in the code with its own regulations. We are not calling it a home occupation so the home occupation ordinance would not be changed.

Mr. Thornton: Okay well I would then suggesting in that category we put agree with CC version, anybody, okay let's do that Kay, you got that one.

Ms. Wilson: I got that one.

Mr. Thornton: Alright, so now it looks like we are down to.

Mr. Inman: Chairman?

Mr. Thornton: Yes sir.

Mr. Inman: I just want an opportunity to articulate why I suggested that change just for the record to maybe obvious to a lot of people but I would rather put it on the records so to speak, number eight in the ordinance about the two rental contracts, may I?

Mr. Thornton: Sure.

Mr. Inman: Okay, well I just think of we have been struggling all along with you know we have got different needs and different types of neighborhoods all over the city, some of which have a tremendously long history of short-term rentals and seasonal rentals and others that have almost no history until recent years of Airbnb and just I guess the popularity of the people investing in homes for the sole purpose of renting them and but is normally typical neighborhood that doesn't have any rentals, so trying to give us the flexibility to deal with different types of homes, different neighborhoods that have different histories and different makeup than this gives us a flexibility to do so, I think.

Ms. Thornton: Thank you, okay it seems to me and correct me if I am wrong that we are down to item number two on the first page conditional use permits and however we resolve that is going to find itself in a couple of spots in terms of dates, grandfathering and time limits on the last page, so if we come up with the solution to CUP that will

lead to an answer to grandfathering and an answer to time limits for the CUP, so I would like to open the floor to debating the conditional use permit.

Ms. Wilson: Did we address the code summary section?

Mr. Thornton: It's possible we did or did not.

Ms. Wilson: Code section summary.

Mr. Thornton: Well, we intended to I think we have agreed to city council and we want the summary simple and understandable, well that as long as the folks that write the stuff, agree with that, so we did that one and before we go on to the sort of the elephant in the room have we missed anything else we need to talk about before we get to the real issue.

Ms. Rucinski: So there are three others that we missed.

Mr. Thornton: The three others are conditional use permit which then would lead to grandfathering a date and then would lead to time limits for the CUP being administratively reviewed. So if we get the first out of the way, the other two should follow with relative ease. Anybody want to start the discussion, I know we have had a discussion this morning about it, but now we are in the public and this has to go on the records, so.

Mr. Inman: I will start.

Mr. Thornton: Okay, go ahead please.

Mr. Weiner: Let's get back to where we were last time when this is here with us and we about eight to nine months ago, ten months ago I thought we put something forward that was pretty reasonable and decent, we all pretty much agreed, no conditional use permits back then and I still do today and somebody else said it earlier not all areas are the same, we can't consider one for the other, there is a lot of things that we have to think about here, because this is going to really determine what happens with short-term rentals. Karen and I have a couple of times there is no tool how we are going to regulate this short-term rental, when you go to register, and I think I said this in our informal workshop when we go, there has to be a process and I have talked to staff about this, when you go to register for short-term rental pay your taxes right then and there that's when you needed to have an inspection, we need to have inspection of the house, determine that if you meet all the regulations. If you don't meet the regulations, you don't get a short-term rental, you don't get to deal with the city, I don't think that's, to me it's not rocket science, now we are talking about maybe overlays going overlays but that's way down the road so short-term rentals there, when you are going overlay that's when you bring up your short-term rentals for each overlay again it's my opinion. When we get to, it's going to be kind of hard to say well John here we can give him a short-term rental but Joe over here three houses down we are not going to give him one, that's going to get little bit discriminatory now how we are going to handle that, I don't know how the city is going to handle that. In the scene, I just really don't, there has to be another way besides conditional use permits.

Mr. Thornton: Your position is you don't want it here, okay and that's what I would really like at the end of this I think we are going to have to have consensus on whether to leave it in our overall recommendation or not and then vote on that overall recommendation and if you can't bring yourself to agree with that's okay.

Mr. Weiner: One thing I am going to add real quick and this is people saying protecting a neighborhoods, protecting neighborhoods as you are picking up the phone and calling 311, 911 or any non-emergency number, that's going to get back to the city, that's when people find out that's been one, two, three, three strikes you are out, rule or whatever, you don't need a conditional use permit to do that. It's being civic engagement and taking care of your neighborhood is a big part of it too I mean something happens to my neighborhood, I am going to call 911 or whatever to see what happens, and I am not going to, any way that's about it.

Mr. Thornton: Okay commissioner Weiner has spoken, Dave Redmond.

Mr. Redmond: Well, I had a question I am not sure how you are defining consensus because I get a hard time bringing that how will ever come to consensus on this issue but me nevertheless we are going to get an informal sort of raising of the hands and then go with that, something that I am okay with that but I don't know where it's not going to have 11 people agreeing on this, so just I want to add.

Mr. Thornton: Well, I agree, I mean I agree with you but at the end of the day when we vote, we have got to put something in this document to send forth and you can those of us who are on vote, we can vote that we agree to send it forth or we don't agree to send it forth, yes Karen.

Ms. Kwasny: I share David your thought process and you know that I do because it initially I felt as though conditional use permits were, you know, a real monkey wrench because there is not an objective tool through which you apply them; however, exclusive of Sandbridge I think in relation to the rest of the city I really have to look at this from a personal standpoint and the CUP right now is the only measure a neighborhood has to make some decisions about the quality of life within their neighborhood one and then two I don't think it's so far off the policy on overlays will become possible and will be something that city council addresses and then is the alternative route and this will be returned to in order to address the CUP aspect in overlays will be provided because I think this is while we may create an ordinance and city council may approve, this is going to go on, this is going to continue to be a conundrum for the city and so I feel as though at the moment CUPs are best method by which we allow neighborhoods to have a continued voice in relation to how these effect individual residents.

Mr. Thornton: Ron and then Dee.

Mr. Ripley: I agree, I think what Karen just said the, we just if there is no objective tool then why do we have a conditional use permit and we deal with conditional use permits day in and day out on this commission and that the purpose of it is to try to mitigate differences between the neighborhoods and the applicant and maybe how staff feels about it and how we feel about it so I mean that's what we do, if we cannot do that,

then we have to get off the commission that's what I say. You know, and I think it's the only right the citizens have really to have some say on their own neighborhood, when you get right down to it. City council, when this got to the city council if we follow this, this is a very first thing that they jumped on and this you can make whatever recommendation you like but I think when it gets to the city council this is what you are going to get and the other thing I will just point out is that we just spent some time talking about the number of consecutive days, number of bedrooms and we said up to, who is the arbitrator of that, Mr. Kemp, so you are going to make that decision because I don't think he wants to do that, he would rather have it made in a public body to determine who if you are in a neighborhood and you feel like it maybe two per week is going to be really tax the neighborhood that's going to be a problem one per week is okay, then that's what the conditional use permit would do the way we are drafting it right here conceptualizing it, let's put it that way, so I support the conditional use permit, I think city council got it right.

Mr. Thornton: Dee and then Don.

Ms. Oliver: I have a tendency to grade, especially when you read it you know two per week with the CUP unless the CUP dictates that and Kevin I think in informal today we talked about or you spoke about guidelines so that you just didn't have this just sort of group of people that just decided they just didn't, in fairness to the person applying for the CUP so that is if he went within the guidelines that was set forth like we do for any type of occupancy correct?

Mr. Kemp: Correct, I think the thought process along that is you have the regulations, you know that you need to meet this, this parking requirement occupancy if they check all those boxes, you know, that would be an objective way to say okay, they check on those boxes and there is nothing special about this property, you know, we should grant it versus you know someone who is coming in for a CUP who is deficient and a lot of those then that would be a question, you know, they are deficient and there has been numerous noise violations on the property and that sort of the thing in the neighborhood comes out against I think that would cause to consider not approving, if that make sense, you know, I don't think that and Kay can back me up on this but the approval or denial cannot just be based on whether a neighborhood likes or dislikes the homeowner.

Ms. Oliver: Right, and that's where you want to make sure that the person applying for rental short-term rental is protected in that so that it isn't like that.

Mr. Kemp: Correct, yeah Barry mentioned that this morning too that we would want that objective.

Mr. Thornton: Jan and then Mike.

Ms. Rucinski: You know I am agreeing with what they are saying because we have all discovered through all of this process that not all properties in Virginia Beach are created equal but I think this is the best way we have to be able to treat them all equal because of what some people will be looking for and asking and allowing the neighborhoods

to voice their opinion and have some input. There may be some areas that don't care if their neighbors are running the short-term rental and there will be some neighborhoods that have a lot of input and want to have some real voice in it and I think that although I am not 100% in favor of the CUP, I think the overlay is probably a better way to go at it, I think it's the fairest way to give everybody their voice and their opportunity to be heard.

Mr. Thornton: Thank you, Mike.

Mr. Inman: I just wanted to clarify I hope I am right but I would like to see if I am right or not. If everybody checks the box, all the boxes get checked, you get the permit you applied for that is I don't think what we are talking about, I mean, you still have to evaluate is it two rentals or is it one, which is the only thing to process you can work in order to have some evaluation as Ron pointed out and so it could be neighborhood opposition comes into play, location, just in general what is the location that might be favorable to a short-term rental or highly unfavorable, wouldn't want to begin to try to list the criteria but so it's mostly objective but there is some subjectivity involved in it.

Mr. Thornton: So does that mean you are in favor of?

Mr. Inman: I am in favor of the conditional use permit.

Mr. Thornton: Okay and who had Jack Wall and then Don.

Mr. Wall: I support the conditional use permit, it does as discussed as Kevin kind of leaded to, it provides you know a delivery process, you know, it does allow for a public input and it does give them a voice so for those reasons, I am going to support it.

Mr. Thornton: Okay, thank you. Jeff, oh I am sorry Don has his hand up.

Mr. Horsley: I thought you just wanted me to be last.

Mr. Thornton: No, I am going to be last.

Mr. Horsley: You are going to be last, I think I have remembered the last time, we voted on this that there will only be two of us up here that voted for a permit.

Ms. Rucinski: You missed the opportunity to voice our opinion.

Mr. Horsley: And I think I said and it would be at time in a future way you would come back and say I think yeah we are right but anyway [Crosstalk], no it was in the informal session that I say that, but I think I remember in the comments that I made that day that you know my goal was to protect the neighborhoods and I think the use permit is the like the only way we can protect neighborhoods if we are going to allow short-term rentals and also if we give it by right, it's awful hard to take it away, when use permits if things go, I mean use permits can be done away in the future if needed be, I think that's the best way to protect the neighborhood and that's my main goal is to protect the neighborhoods and the areas the resort areas in our city that have been doing this for some time you know and I said back then, it was fine to grandfather them as far as I was concerned because I thought they were doing a good job, so I think when we tweaked what council has given us and changed a few

things and I think that's probably the reason that you know council could've just approved their versions and send it on, but they send it back to us because they wanted to make sure they got it right and I think the few tweaks that we have put in it, will help council realize that they have re-looked at this whole issue and come back with this and so I think what we have got today and what I think we are getting ready to approve if Mr. Weiner will support us will be something that council can live with and that's my piece.

Mr. Thornton: And you were right. [Irrelevant Conversation] We have got two more speakers, I want Jeff's thoughts and I want Mr. Redmond's thoughts, then I don't have to take a straw pull.

Mr. Hodgson: Well, I did think he made some very valid points but I think the conditional use permit is the way to go. I just think the biggest thing is it gives the community of voice to express how they feel and it may allow us to regulate whether it's one rental that week or two rentals that week so I think it's the right way to go, so I am in support of that.

Mr. Thornton: And you care to speak.

Mr. Redmond: Sure, I have never liked the conditional use permit, I think it's going to prove to be a lot less workable than we would like and for a lot of reasons that I have articulated in the past, now that said I don't have any objection to us, when you get in that and I am going to support it when we do and partly because as I said last time city council seems to have indicated that this is the way that they are going to go, very frankly I think they need to go ahead and make their decisions now and stop torturing us and to others with this, it's gone on long enough, they just need to go ahead and make their decision now and that seems to be the way that they are going now, I will also mention though you guys have gotten all the same emails that I have, million of them and there is an email from lady in Lago Mar if you read it, I did, about all the difficulty she has had with the neighbor's house next door and he rents out his pool house and there are times there are 40 people there and the trash, and the noise are unbelievable and we have been and I tell you what it really upset me and to think how hard that would be to endure if you are a neighbor, so I don't think the conditional use permit is going to be a real smooth, you know well-oiled machine in this process but if anything can help a situation like that and help someone deal with it than I will be very pleased because I do know that there are people like that who have these terrible situations with jerks and knuckle heads who rent their place and abuse hospitality with little thought to what they do to others and you know that of course is terribly upsetting so anyway I am going to support whatever we come up with and I am not going to stand in a way of the conditional use permit part, I don't care for it, but you know I see where this is going.

Mr. Thornton: David.

Mr. Weiner: I understand, I am not going stand away either by all means put it in, I am not going to vote for it but please put it in and I feel like in the future, I feel like right on this, I might find out I'm wrong who knows but now I feel like that's the way I am going to go.

Mr. Thornton: We all got to vote our consciences now having 11-10 people clearly articulate 10 and a half that have clearly articulated that they have some, that they are in favor of it, my inclination was to listen to what Barry has said in terms of what the burden is going to be on the staff but it's back to Don and protecting the neighborhood, it's going to be a lot of work on you guys, it is going to be a lot of work on you folks that we leave behind and those who follow us because you can imagine that the people will get upset with guns, and children and dogs and kennels, there is going to be a lot of angst at this podium going forward or lecturing, whatever you want to call it, so just when the folks come up here and this gets to be a public arena just make sure you keep it in check and if the people have a valid argument listen to it, but if it's just people and the neighborhood are complaining and hate their neighbors that's the part you are going to have a hard time with, so having said that now what we need to do is talk about the grandfathering date, the city council wanted this in here but they arbitrarily picked July 01, 2018 well that's already happened so that if you haven't gotten your stuff together and paid your taxes, it's too bad, too late, we came along and suggested 11/01 at our work session, there has been some discussion today about having an effective date that's the date of the ordinance, is that can we do that or we are getting in trouble or.

Ms. Wilson: We can do the effect that the date that the ordinance becomes effective which is either 11/01/2019 or six months after it's adopted whichever is later, so I would imagine that they will get it adopted prior to 11/01/19, I am not going to put money on it, but that they have passed a resolution saying that's when they will go into effect.

Ms. Rucinski: So my question is this what will the speaker that we had and I am sorry I cannot remember her name that talked about the reason they were looking for grandfathering further out was because they already have rental contracts up until next you know through a year.

Ms. Wilson: That would be this summer. November, is after this summer as is six months.

Mr. Thornton: It's November of 19.

Ms. Wilson: That's exactly why council did the resolution at least I would imagine that's the reason that they were worrying about people's plans for this summer.

Mr. Thornton: This takes you to next summer. This did take you the end of next summer and if its six months later, it's almost a whole another season.

Ms. Wilson: I will anticipate that they will, that it will be done somewhere, I don't think they will wait till August, if they do; it's six months from August.

Mr. Thornton: Well, I will suggest we have the effective date of the ordinance whenever the ordinance is effective is the date the grandfathering date whatever date and that anybody disagree with that, no reason to just that will be a date it will be known by all that day will be known, it will be part of a legal documents somewhere and there is no question about it. Are you okay with that?

Mr. Ripley: I am okay with that.

Mr. Thornton: Nodding heads at both ends, okay we are right at up that way Kay and then the last item, we go back in a minute and review each and every one of these because we got to get it right otherwise I am going to come back and do it again and the five year, the time limit for it we had discussed amending their two year renewal administratively to make it a five year expiration, so any discussion on that. We can either leave it like they had it or we put a five-year time limit on it still with administrative reviews, correct, from two to five, we discussed at a workshop, we are willing to leave it at five.

Ms. Rucinski: Well, the only problem is if it's having issues, they could bring it back to them before that two or five years.

Mr. Thornton: Their issues, they are going to be known longer for.

Ms. Rucinski: We just try not to see that every two years.

Mr. Thornton: Yeah, we don't want it back here every two year but now in terms of it being every two years, it can be done administratively anyway.

Mr. Frankenfield: Right, it wouldn't be coming.

Mr. Thornton: What is your staff thought, what would you prefer to see, this is really in your.

Mr. Frankenfield: We will support whatever you and staff [Crosstalk].

Ms. Wilson: Very diplomatic.

Mr. Thornton: [Crosstalk] you said that they did this for us, the CUP we know we didn't do that for you but.

Mr. Frankenfield: I actually have a comment about everything if I can, one of the things I heard throughout the discussion today is there is a great expectation for fairness, for equity, for enforcement throughout this process and at the very, and that would require tremendous amount of resources which we have not identified yet, but we will identify. There is a commitment by the city manager and that once this ordinance is passed, Kevin Kemp will be tasked and staff will be tasked with developing policies and procedures on how to deal with the registration and deal with inspections and deal with this you know all the stuff, so that will happen over period of six months, whether you have conditional use permit or not, there still will be a question who you call, how do you enforce these things and staff will have to work to make that happened and we are committed to doing that, it will happen and the concerns that people have about it, we are just going to have to deal with it as they come, so there is a tremendous amount of work yet to do and that I cannot promise you how it's going to be done, I can promise you that we will take it seriously, it will get addressed, we will have policies and procedures in place and we will make a huge pitch for additional staff as needed to make this work, that's all I got.

Mr. Ripley: So Barry the part of that process is reviewing each and every short-term rental that's out there for compliance, is that what I am hearing too, that's what you said, we are going have to look at the parking and all that, is that part of it?

Mr. Frankenfield: Yes, in another words every registration that we get from the commissioner will be reviewed by the zoning staff and at least preliminarily we are saying that we will have some sort of certificate that we would create that would be then acknowledged that they met the requirements, so that will be the first staff contact. We will enter this information in our electronic database which we called Accela, we will have what do you call reminders in there whether it's two years or five years which again the zoning administrator will have to be responsible to make sure that the staff inspector then inspect those conditional use permit, probably the biggest two issues our inspectors have is we don't drive around looking for props, but we have callings and reports on violations and then we have the work of following up on all the conditional use permits and ensuring that those conditions are being complied with, so it will be just another day of us just be more work and we will integrate that into our database, we will integrate that into our files, we used to call them in the old days, so to acknowledge or identify when that inspection would have to happen, so I see this as first case when the registration will come over to us, that they will have to prove it that it needs a zoning requirements and then they will have to do some study and issue this certificate and then it will come up again either by complaints or by the term that you have identified two years or five years, it will come up in our database and then we will have to inspect it. So Kevin has been dying to say something and your microphones are not working over there people so.

Mr. Kemp: To elaborate, just you are saying that one needs to be inspected, the mechanism that is in place to do that is the current registration when they have to review with the commissioner, so we are not going to do 2,000 at once, we will do them as they come in, we will address it and it's Barry who got pretty specific on some stuff. I don't think he think that we've just been sitting here on our hands for the last three years and now we have to start thinking about how we are going to do it. We have been working on policies, procedures, forms and you know you have a good idea how it's going to be done.

Ms. Oliver: Bob should I ask a question, can I ask Kevin a question?

Mr. Thornton: Sure.

Ms. Oliver: So your Accela system you are working on a way that those are register go into your system and then when they go, come up for renewal you are flagged in some way so it's not such an onerous process that you have to hire somebody to look at that, you are going to get a flag on an element right and be able to review it. If there is no violations fairly simple process correct.

Mr. Kemp: Correct our Accela, whatever that timeframe is we can trigger that to come also on that day it pops up.

Ms. Oliver: Okay, yeah that's a pretty cool system.

Mr. Kemp: [Crosstalk].

Mr. Thornton: Okay.

Mr. Frankenfield: If I could, just the Accela system actually this is such a big issue nationwide that there is a module for this software program that track short-term rentals so the logical issue is that we would buy that module and we would integrate that into our system, so this is something that has been done in many other cities through this mechanism and that's how we would do it.

Mr. Thornton: Well, I don't know whether it's appropriate or not but I am going to make a motion and if somebody can second this, but I want Kay to follow me, I am going to move that following items are that we have agreed with city council, the ones we have agreed with out of the initial draft to this are as follows. Home sharing, parking requirement, special events, responsible party, signs, registration and taxes, code section summary, trash, insurance requirements, noise, accessory structures, violations, those we are all in agreement with. To follow the second part of my motion is these are items that need amending, item number two conditional use permits; we want to amend the date to the effective date of the ordinance. On number of contracts we want to amend that to up to two contracts within seven days, on occupancy we want to amend that to read three per bedroom and grandfathering.

Mr. Redmond: Up to three per bedroom.

Mr. Thornton: Up to, grandfathering, we want to need to change the date, the effective date of the ordinance and then on time limits for the CUP, we want to make that a five year expiration, so those the amendments and the last category is removal and we want to remove the guest log requirement and we want to remove the inspection requirement and if I covered the basis, I would like a second.

Mr. Redmond: Second.

Mr. Thornton: Second from Mr. Redmond.

Mr. Ripley: That includes with council on the sign, you skipped that [Crosstalk].

Mr. Weiner: I am going to vote yes but just for the record I am 100% against conditional use permits.

Mr. Thornton: Very good, any further discussion, this is as Bob Dole used to say when he left some senate sections, he is going to adjourned signee dye, I am going to leave signee dye, I can't adjourned signee dye, the rest of you folks have to be back next month, but anyone call for the question.

Ms. Sandloop: The vote is open. By vote of 11-0, agenda item D3 has been approved as amended.

Mr. Horsley: Mr. Chairman if I might, I will remissed if I didn't say publically how much I have enjoyed working with the three commissioners that will be serving their last meeting today, I have been around long time, I have met a lot of faces on planning commission and I have made lot of new friends, and I think I have got three good friends, they will be leaving this commission and look forward to seeing them back in the future, thank you sir.

Mr. Thornton: Thank you well as the departing chairman, I would like to say especially today this is my last meeting in eight years of being here, this was probably I would have to say the most complicated, maybe even the most difficult and I want to thank all of you over for working through this. We have had many hours of time together and Barry said it earlier I think the intent here was to listen to hear what you all have had to say to be fair about it and hopefully when we seen this on to city council, they will look at it and thank us, we spent a lot of time working on it in the summer and they kicked it back so we're, you know, I am comfortable that we have done our job and we have done our work and I am proud of the work that we have done in the time that you all had put into it and thank you for supporting me in my last years of being the chairman, so with that, we will adjourn.

	AYE 11	NAY 0	ABS 0	ABSENT
HODGSON	AYE			
HORSLEY	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

Item #D4

WPL Homes, Inc.
Subdivision Variance (Section 4.1 (m)(1) of the Subdivision Regulations)
524 25th Street
District – Beach

December 12th, 2018

CONSENT

Ms. Oliver: The next matter is agenda item D4 and this is an application for a Subdivision Variance to Section 4.1 (m)(1) of the Subdivision Regulations on property located at 524 25th street and located in the Beach District, is there a representative?

Mr. Bourdon: Thank you again Mrs. Oliver, Mr. Chairman, members of the Commission, for the record Eddie Bourdon, Virginia Beach Attorney representing WPL Homes, Inc. and we agree with all of the four conditions set forth in staff's evaluation. We

appreciate staff's work on the application and appreciate very much being on the consent agenda, thank you.

Ms. Oliver: Thank you. Is there any opposition to this application being placed on the consent agenda, hearing none, the chairman is asked Commissioner Hodgson to read this into the record please.

Mr. Hodgson: Thank you Ms. Oliver. The applicant desires to re-subdivide the property and create two parcels with an east to west orientation. One parcel will contain the existing single-family dwelling and the other lot will contain two new single-family dwellings. Proposed Lot 22A, where the existing home is located, will be accessed along 25th Street and will meet all dimensional requirements of the Zoning Ordinance. Proposed Lot 24A, fronting 24th 1/2 Street alley rather than a public street as required, will have the two new single-family dwellings. The Old Beach Overlay District permits the construction of two single-family dwellings (a principal and an auxiliary dwelling) on one lot on properties zoned A-12 Apartment District, provided that the lot is located along a standard public street. As the lot with the two dwellings will be along a substandard width alley, a Subdivision Variance is requested. This request is similar to a Subdivision Variance for an application that was located adjacent, just to the east of this property, and as this proposal meets the intent of the Old Beach Design Guidelines, Staff recommends approval. The Planning Commission is in agreement and we placed it on a consent agenda.

Ms. Oliver: Thank you. Mr. Chairman that was the last item on the consent agenda and I would like to move to approve consent agenda items number one, four, six, seven, D2 and D4 to be approved.

Mr. Thornton: Thank you, I have a motion to approve the items on the consent agenda, do I have a second, Mr. Ripley?

Mr. Horsley: I will second.

Mr. Thornton: Second by Mr. Horsley.

Mr. Ripley: I have a couple of disclosures on that abstention if you don't mind Mr. Chairman. First disclosure and these would disclose because I will be voting on these matters okay, the first one is item number seven, I own the property across the street and I just want to disclose that, although, I have no interest in this property or any financial ventures, I do want that to be known. Also item number D4, the applicant has issued his listed Towne Bank as the lender, I am disclosing that I am a member of the Towne Bank Advisory Board in Chesapeake and I have a letter on file with the clerk that stating and Towne Bank is not the applicant and I have no interest and it has no interest that I know having this, at least I don't and since the Planning Commission has recommendation and advisory council, does not make the final decision. I disclose I will be voting on this matter as well and I do want to abstain on item D2 which is the ordinance with the B-4K, I have owned property in this District, it affects the property I owned, I don't necessarily agree with the ordinance, but I am abstaining on voting.

Mr. Thornton: And I need to not vote on, no I am sorry I need to disclose in item seven, the company that I work for is handling the brokerage of that, I have no financial interest in it and I will be voting on it, but I did want to disclose that. Can we have a motion and a second, any other conflicts we need to disclose?

Ms. Sandloop: Vote is open. By vote of 10-0, items one, four, six, seven, D2, and D4 have been approved by consent with Commissioner Ripley abstaining from item D2.

	AYE 10	NAY 0	ABS 0	ABSENT 1
HODGSON	AYE			
HORSLEY	AYE			
INMAN				ABSENT
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. When the site is developed, it shall be in substantial conformance with the submitted site layout exhibit entitled, “SITE IMPROVEMENT PLAN,” prepared by WPL, and dated 08/08/2018, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.

2. The exterior of the proposed building shall substantially adhere in appearance, size and materials to the elevations entitled, “Elevations, #524 25th Street Unit A”, prepared by Ocean Bay Homes, and dated 03/10/18, and “Elevations, 524 25th Street Unit B,” prepared by Ocean Bay Homes, and dated 10/26/2018, which have been exhibited to the Virginia Beach City Council and are on file in the Department of Planning and Community Development.

3. A Landscape Plan shall be submitted at the time of final site plan review reflective of the plant material depicted on submitted Landscape Plan entitled, “Planting Plan,” prepared by WPL, and dated 08/08/2018, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.

4. Proposed Lot 22A, fronting 25th Street, shall only be developed with one single-family dwelling.