

Virginia Beach Planning Commission

Public Hearing Minutes

December 11, 2019

Ms. Oliver: To our planning commission meeting today, I'd like to call to order our December 11, 2019 public meeting of the Virginia Beach Planning Commission and my name is Dee Oliver and I am the chairman of the Commission. Before we get started, I've asked commissioner Inman to lead us in prayer and that'll be followed by the pledge led by Commissioner Horsley.

Mr. Inman: 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 thoughts and speech. Help us to remember our responsibility to serve our community with great insight guided by understanding, wisdom and respect for all. As we make decisions today help us to promote the common good as we work together for the betterment of our city. As trusted servants, we seek blessings on our deliberations and on our efforts here today. Amen.

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

Ms. Oliver: Thank you and Commissioner Ripley is going to introduce our members today.

Mr. Ripley: Okay. I want to start on my far right, your far left and introduce Kay Wilson and Kay is city attorney who keeps us straight here and we're always so happy to have Kay here, if you step out of line she'll get you. But I've got to take a little bit of time, little liberty if you don't mind, this is my last meeting and so a couple of people up here just make a couple of comments about of course George Alcaraz as he is one of our new boys and but he's doing all the right things, he's asking all the right questions and is a real asset to the commission. Jack Wall going back Jack, what's your year now?

Mr. Wall: Five years.

Mr. Ripley: And Jack's just a real brilliant mind here and he says very little but what he says you need to listen to him as he is usually thought about something here. And David Weiner, we know David for a long time, David's great business in the brick business and he's come a long ways up here and he's really doing a great job. Now Don Horsley to my right, Don and I probably should have said the Beach District and Rose Hall and then Kempsville, Don is At-Large but he's what I call the gentlemen farmer, you know, Don, I've been on the commission 19 years and Don was here before I came here and I said, you know, of course how that happened is I was on for two terms, which is all you serve and then when Barry Knight was elected to the General Assembly, I

came in and filled his unexpired term, and then they put me off two more terms, so kind of adds up after a while, but Don's been here even longer than that. And I was told when I first came on here, you need to listen to Don; if Don has something figured out, it's right. So it's been a real pleasure Don. And Dee Oliver who's our chairman, when she first came on, how long you've been on here now?

Ms. Oliver: Six.

Mr. Ripley: So she wasn't unlike everybody else, because you were really nervous when you first stepped on here, public hearings are pretty tough, want to get use them not too bad, but this young lady was very, very nervous at first, but she's really seasoned into a great chairman. Jan Rucinski is not here today. She's actually in the hospital with a medical condition and we're really praying for her. Jan is in property management business and she represents the Centerville District and Dee is an At-Large member as well. Of course Mike Inman and I go back a long way. He's a great real estate attorney, he does a lot of condominium law and those types of things to deal with real estate and Mike is At-Large member, and I don't know how many years I've known you Mike, it's a long time. And Dave Redmond is a real good friend, Dave I think the reason why I came back on here; he called me up one day and said there is an opening is coming up, what do you think and I thought he was crazy, but I came back but Dave Redmond's represents the Bayside District, was the old district I had and Dave is really bright guy and he understands real estate better than most people will ever understand it. Whitney Graham, another rising star here, really great to have him and I know Whitney a long time. And he's come a long ways in his business and it's a real pleasure to have him here. He represents the Lynnhaven District and Steve Barnes isn't here right now, and he represents the Princess Anne District, but he's got the best fruit span in the city and he's got the best pies you ever have to go there. And our planning director, Bobby Tajan, this is the fourth planning director I worked under. He's the fourth and he's really lucky to have him. He's extremely bright man and he's going to take the city a long ways and it's good to have you and if you don't mind introducing your staff.

Mr. Tajan: Yes, certainly. Today, clerking we have Dalina Cartwright, Amanda Sampson and Pam Sandloop. We have the planning administration staff with Carolyn Smith, Bill Landfair and Hoa Dao, Marchelle Coleman and Jonathan Sanders. We also have other planning department staff Will Miller, Karen Creech, Aubrey Trebilcock, Ashby Moss, Jenizza Badua and we also have the director of housing and neighborhood preservation, Andy Friedman, and the housing administrator Karen Prochilo here as well. Madam Chair, since Mr. Ripley decided to have such kind words for everyone, I don't know if you wanted to go ahead and.

Ms. Oliver: I do, I do, and I just, as you all have just heard that it is Commissioner Ripley's last day here with us. We are definitely sorry to see him go. It is a true loss to our commission. As we said here, it has been an honor and a true privilege to serve beside him. He is a wealth of knowledge of our city where it has been and he has an outlook on the future for our city that is just Amazing. He has just a wealth of knowledge and just truly, truly one of the finest men I've ever had the pleasure of serving on any committee with and I'm truly proud of spending the last six years with you, I learned a lot from you. And I thank you very, very much and I think we all feel the same and I'm sure everybody up here has something wonderful to say, but we do have this wonderful going away gift for you. Thank you very much.

Mr. Ripley: Thank you very much.

Ms. Oliver: Thank you, and I just want to say and so that you know, Ron has had my seat and I know how well he's not because he's trained me. So I'm so good because of him, not truly I'm just kidding. But I just want to say a few words about Jan, we miss her. She's had some health issues and she too has served two terms and was our secretary for quite many years until we changed the order of that. And this year, she has served as my vice chair, and she's been a great asset to the planning commission as well. And we are very, very sorry that she's not here with us on our last meeting, so, Jan, if you're watching, we are all here and we're all thinking about you. So thank you very much. Yes.

Mr. Redmond: I would like to echo a couple of those things and because I think it's absolutely necessary. I think certainly, one of the hardest parts about serving on this body is you get to respect so many people and then they leave and it's very hard on us, because become our friends and colleagues and you have to trust people that you serve here with and we always all do, I think, you know, I'm saying about Jan, every time she ever spoke, she always seem to have a smile on her face when she was speaking, even if it was something difficult. She always seemed to have a very cheerful and she ever show up here in a bad mood and she ever woke up on the wrong side of the bed. I never saw if she did, and she really did I think contribute, you know, mightily to this and so she's had a health issue the last couple of weeks which is kept her from being here, but I can tell you her spirits would not have kept her here. We were very much the benefit of her service and she deserves our Thanks, and our congratulations. You can't understand how hard it is to follow Ron Ripley in this role. I succeeded Ron Ripley in the Bayside, thankfully I never had it in my head that I was to fill his shoes and never tried and never will, but truth of the matter is, as Dee said, Ron's trained just about everybody here, you know, we didn't sit down like you did with me, he was very generous with his time, we sat down went over a bunch of things, who's involved, where the bodies buried, you know, how does it all work? I just didn't know how it works. And Ron showed me all that personally and he and I are very close and we're

neighbors. And we always will be very close, but the truth of the matter is, nobody's ever done it better Ron than you. And we're losing something. I know the person that the city council appoints will be extremely capable, that always have a good track record of putting very capable people here and this is a very capable body, but Ron's awful hard to replace and we've been very, very lucky and fortunate over the years and I can tell you, down to my bones, the city is a lot, lot better place by virtue of his service. I can tick off all kinds of different things, suffice it to say, everybody here has gigantic respect for you, Ron, and we'll miss you.

Mr. Ripley: Thank you very much. My dad always said never deny compliment, so I will take that, thank you very much. I appreciate it.

Ms. Oliver: All right, thank you all. And so our first order of business is the explanation of the rules that we use to run the meetings and our city clerk is going to explain those to us.

Ms. Sandloop: Thank you Madam Chair. The Virginia Beach Planning Commission takes pride and being fair and courteous to all parties and attendance. It is important that all involved understand how the commission normally conducts its meetings. It is equally important that everyone treat each other and the members of the Commission with respect and civility. The Commission requests that if you have a cell phone please either silence it or turn it off. This is an abbreviated explanation of the rules; the complete set of rules is located in the front of the Planning Commission agenda. Following is the order of business for the public hearing. With withdrawals and deferrals, the chairman will ask if there are any requests to withdraw or defer an item on the agenda. Consideration of these requests will be made first. Consent agenda, the second order of business is the consideration of the consent agenda, which are those items that the Planning Commission believe or unopposed and which have favorable staff recommendation, and the regular agenda, the commission will then proceed with the remaining items on the agenda. Please note that the actions taken by the Commission today or in the form of a recommendation to the Virginia Beach City Council, the final decision to approve or disapprove an application will be made by the Virginia Beach City Council. The Commission thanks you for your attendance and we hope your experience here today leaves you feeling that you have been heard and treated fairly.

**Item #1
Kim Smith
Conditional Use Permit (Tattoo Parlor)
1440 N Great Neck Road, Suite D
District – Lynnhaven**

December 11, 2019

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Weiner: Madam Chair, today we have seven items on the consent agenda. The first is item one. It's an application for Kim Smith for conditional use permit for tattoo parlor on property located at 1440, North Great Neck Road Lynnhaven district. Do we have an applicant for this item? Come up front here, please. State your name for the record, please.

Ms. Smith: My name is Kimberly Smith.

Mr. Weiner: Are all the conditions acceptable?

Ms. Smith: Yes.

Mr. Weiner: Okay. Great, thank you. You can have a seat. Is there any opposition to this being placed on the consent agenda? Hearing none, Commissioner Graham has been asked to review this.

Mr. Graham: Thank you, Commissioner Wiener. Agenda item number one is a request for conditional use permit for a tattoo parlor located at 1440 North Great Neck Road. The applicant is requesting a conditional use permit in order to operate a tattoo parlor for permanent makeup known as microblading within a single room within a proposed 1900s square foot space, the salon will be located within the rear unit of a mixed retail building along North Great Neck Road. Only one employee is anticipated in association with the microblading business. There is no known opposition to this application. Other salons in Virginia Beach have successfully incorporated microblading services without incident. For these reasons, the planning staff has recommended approval and we do as well.

Mr. Weiner: Thank you, sir. Madam Chair, the next item on the consent agenda fallen to the short term rental. The planning commission places the following applications for the conditional use permit for short term rental on the consent agenda as these applications meet the ethical requirements for section 241.2 of the zoning ordinance. Planning Commission and staff supports the application and there is no known opposition to the request for items 15, 16, 17 and 18. With that being said,

I move for approval on a consent agenda items one, two, three, five, six, seven, eight, 15, 16, 17 and 18.

Ms. Oliver: Right. Second.

Mr. Ripley: I need to disclose, if you don't mind. I need to disclose there, a couple of applications in here, I think specifically Five, I think the last application which is not a subject of this motion, but I'm going to read it more in any way when it comes up. I want to disclose that I am a member of the TowneBank Advisory Board, the city of Chesapeake and I have a letter on file with the clerk so stating and the TowneBank is not the applicant here. And I have no interest in this application. And the Planning Commission's recommendations are strictly advisory; city council makes the final decision. So I want to disclose that I will be voting on it today.

Mr. Inman: I as well need to disclose that I'm on the TowneBank Leadership Alliance, and I will be voting on it as well. I have no financial interests.

Mr. Graham: Likewise, I serve on the TowneBank of Virginia Beach Advisory Board adopted all the comments made by Mr. Ripley, I have no interest in the application and TowneBank is merely a potential financier of this application and we only recommend, so I will also be voting.

Ms. Oliver: Do we have the second consent agenda?

Mr. Redmond: Second.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, three, five, six, seven, eight, fifteen, sixteen, seventeen and eighteen have been approved by consent.

Ms. Oliver: Thank you. And I would like to thank all the applicants that have come down today that had a matter on the consent agenda for today's hearing, and these items will be scheduled for hearing on the city council's agenda, and I thank you for your attendance today. So in an effort to be a bit more efficient today, I'm going to request that we reorder the agenda to be heard in this order, items number nine, ten, eleven, fourteen, nineteen, twenty, twenty one twelve and thirteen, Mr. Tajan.

	AYE 9	NAY 0	ABS 0	ABSENT 2
ALCARAZ	AYE			
BARNES				ABSENT

GRAHAM	AYE			
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. A business license for the Tattoo Parlor shall not be issued to the applicant without the approval of the Health Department to ensure consistency with the provisions of Chapter 23 of the City Code.
2. This Conditional Use Permit for a Tattoo Parlor shall be limited to only microblading, a tattooing technique used in the application of permanent make-up. No other form of tattooing shall be permitted.
3. The actual application of permanent make-up shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
4. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar sign installed on the exterior of the building or in any window, or on the doors. A separate sign permit shall be obtained from the Planning Department for the installation of any new signs.

Item #2

Baillio Sand Company, Inc.

Modification of Conditions (Borrow Pit)

West side of Princess Anne Lane, 299 feet west of the intersection of Princess Anne Lane and Princess Anne Road

District – Princess Anne

December 11, 2019

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Weiner: Thank you sir. The next item is item two, Baillio Sand Company, application for modification to conditions of the Borrow Pit located on Princess Anne Road in the Princess Anne District. Please state your name for the record.

Ms. Baillio: Anne Baillio standing.

Mr. Weiner: All the conditions acceptable?

Ms. Baillio: Yes.

Mr. Weiner: Okay. Thank you. Is there any opposition for this being placed on the consent agenda? Hearing none, Commissioner Horsley has been asked to review this.

Mr. Horsley: Thank you Mr. Weiner. First of all, I want to echo Mr. Redmond's comments about Mr. Ripley, Ron and I go back a long ways and you know, he's always got his computer up here and we need to look at something, he'll get it Google Map and we'll look at it from the air right quick and he's a just a wealth of knowledge and the commission is gonna really, really miss him but, you'll see him somewhere else, I'm sure in the near future in a better position. And even though we'd like to be in some positions, he doesn't want to be in but we'll continue to work on that. But I do want to express my appreciation for all that he's done to help us an area of the city also. In September 2005, the council granted a conditional use permit for 20.53 acre Borrow Pit which was off of Princess Anne Road, which was a small parcel of a large 88 parcel Borrow Pit, and the excavation hasn't gone as fast as it was perceived they it would happen. So they had a closing date to have it closed and restored by 2026 which, you know, back in 2005, that was a long ways away, it's not very far away now. So they have come and requested that they extend this time by five years and from 2026 to 2031 for complete restoration. So it's a pretty simple request and there wouldn't any opposition stay up thought it was up for approval and then we agreed, so we put it on consent agenda.

Mr. Weiner: Thank you, sir. Madam Chair, the next item on the consent agenda fallen to the short term rental. The planning commission places the following applications for the conditional use permit for short term rental on the consent agenda as these

applications meet the ethical requirements for section 241.2 of the zoning ordinance. Planning Commission and staff supports the application and there is no known opposition to the request for items 15, 16, 17 and 18. With that being said, I move for approval on a consent agenda items one, two, three, five, six, seven, eight, 15, 16, 17 and 18.

Ms. Oliver: Right. Second.

Mr. Ripley: I need to disclose, if you don't mind. I need to disclose there, a couple of applications in here, I think specifically Five, I think the last application which is not a subject of this motion, but I'm going to read it more in any way when it comes up. I want to disclose that I am a member of the TowneBank Advisory Board, the city of Chesapeake and I have a letter on file with the clerk so stating and the TowneBank is not the applicant here. And I have no interest in this application. And the Planning Commission's recommendations are strictly advisory; city council makes the final decision. So I want to disclose that I will be voting on it today.

Mr. Inman: I as well need to disclose that I'm on the TowneBank Leadership Alliance, and I will be voting on it as well. I have no financial interests.

Mr. Graham: Likewise, I serve on the TowneBank of Virginia Beach Advisory Board adopted all the comments made by Mr. Ripley, I have no interest in the application and TowneBank is merely a potential financier of this application and we only recommend, so I will also be voting.

Ms. Oliver: Do we have the second consent agenda?

Mr. Redmond: Second.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, three, five, six, seven, eight, fifteen, sixteen, seventeen and eighteen have been approved by consent.

Ms. Oliver: Thank you. And I would like to thank all the applicants that have come down today that had a matter on the consent agenda for today's hearing, and these items will be scheduled for hearing on the city council's agenda, and I thank you for your attendance today. So in an effort to be a bit more efficient today, I'm going to request that we reorder the agenda to be heard in this order, items number nine, ten, eleven, fourteen, nineteen, twenty, twenty one twelve and thirteen, Mr. Tajan.

	AYE 9	NAY 0	ABS 0	ABSENT 2
ALCARAZ	AYE			
BARNES				ABSENT
GRAHAM	AYE			
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. The stockpiling of material, overburden, equipment, etc. shall not be permitted within the 100-foot buffer areas depicted on the plan.
2. Operation on Sundays shall be prohibited. Hours of operation shall be 7:00 a.m. until 7:00 p.m.
3. The existing 22-foot-wide lane identified on the plan that runs through the proposed borrow pit expansion area shall be either be relocated or vacated by recorded plat prior to the issuance of any land disturbing and/or excavation permits. Evidence of applicant’s ability to excavate and eliminate that portion of the lane must be satisfactory to the City Attorney’s Office.
4. Prior to any excavation, the developer must obtain an excavation permit from the appropriate City agencies and any other appropriate agencies which may be involved.
5. The excavated area shall be limited to 20.53 acres as depicted on the submitted plan entitled, “Concept Plan Proposed Borrow Pit Expansion for Baillio Sand Company,” prepared by Gallup Surveyors & Engineer, Ltd., dated October 3, 2005 and revised November 7, 2019.
6. Excavation of the borrow pit shall be done with a hydraulic dredge when excavating below the water table. No water is to be pumped from the pit nor any other action shall be permitted that would result in a lowering of the water table.
7. When the mining is complete, the applicant will redevelop the sides of the pit to a 3:1 slope within six months.

8. The borrow pit excavation shall not penetrate the confining unit for the deep aquifer. This condition shall take precedence over any other permitted excavation depth in the Conditional Use Permit.

9. Activities on the site shall meet all the requirements identified by the Department of Mines Minerals and Energy.

**Item #3
Hannah & Hamilton Gubanc
Street Closure
Adjacent to 770 Woodstock Road
District – Kempsville**

December 11, 2019

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Weiner: Thank you, sir. Next item is item three, for Hannah & Hamilton Gubanc, an application for street closure on property located adjacent to 770 Woodstock Road in Kempsville District.

Mr. Bourdon: Thank you, Mr. Weiner, Madam Chair, members of the Commission, for the record Eddie Bourdon Virginia Beach Attorney representing the applicant, I will take two cents in thanking Ron and Jan for their service. But especially, Ron, the amount of time you devoted to serving the city, it's the benefits of the city are not capable of being calculated. In my opinion, it's just above and beyond what pretty much anybody has ever provided in terms of service and all of you provide a fantastic service to the city. And no one can say enough that how much it's appreciated. The depth and breadth of Ron's knowledge is going to be sorely missed, but there's plenty of gray matter up there that be able to move forward, we will miss you. We appreciate this item being on the consent agenda, want to thank Hoa for his work on it, all five conditions as recommended by the staff are acceptable to the applicant. Again, appreciate be on consent. Thank you.

Mr. Weiner: Thank you. Is there any opposition to this being placed on the consent agenda? Hearing none, Commissioner Wall has been asked to read this into the record.

Mr. Wall: Thank you Commissioner Weiner. This is a request for a street closure. The applicants proposed to close a portion of the platted unimproved right-of-way cul-de-sac and incorporate that land into their adjacent residential lot at 770 Woodstock Road. This portion of the roadway was platted in 1977 with half of the right-of-way/cul-de-sac dedicated for future improvements and the other half portion of the right-of-way to be dedicated when the northern parcels gets developed; however, the Northern parcel was subdivided in 1994 without dedicating the remaining half the right-of-way/cul-de-sac. Both lots 770 and 772 Woodstock Road share the unimproved access road, should the closure be granted both lots will continue to meet the minimum lot with requirements of 80 feet parcels in the R-10 Residential District. The applicant's residence is set back two feet from the curvature of the unimproved cul-de-sac thereby encroaching into the required 30-foot front yard setback for the R-10 residential district, granting the street closure will increase the

setback to approximately 17 feet which decreases the degree of front yard setback non-conformity of the existing residence. The conditions are acceptable to the applicants, the staff, the city staff recommends approval and therefore we have placed this item on the consent.

Mr. Weiner: Thank you, sir. Madam Chair, the next item on the consent agenda fallen to the short term rental. The planning commission places the following applications for the conditional use permit for short term rental on the consent agenda as these applications meet the ethical requirements for section 241.2 of the zoning ordinance. Planning Commission and staff supports the application and there is no known opposition to the request for items 15, 16, 17 and 18. With that being said, I move for approval on a consent agenda items one, two, three, five, six, seven, eight, 15, 16, 17 and 18.

Ms. Oliver: Right. Second.

Mr. Ripley: I need to disclose, if you don't mind. I need to disclose there, a couple of applications in here, I think specifically Five, I think the last application which is not a subject of this motion, but I'm going to read it more in any way when it comes up. I want to disclose that I am a member of the TowneBank Advisory Board, the city of Chesapeake and I have a letter on file with the clerk so stating and the TowneBank is not the applicant here. And I have no interest in this application. And the Planning Commission's recommendations are strictly advisory; city council makes the final decision. So I want to disclose that I will be voting on it today.

Mr. Inman: I as well need to disclose that I'm on the TowneBank Leadership Alliance, and I will be voting on it as well. I have no financial interests.

Mr. Graham: Likewise, I serve on the TowneBank of Virginia Beach Advisory Board adopted all the comments made by Mr. Ripley, I have no interest in the application and TowneBank is merely a potential financier of this application and we only recommend, so I will also be voting.

Ms. Oliver: Do we have the second consent agenda?

Mr. Redmond: Second.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, three, five, six, seven, eight, fifteen, sixteen, seventeen and eighteen have been approved by consent.

Ms. Oliver: Thank you. And I would like to thank all the applicants that have come down today that had a matter on the consent agenda for today's hearing, and these items will be

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ALCARAZ	AYE			
BARNES				ABSENT
GRAHAM	AYE			
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. The City Attorney’s Office will make the final determination regarding ownership of the underlying fee. The purchase price to be paid to the City shall be determined according to the “Policy Regarding Purchase of City’s Interest in Streets Pursuant to Street Closures,” approved by City Council.
2. The applicant shall resubdivide the property and vacate internal lot lines to incorporate the closed area into the adjoining parcel. The Resubdivision Plat must be submitted and approved for recordation prior to final street closure approval. Said Plat must include the dedication of a 30-foot wide Public Utility Easement along the entire northern boundary of Parcel D (M.B. 2605, P. 1138), subject to the approval of the Department of Public Utilities and the City Attorney’s Office, which easement shall include a right of reasonable ingress and egress.
3. The applicant shall determine if a private water line for the benefit of Lot 10A-2 (M.B. 234, P. 24) is located within Parcel D (M.B. 2605, P. 1138). Should a private water line exist, the applicant shall establish a private water line easement of a suitable size for the benefit of Lot 10A-2.
4. The applicant shall verify that no private utilities exist within the right-of-way proposed for closure. If private utilities do exist, easements satisfactory to the utility company must be provided.

5. Closure of the right-of-way shall be contingent upon compliance with the above stated conditions within 365 days of approval by City Council. If the conditions noted above are not accomplished and the final plat is not approved within one year of the City Council approval, said approval shall be considered null and void.

**Item #4
 Barnes & Noble
 Alternative Compliance
 4485 Virginia Beach Boulevard
 District – Lynnhaven**

December 11, 2019

DEFERRED

Ms. Oliver: Right. Thank you so much. The next order of our business is to address those items that have been withdrawn or deferred, are there any items that are being withdrawn today? Okay. Are there any items being deferred today? The chair has been aware of item number four to be deferred.

Mr. Weiner: Madam Chair, I will make a motion that we defer item number four for 30 days.

Ms. Oliver: Great. Do I have a second?

Mr. Horsley: Second.

Ms. Oliver: Right.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda Item Number four has been deferred for 30 days.

	AYE 9	NAY 0	ABS 0	ABSENT 2
ALCARAZ	AYE			
BARNES				ABSENT
GRAHAM	AYE			
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
WALL	AYE			
WEINER	AYE			

**Item #5
VAB 23RD STREET, LLC
Alternative Compliance
305, 309, 311 23rd Street
District – Beach**

December 11, 2019

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Weiner: Thank you. Next item is item five, VAB 23rd Street LLC, an application for alternative compliance and property located at 305, 309, 311, and 23rd Street in Beach District.

Mr. Bourdon: Again, Madam Chair, members of the Commission for the record Eddie Bourdon, Virginia Beach attorney representing the applicant VAB 23rd Street LLC, Mr. Bharat Patel, who is the principal of the applicant is in attendance. All seven conditions are recommended by staff or acceptable, we appreciate Karen Creech's work on this application as well as Ashby Moss and the members of the PDRC of RAC and we appreciate also the commission placing on the consent agenda. Thank you.

Mr. Weiner: Thank you. Is there any opposition to this being placed on the consent agenda? Hearing none Mr. Alcaraz has been asked to read this into the record.

Mr. Alcaraz: Thank you. This application for alternative compliance for commercial parking lot. The Oceanfront Resort District Form-Based Code identifies certain areas within the same block as property zoned residential and apartment for only residents uses are permitted. As a result, the applicant is requesting a special exception for alternative compliance in order to operate a commercial parking lot on portion of the property until such time a property is fully redeveloped. The property directly to the west of the parcel also owned by the applicant is zoned A-12 apartment district and is currently an apartment use consisting of 12 units. There's an A-12 apartment zoning along this small portion of the Northern property line, a conditional use permit was approved in 2010 for commercial parking lot on a portion of this site, as well as the property to the east, the commercial parking lot was never developed. The subject site consists of unimproved surface parking areas of asphalt, gravel and grass to residential structures, multiple access drives and at least one RV camper potentially in use. The site has been providing 8 spaces of offsite parking for Ocean's 24 Hotel, a 24-unit hotel located to the east side of Atlantic Avenue. The submitted site layout depicts a parking lot with a total 58 spaces of which these spaces are reserved as handicap and nine spaces are compact, 40 parking spaces approximately 70% of these spaces will be a part of the commercial parking lot,

while 18 spaces 30% will be for Ocean's 14. The three existing access drives and curb cuts will be removed. The perimeter of the parking lot will have landscaping introduced on three sides the 23rd Street frontage will consist of a minimum of 10 foot wide landscape strip for the backside walk towards the parking lot. A six foot high fence will be installed adjacent to the parking spaces along the northern property line, a shorter fence currently proposed at 54 inches in height to match the fence associated with the commercial parking lot to the East. The re-configuration of the entrance and removal of the curb cuts will allow for five additional meter spaces to be added to 23rd Street, currently there are four spaces. The Planning Commission recommends approval for consent, thank you.

Mr. Weiner: Thank you, sir. Madam Chair, the next item on the consent agenda fallen to the short term rental. The planning commission places the following applications for the conditional use permit for short term rental on the consent agenda as these applications meet the ethical requirements for section 241.2 of the zoning ordinance. Planning Commission and staff supports the application and there is no known opposition to the request for items 15, 16, 17 and 18. With that being said, I move for approval on a consent agenda items one, two, three, five, six, seven, eight, 15, 16, 17 and 18.

Ms. Oliver: Right. Second.

Mr. Ripley: I need to disclose, if you don't mind. I need to disclose there, a couple of applications in here, I think specifically Five, I think the last application which is not a subject of this motion, but I'm going to read it more in any way when it comes up. I want to disclose that I am a member of the TowneBank Advisory Board, the city of Chesapeake and I have a letter on file with the clerk so stating and the TowneBank is not the applicant here. And I have no interest in this application. And the Planning Commission's recommendations are strictly advisory; city council makes the final decision. So I want to disclose that I will be voting on it today.

Mr. Inman: I as well need to disclose that I'm on the TowneBank Leadership Alliance, and I will be voting on it as well. I have no financial interests.

Mr. Graham: Likewise, I serve on the TowneBank of Virginia Beach Advisory Board adopted all the comments made by Mr. Ripley, I have no interest in the application and TowneBank is merely a potential financier of this application and we only recommend, so I will also be voting.

Ms. Oliver: Do we have the second consent agenda?

Mr. Redmond: Second.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, three, five, six, seven, eight, fifteen, sixteen, seventeen and eighteen have been approved by consent.

Ms. Oliver: Thank you. And I would like to thank all the applicants that have come down today that had a matter on the consent agenda for today's hearing, and these items will be scheduled for hearing on the city council's agenda, and I thank you for your attendance today. So in an effort to be a bit more efficient today, I'm going to request that we reorder the agenda to be heard in this order, items number nine, ten, eleven, fourteen, nineteen, twenty, twenty one twelve and thirteen, Mr. Tajan.

	AYE 9	NAY 0	ABS 0	ABSENT 2
ALCARAZ	AYE			
BARNES				ABSENT
GRAHAM	AYE			
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. The applicant shall comply with all requirements for commercial parking lots listed in Chapter 23, Section 23-58 of the City Code.
2. The applicant shall submit a Site Development Plan to the Planning Department, Development Services Center for review and ultimate approval prior to operating the lot. The following additions shall be added as required features in addition to standard site improvements associated with commercial parking lots:
 - a. Only one vehicular entrance is permitted which shall be located on 23rd Street at a location acceptable to Public Works and Parking Management. The entrance shall be limited to the minimum width permitted by Public Works and improved to meet current standards as required by Public Works Specifications and Standards.
 - b. The three existing driveway aprons on 23rd Street shall be repaired to restore curb and gutter.

- c. A new sidewalk shall be introduced adjacent to on-street parallel parking spaces to meet Public Works Standards and also be designed to tie back into existing conditions.
 - d. A minimum 10' street frontage landscape buffer, measured from the back of sidewalk, shall be installed along 23rd Street.
 - e. A minimum 10' buffer, measured from the common property line shall be installed along common property lines adjacent to OR Zoning.
 - f. A minimum 15' category IV buffer, measured from the common property line shall be installed along common property lines adjacent to Apartment zoning.
 - g. Fencing shall be installed around the perimeter of three sides of the parking lot (North, West, and South), inside of the landscape buffer, except for a single pedestrian ingress/egress and a single gated vehicular ingress/egress, both of which will be located on 23rd Street. Fencing height and design shall be determined during site plan review.
3. The applicant shall submit a photometric plan to the Planning Department, Development Services Center for review and ultimate approval. All outdoor lighting shall meet the requirements of Section 6.4 of the Oceanfront
 4. The applicant shall submit a sign package to the Planning Department, Zoning Administration to review for consistency with the Oceanfront Resort District Design Guidelines. Planning Department approval is required prior to erecting any signs on the property.
 5. The applicant shall submit a detail of the gate, fencing, lighting fixtures, trash cans, and any other structures proposed to the Planning Department, Zoning Administration to review for consistency with the Oceanfront Resort District Design Guidelines.
 6. The Conditional Use Permit is approved for five (5) years from the date of City Council approval.
 7. The Commercial Parking Lot shall be staffed by a parking attendant, who shall be on site during all hours of Commercial lot operations.

Item #6
Noureddine Houssni.
Conditional Use Permit (Automotive Repair Garage)
5900 Thurston Avenue, Suite G
District – Bayside

December 11, 2019

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Weiner: Thank you, the next item is item six.

Ms. Wilson: Mr. Weiner, if could go back to VAB, Mr. Graham, Mr. Inman and Mr. Ripley there is financing by TowneBank. VAB, the one which is finished, wait for voting.

Mr. Weiner: Item number six and I apologize for butchering his name. Noureddine Houssni, an application for conditional use for automotive repair garage and property located at 5900 Thurston Avenue, Bayside District. Is there an applicant for this item? Please come forward. That was nowhere near close true. Nowhere near close. Can you state your name for the record please?

Mrs. Houssni: My name is Mrs. Houssni, his wife.

Mr. Weiner: Okay. Are all the items on the conditions are acceptable?

Mrs. Houssni: Yes sir.

Mr. Weiner: Okay, thank you.

Mrs. Houssni: Thank you.

Mr. Weiner: Okay. Is there any opposition to this being placed on the consent agenda? Hearing none, Mr. Redmond has been asked to read this into the record.

Mr. Redmond: Thank you Mr. Wiener. Madam Chair, this is an application for a conditional use permit, specifically an auto repair garage on property located at 5900 Thurston Avenue that is in the airport Industrial Park, which is currently developed with a 24,000 square foot industrial warehouse building in six 4,000 square foot units. The applicant is already a tenant in the building and operates according to the use for which he's applying for this conditional use permit. It's actually fairly common, that folks are unaware of the need for a certain public entitlement. In this case, it's a CUP, the staff is very carefully considered this. The site has plenty of parking. It's the kind of facility that would host a use of this nature. The staff has found that it fits within the Burton station, strategic growth area implementation plan. The

commission agrees with that, and as a result, we concur with a recommendation for approval and do so by consent. Thank you.

Mr. Weiner: Thank you, sir. Madam Chair, the next item on the consent agenda fallen to the short term rental. The planning commission places the following applications for the conditional use permit for short term rental on the consent agenda as these applications meet the ethical requirements for section 241.2 of the zoning ordinance. Planning Commission and staff supports the application and there is no known opposition to the request for items 15, 16, 17 and 18. With that being said, I move for approval on a consent agenda items one, two, three, five, six, seven, eight, 15, 16, 17 and 18.

Ms. Oliver: Right. Second.

Mr. Ripley: I need to disclose, if you don't mind. I need to disclose there, a couple of applications in here, I think specifically Five, I think the last application which is not a subject of this motion, but I'm going to read it more in any way when it comes up. I want to disclose that I am a member of the TowneBank Advisory Board, the city of Chesapeake and I have a letter on file with the clerk so stating and the TowneBank is not the applicant here. And I have no interest in this application. And the Planning Commission's recommendations are strictly advisory; city council makes the final decision. So I want to disclose that I will be voting on it today.

Mr. Inman: I as well need to disclose that I'm on the TowneBank Leadership Alliance, and I will be voting on it as well. I have no financial interests.

Mr. Graham: Likewise, I serve on the TowneBank of Virginia Beach Advisory Board adopted all the comments made by Mr. Ripley, I have no interest in the application and TowneBank is merely a potential financier of this application and we only recommend, so I will also be voting.

Ms. Oliver: Do we have the second consent agenda?

Mr. Redmond: Second.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, three, five, six, seven, eight, fifteen, sixteen, seventeen and eighteen have been approved by consent.

Ms. Oliver: Thank you. And I would like to thank all the applicants that have come down today that had a matter on the consent agenda for today's hearing, and these items will be scheduled for hearing on the city council's agenda, and I thank you for your attendance today. So in an effort to be a bit more efficient today, I'm going to

request that we reorder the agenda to be heard in this order, items number nine, ten, eleven, fourteen, nineteen, twenty, twenty one twelve and thirteen, Mr. Tajan.

	AYE 9	NAY 0	ABS 0	ABSENT 2
ALCARAZ	AYE			
BARNES				ABSENT
GRAHAM	AYE			
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. A separate permit from the Department of Planning & Community Development is required for any new signage installed on the site.
2. There shall be no signs that contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving devices on the site or on the vehicles. There shall be no signs which are painted, pasted, or attached to the windows, utility poles, trees, or fences, or in an unauthorized manner to walls or other signs.
3. There shall be no portable or nonstructural signs or electronic display signs on the site.
4. No motor vehicles in a state of obvious disrepair shall be stored outside on the property. All such vehicles shall only be permitted to be stored within the building.
5. There shall be no outside storage of equipment, parts, tires, or materials.
6. No motor vehicles shall be parked within any portion of the public right-of-way.

Item #9
Christopher J. Ocampo
Conditional Use Permit (Automotive Repair Garage)
2505 Horse Pasture Road, Suite 101
District – Rose Hall

December 11, 2019

RECOMMENDED FOR APPROVAL

Ms. Oliver: Thank you. And I would like to thank all the applicants that have come down today that had a matter on the consent agenda for today's hearing, and these items will be scheduled for hearing on the city council's agenda, and I thank you for your attendance today. So in an effort to be a bit more efficient today, I'm going to request that we reorder the agenda to be heard in this order, items number nine, ten, eleven, fourteen, nineteen, twenty, twenty one twelve and thirteen, Mr. Tajan.

Mr. Tajan: Yes, we have been noted for the record, Madam Chair and we will call the items accordingly.

Ms. Oliver: Okay, great, thank you. Alright, so the next order of business will address the remaining matters on our agenda and city clerk will please call the first item.

Ms. Sandloop: Thank you Madam Chair. The next agenda item is item number nine Christopher J. Ocampo. It's an application for a conditional use permit automotive repair garage on property located at 2505 Horse Pasture Road, Suite 101 located in the Rose Hall District, will the applicant or the applicant's representative, please step to the podium.

Ms. Oliver: Hi, welcome. Would you please state your name for the record?

Mr. Ocampo: Christopher Ocampo.

Ms. Oliver: Thank you. And would you like to explain your application to us today?

Mr. Ocampo: Oh, yeah. I am just applying for a permit for minor body work.

Ms. Oliver: Yes, sir.

Mr. Ocampo: That's it. And graphics.

Ms. Oliver: Okay. Do you have any questions for him?

Mr. Wall: One thing was the painting and that was how it was that was identified, explain your painting operation.

Mr. Ocampo: We do panel blank, Like painting like benders, doors and like, stereo molds.

Mr. Wall: Okay. So one thing that was noted was the paint booth?

Mr. Ocampo: Yeah, when I moved in there, it was an old cabinet shop and it had a paint booth in there. So when we're painting out of there, OSHA came and said the fire support system, wasn't regulated for what we were doing, so we tore it down and put up fans and the fire marshal said it was a hurry to do a court a day. Then another time another fire marshal came and said, I need a conditional use permit. That's why I'm here now. And I've been in the area for 10 years, so it's like new to me.

Mr. Wall: It's alright; will the paint booth alleviate the themes from the painting operation?

Mr. Ocampo: Right. Yeah.

Mr. Wall: But you took down the paint booth and installed fans, is there any change in the operations from the other complaints that occurred from the adjacent property owners, adjacent businesses. I mean, do you plan to make any changes to your operation based on?

Mr. Ocampo: Yeah, eventually, we're going to have a different paint group, right now we have exhaust filter system set up right now.

Mr. Wall: Okay. Is that going to, is that a change?

Mr. Ocampo: Yeah, it will be a change, get more fumes out.

Mr. Wall: Okay.

Mr. Ripley: Look at the application; I think you're required to put on a paint booth, do you understand that?

Mr. Ocampo: No, actually I didn't know. They just told me I needed a conditional use permit to do what I'm doing right now.

Mr. Ripley: So there are nine conditions that are in this, have you read those?

Mr. Ocampo: Yes.

Mr. Ripley: And do you agree with them because one of them says you gotta put in paint booth because that's what you got to do.

Mr. Ocampo: Okay, so I have to put in a paint booth now, for minor body work, it's not all over.

Mr. Ripley: If that's not the case.

Mr. Tajan: So in order to clarify the building officials weighed in and said the type of use of the applicant is providing does require a paint booth, and to clarify any issues, staff

has recommended the condition is required, just to reflect the building code requirements,

Mr. Inman: So this application is approved, it'll be approved based on you putting out a paint booth, go to city council and then you can talk out of that if you like, but imagine they'll want to continue to keep it in from a fire safety point of view, nothing else.

Mr. Ocampo: So basically, I have to get the paint booth now.

Ms. Oliver: Yes sir.

Mr. Tajan: Sir you asked it, discussions with I think Scott Steen and Cheri Hainer in our office, discuss the potential need for a paint booth, you'll need to follow those requirements for paints and submittals. Okay.

Mr. Wall: And I think it's only if the painting operations continue. So it's the way that the conditions read, is the applicant try to obtain all necessary permits, for the installation of paint booth for proposed use, if the required permits for the painting not obtained, the painting of vehicles shall be prohibited on the site, right.

Ms. Oliver: So, you can't be painting the vehicles now.

Mr. Ocampo: Yeah, I understand that.

Ms. Oliver: Okay.

Mr. Inman: I think the confusion is that item number one says exactly of course what Mr. Wall just read, but it doesn't say and you shall install a paint booth, but it does say the painting a vehicle shall be prohibited if you don't get a permit, you know, it's like, but also it should be prohibited unless he installs a paint booth. Not just get a permit for a paint booth, so we need to, I think clarify that.

Mr. Ocampo: Because I mean, all I do is minor body work, because getting a permit that already went through OSHA and the fire marshal and did everything he said I can spray up to a quart a day without a paint booth. They just said, just get your conditioning use permit and you'll be fine. I wasn't going for paint booth permit; I was going for it to do what we're doing right now.

Ms. Oliver: Well, I think that's one of the conditions and in your application is that due to the fumes, you're required to put the paint booth, because I think would be...

Mr. Ocampo: So, I don't have to get a big paint booth for an all over car, I can just get a small paint booth for panels.

Ms. Oliver: Well, that's not me to decide, that would be...

Mr. Tajan: Once you submit your plans to the building permit office, you'll need to get someone to draw plans that help you put that together, doesn't necessarily have to whatever it meets the requirements. So if you're doing smaller painting, then whatever that requirement is, I'm sure I know that they come in multiple sizes. So but it does, it is a requirement. So this was to clarify the confusion between the fire marshal comment and the building officials determination. So that's why we're saying regardless of what's going on if he is doing any type of painting is required to have a paint booth.

Ms. Oliver: So sir, you understand that you cannot continue to paint at this time until you met the requirements and the conditions of this application in order to get your CUP, right?

Mr. Ocampo: Okay.

Ms. Oliver: Anybody else have any more questions? Thank you.

Mr. Inman: I will make a motion that we approve the application, but also change or add to condition number one to say applicant shall obtain all necessary permits for the installation of a paint booth for the proposed use and install a paint booth appropriate for his operation.

Mr. Weiner: I will second.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda item number nine has been approved with conditions as amended. Madam Chair our next agenda item is item number ten, Ocean Rental Properties, LLC. It's an application for a subdivision variants section 4.4 D of the subdivision regulations on property located at 5568. Shell Road located in the Kempsville District.

	AYE 9	NAY 0	ABS 0	ABSENT 2
ALCARAZ	AYE			
BARNES				ABSENT
GRAHAM	AYE			
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
WALL	AYE			

WEINER	AYE			
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CONDITIONS

1. The applicant shall obtain all necessary permit(s) for the installation of a paint booth for the proposed use. If the required permit(s) for the paint booth are not obtained, the painting of vehicles shall be prohibited on the site.
2. There shall be no outdoor storage of equipment, parts, tires, or materials.
3. There shall be no repair of automobiles outdoors.
4. No motor vehicles shall be parked within any portion of the public right-of-way.
5. No motor vehicles in a state of obvious disrepair shall be stored outside on the property. All such vehicles shall only be permitted to be stored within the building.
6. No motor vehicles shall be parked within any portion of the public right-of-way.
7. There shall be no portable or nonstructural signs or electronic display signs on the site.
8. There shall be no signs that contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving devices on the site or on the vehicles. There shall be no signs which are painted, pasted, or attached to the windows, utility poles, trees, or fences, or in an unauthorized manner to walls or other signs
9. A separate permit from the Department of Planning & Community Development is required for any new signage installed on the site.

Item #10
Ocean Rental Properties, LLC
Subdivision Variance (Section 4.4 (d) of the Subdivision Regulations)
5568 Shell Road
District – Kempsville

December 11, 2019

RECOMMENDED FOR APPROVAL

Ms. Oliver: Thank you. And I would like to thank all the applicants that have come down today that had a matter on the consent agenda for today's hearing, and these items will be scheduled for hearing on the city council's agenda, and I thank you for your attendance today. So in an effort to be a bit more efficient today, I'm going to request that we reorder the agenda to be heard in this order, items number nine, ten, eleven, fourteen, nineteen, twenty, twenty one twelve and thirteen, Mr. Tajan.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda item number nine has been approved with conditions as amended. Madam Chair our next agenda item is item number ten, Ocean Rental Properties, LLC. It's an application for a subdivision variants section 4.4 D of the subdivision regulations on property located at 5568. Shell Road located in the Kempsville District.

Mr. Bourdon: Madam Chair, members of the Commission for the record Eddie Bourdon Virginia Beach attorney representing the applicants, Steve Bishard, who's one of the principles of Ocean Rental Properties LLC is on his way, but he had a conflict at noon, he has worked diligently with the adjacent neighbors to this property, Mr. Rerras, who I understand is here to speak and it's my understanding that Mr. Rerras is supportive, as is your staff of the request, the subject property is over 22,000 square feet zoned R-5, theoretically, you could divide it into two duplex lots and originally we're trying to do four single family and working with the neighbors. We come down to three lots. The hardship here is Duncan Lane, which serves five additional properties to the north beyond the subject 22,000 square foot parcel, all but one of which are much smaller, all that was done in Princess Anne County days pre-subdivision ordinance and Duncan Lane is a 13 foot wide private road that crosses this property as well as the properties that it serves to the north. With this request, the applicant is going to widen and improved over 220 feet of frontage on Duncan Lane, which will provide access to the two of the three houses, the front house, the single family, excuse me, the single story ranch on the larger front lot will be served from Shell Road and that was also something that Mr. Rerras had asked my client to do is my understanding, we've worked with the Rerras with regard to relocating a fence putting in a landscape buffer, relocating a sewer line all of which my clients will do, you have specific houses that will be built on each of

these three lots that are in keeping with the area. And in short, they will be keeping with the area certainly nice homes, try and think of work well with Mr. Rerras and I believe that the adjoining neighbor to the north, Mr. Kevin Harris, I was told, as long as Mr. Rerras was good with this application was in favor of the application he was as well and the church that's on the other side of the Duncan Lane is neutral. They don't have any dogs in the fight at all and they don't have any objection. They don't have any support. They just know about the application. All the conditions that have been recommended by staff are acceptable to the applicant, and I will standby for questions.

Ms. Oliver: Great. Thank you very much.

Ms. Sandloop: We have two speakers,

Ms. Oliver: Okay.

Ms. Sandloop: Courtney Mickiewicz.

Ms. Mickiewicz: My name is Courtney Mickiewicz 5013 Farrington Drive, I'll be speaking on behalf of my husband and I today, I'm just going to read the letter and then just give a couple of thoughts. So we oppose the granting of the variance for 5568 Shell Road. Our opinion is that the change in use from granting the variance will alter this central character in the neighborhood and would negatively impact the neighborhoods property values. And furthermore, it is our opinion that there's not an undue hardship on the applicant sufficient to justify the variance. There is a house currently, it's actually a 50 year old house a really cute house, if you guys want to go look at it, it's going to be torn down just really sad. But that house is on Shell Road, so if the property was not divided, then there is no hardship. So the hardship is because of the private road Duncan Lane. So the Supreme Court has stated that variances shall only be granted if denying the variance would interfere with all reasonable beneficial uses of the property taken as a whole. And law requires that variance requests be based solely on land uses not the personal situation, the applicant for personal financial gain. We don't feel that the applicant adequately described an undue hardship in the variance application. It is also our opinion that granting the variance would adversely affect the water quality wildlife, vegetation and aquatic life of Lake Smith. The waterway on which the property is located across from. It is our desire to preserve the natural beauty of the lake and constructing three large structures could cause soil erosion and decline in water quality. Poor construction practices can destroy natural habitats. So in conclusion, we are opposed to the subdivision of 5568 Shell Road into three single family residential lots in the construction of the three homes and we ask that you all denied this request. I also just wanted to let you know that Aubrey who was handling this

case over at the city, he's been really great to work with. So I just wanted you all to, let you all know that you have some really great people that work for the city and he's been very great with emailing me back and just keeping me in the loop about that. So I just wanted to let you all know about that.

Ms. Oliver: Right. Thank you. Do we have any questions? No, thank you very much.

Ms. Sandloop: Our last speaker is Jason Rerras.

Ms. Oliver: Welcome, you please state your name for the record.

Mr. Rerras: Jason Rerras.

Ms. Oliver: Thank you.

Mr. Rerras: When the residents of our neighborhood first became aware of the proposed development, we quickly came together and found that there was near universal support and opposition of the project. Our stretch of Shell Road is a unique area in Virginia Beach and is highly valued by those who live here. When you drive down our stretch of Shell Road it hardly feels like you're in the city but in a rural neighborhood, where the homes have spacious lots and are surrounded by trees. This is literally a green neighborhood with protected natural spaces a lake and abundance of trees and wildlife. These factors are significant part of the reason that we purchased a home here along with the unique privacy that our property has. When I step into my backyard, I see my landscape, trees and I only think glimpses of my neighbor's homes. I know that we do not in the landscape beyond our own property, but it's certainly part it is certainly part of the intrinsic value of our home. When one moves into a neighborhood like ours, they myself included, make the naive assumption that there may be changes over time, but that the character of the neighborhood will remain intact. We initially set out forcefully opposed to the development with a petition that was signed by every single neighbor and some even offering to chip in money to help with legal fees. But as we learned through the process, we didn't so much have a development to fight, but a development to choose from. Our options are two new homes 20 feet off a Shell Road where the average setback is over 50 feet or two new homes towering over my backyard. So our choice was privacy work with deal, which is mutually exclusive in our case. We shared our concerns with Steve Bishard, Josh Moto of Bishard Homes and Ocean Rentals and after a good deal of back and forth and meetings with neighbors on our property and changes made to the plans. We have decided to support the proposed development and request for variance. So long is only three lots are created and the lot facing Shell Road cannot further be subdivided. We are sacrificing some of our privacy and view that was part of the value of our home when we purchased it so that we may help protect the character of the

neighborhood. For our support, Bishard Homes has offered us some concessions to soften the blow of these changes though they do not completely cancel out the negative impacts. My hope is that there be some requirements in the future that value set back, density and privacy for existing neighborhoods to protect the intrinsic value that was paid for by existing homeowners. Thank you.

Ms. Oliver: Thank you. Do you have any questions? Thank you so much for taking the time to come down.

Mr. Rerras: Thank you.

Mr. Bourdon: What Mr. Rerras is speaking of, I appreciate, you know, is everything that was said and had that he has done with this. If you could put that on the aerial, the homes that are along 13 foot wide Duncan Lane are on, lot setter slightly larger than the two of the smaller lots here, but we think it is in character, most importantly, this road has at its access to Shell Road is only 13 feet wide, we're widening it, making it safer. That road is entirely on this property. The property has sufficient financial on Shell Road to divide it by right into two lots two long, narrow lots. That's what Mr. Rerras is talking about and that would be far less advantageous for everyone involved. It would not permit the widening of the Duncan Lane to 20 feet which will make it safer and the entrance widened out to 24 feet which will make it safer. And that portion of Duncan Lane will all be maintained because there is no maintenance agreement for any of Duncan Lane and it is a private road on private property, but that will be maintained now by the three folks who buy these three houses which are certainly nice homes. I understand appreciate the concerns. The situation was created for anybody who pretty much is living out there now, you know, live there because this was back in the in the 50s. So, it truly is, there is a hardship and the hardship is Duncan Lane and Duncan Lane that's on this property that serves 5 houses to the north of it. So that's the situation this I think in the young lady Courtney was absolutely right, Aubrey is a fantastic addition to the planning staff, he is very thorough and does a very, very good job. And I frankly think so does everyone else, but I do think that this is the best situation, the best resolution that makes the situation much better than it could be in a by right scenario and safer and ensures the maintenance of Duncan Lane and most importantly, the improvement of this front section of Duncan Lane, which all the traffic has to go on to get the Shell Road.

Ms. Oliver: Thank you. Anybody have any questions for Mr. Bourdon? Thank you. Have any more speakers?

Ms. Sandloop: No, ma'am.

Ms. Oliver: Thank you. We're going to close it and just open up discussion with the commissioners. Yes, Mr. Redmond.

Mr. Redmond: Well, I do appreciate, the young lady's concerns and objections. I do however; believe that there are substantial public benefits to this. And as I said this morning in the informal, it seems to me that this has been designed in a way to be less impactful than as Mr. Bourdon made clear, could be the case under a by-right scenario and we see this all the time, but sometimes it's not easy for some people to accept. And I understand that I think that's valid too. I do nonetheless think that this makes a lot of sense for this piece of property and I'll be happy to support it and if we in if need be make motion, so thank you.

Ms. Oliver: Anybody else? Yes Ron.

Mr. Ripley: You know, speaking to the hardship is always a hard defense because it's really hard. It's hard to sometimes get by that but you have to look at it broader. I think the patterns and intensity of this neighborhood are such that it what's been proposed fits in better than just bifurcate a lot into two lots. So that's the way I looked at it. And also, I think the additional roadway will be a benefit to everybody on that road, which will be good. So it sounds like he's worked with the neighborhood pretty good from what I can tell. So I want to support it as well.

Ms. Oliver: Yes Jack.

Mr. Wall: I think that the density is increasing, and I think it does affect somewhat they get the charm of the area, but I think also that the applicant has worked fairly diligently to match the character of the surrounding neighborhood. So I am in support.

Ms. Oliver: Yes.

Mr. Redmond: Madam Chair. I move approval of agenda item number ten.

Ms. Oliver: Do we have a second?

Mr. Weiner: I second.

Ms. Oliver: Thank you.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda item number ten has been approved. Our next item of business is agenda item number eleven, Greg McMakin, which is an application for a conditional use permit bulk storage yard on property located at 4145 Virginia Beach Boulevard located in the Lynnhaven District.

	AYE 9	NAY 0	ABS 0	ABSENT 2
ALCARAZ	AYE			
BARNES				ABSENT
GRAHAM	AYE			
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. When subdivided, the property shall be developed as shown on the submitted subdivision exhibit entitled “PRELIMINARY SUBDIVISION PLAT OF TRACT NO. 1, PROPERTY OF ANDREW YOUNG (MB 16 P 19)(MB 21 P10)” dated 08/09/2019, 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 1A, 1B, and 1C are developed, the residential dwellings constructed shall have architectural features and appearance of like quality and character as depicted on pages 7, 8, and 9 of this report, 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 intersection of Duncan Lane and Shell Road shall be widened to 24 feet in width to allow for ease of simultaneous vehicular ingress and egress.

4. The proposed roadway improvements shall meet the minimum requirements found in section 503 of the Virginia Statewide Fire Prevention Code. A private road maintenance agreement shall be established to maintain these standards.

5. All dwellings shall be limited to single-family residential units.

6. No additional subdivision of Lot 1A shall be permitted.

7. The proposed 21-foot public utility easement depicted on the plan identified in condition 1 above shall be reduced to 20 feet or as otherwise required during final plat review to ensure compliance with Appendix A, Section 200(a) of the City Code.

Item # 11
Greg McMakin
Conditional Use Permit (Bulk Storage Yard)
4145 Virginia Beach Boulevard
District – Lynnhaven

December 11, 2019

RECOMMENDED FOR APPROVAL

Ms. Oliver: Thank you. And I would like to thank all the applicants that have come down today that had a matter on the consent agenda for today's hearing, and these items will be scheduled for hearing on the city council's agenda, and I thank you for your attendance today. So in an effort to be a bit more efficient today, I'm going to request that we reorder the agenda to be heard in this order, items number nine, ten, eleven, fourteen, nineteen, twenty, twenty one twelve and thirteen, Mr. Tajan.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda item number ten has been approved. Our next item of business is agenda item number eleven, Greg McMakin, which is an application for a conditional use permit bulk storage yard on property located at 4145 Virginia Beach Boulevard located in the Lynnhaven District.

Ms. Oliver: Welcome. How are you, you state your name for the record?

Mr. McMakin: Greg McMakin.

Ms. Oliver: Welcome back. You want to give us an update on your application?

Mr. McMakin: I have been hauling away debris there. I still have a lot left but not nearly as much as I had in the beginning is going to take a little while, especially this time of year.

Ms. Oliver: Okay. Do we have any questions? No. Thank you very much.

Ms. Sandloop: We have one speaker ma'am. Bob Walter.

Ms. Oliver: Welcome, please state your name for the record please.

Mr. Walter: It's Robert Walter I go by Bob. So I am president of Thalia Station Condo Association and represent 197 families immediately adjacent to this conditional use permit application. We initially thought that this was a legal business that had been operated on this property only to find out in October that in fact they are not. We have opposition to this conditional use permit based on the fact that it does not address several issues. One being the area that have stockpiled wood creates a natural habitat for things like feral cats, raccoons, possums, even rats. We have had difficulty over the last several years with raccoons that actually climb onto our

buildings now their way into the attics, and then spend the winter there. The extension or allowance of this any further can cause the condominium association undue hardship and financial distress. Being that we have to repair our buildings and exterminate these animals, the conditional use permit does not address at all any type of rodent prevention or eradication of the rodents. Furthermore, the proposed fence that is been proposed by the tenant or the owner of the property is only a two-sided fence. It only shields the area from Virginia Beach Boulevard does nothing for the condominium association which is directly in the backyard. Again, this business is not in accordance with the city code at this point in time, I understand the concept of working with business in the area to promote business. But again, we want to promote businesses that are legal and complying with city ordinance. In as much as this property is not in compliance, we are in opposition, allowing them to continue to operate a sawmill for up to two years and again I visited the property yesterday the sawmill is still active, there was fresh timber in the machine that is used to cut dimensional lumber further exacerbates the ability of us to maintain our property. Thank you very much for your time.

Ms. Oliver: Thank you. Does anybody have any questions? Yes Mr. Weiner.

Mr. Weiner: Yes, so Mr. McMakin came in a couple of months ago. And to grant him this two year, conditional use permit everything has to see, something has to clean up okay, and that has to happen for him to get the conditional use permit. Where he's going to come up here, we're gonna address that saw what you've talked about but just let you know he is in the process in the next couple years of moving okay, we just got to give him a little bit of time to do that.

Mr. Walter: Each intrusion into one of our buildings costs our association between 2 and \$3,000 that's for a 45 day period of eradication of rodents from the building that is literally above people's heads. People are living in it in their own homes, and they've got raccoons eight feet above them on the other side of sheetrock and insulation and ceiling choice. This is not a safe condition.

Mr. Weiner: I understand but it's not going on. It's been going on for how long?

Mr. Walter: At least the last two years.

Mr. Weiner: Okay, so we're in the process of trying to make this happen.

Mr. Walter: Okay, will Mr. McMakin reimburse us for any further rodent infestation in our buildings?

Mr. Weiner: That's not a land use situation that would be discussed with between you two.

Mr. Walter: Okay, and again as of yesterday there were still fresh cut timber in the sawmill.

Mr. Weiner: Okay. We will talk to him about that.

Ms. Oliver: Thank you, Mr. Redmond.

Mr. Redmond: I'm not sure how the applicant is responsible for the behavior of rodents. I have raccoons in my yard. I have rats in my yard. My cat brought one to the window that was the size of a small dog. I mean it and it's a wooded lot. I mean, you know, raccoons and rats, you know, all kinds of wildlife that are going to be in place. I just have a hard time necessarily seeing that as, you know, the behavior of wildlife in suburbanized environment, as being necessarily attributable to anyone purpose or use because he's not anywhere near my house and I got raccoons and rats and all that. Not sure how is it? You seem to be making a leap to meet a responsibility for that. I don't see how that, I don't see that.

Mr. Walter: Well, Mr. Redmond, when you take your cat who is patrolling your neighborhood and bringing you a dead rat, or you take piles of cut timber and firewood and trees that are decaying and rotting in stockpile, this stockpile creates a haven for these animals to prosper and grow where they wouldn't normally do that in the natural habitat. If we could only get the feral cats to drag out the raccoons from our attics that would help an awful lot, however, being the fact that there are stockpiles of wood that would fill this room, this is giving these rodents the ability to grow beyond the normal means of a wooded lot. I hope that addresses your question.

Mr. Redmond: It does I still don't agree with it. So thank you though.

Mr. Ripley: Could I make one more comment? The hearing we had last month, or month before last, the understanding was that he would remove all that would. He's in the process of doing that and all he was going to stores was just equipment. That's the intent of this. So his equipment, it'll be there and then after two years, he can move on because I agree with you. It's not the right place for it, but nobody even knew it was back there, quite frankly.

Mr. Walter: Well, a note about the equipment in the condition.

Mr. Ripley: That's the intent of them,

Mr. Walter: I understand the intent. Our intent is trying to preserve a property as well as you know, our residences and being able to expect to be able to live in our residence without having an illegal business next door. Mr. McMakin says that he's going to be storing his equipment there. He's got two areas of equipment. The first is behind column square where he has trucks and large equipment. And then there's small equipment on this property. The question is, how long is this going to take to clean up, two years is not acceptable to the residents of Thalia Station.

Mr. Ripley: But the intent was to have them clean up the wood soon as he could, which will try to define that better, but the idea was for him to have his equipment there and then find a more permanent location where he can combine the operations and industrial area, whatever, that would be more appropriate. He would have his equipment there would allow his businesses to survive for a period of time while he's out looking for another location.

Mr. Walter: Well, he states that his business is a tree business, but in fact, he also has a sawmill business, so he brings the trees to this lot, stockpiles them. And then when he gets a chance, he's taking the trees and milling them into dimensional lumber or another product that sort of outside of a tree removal business. It's a secondary business. So please consider the fact that this is not your normal tree business. This is a tree business where he's taking his debris and instead of disposing of it the way other tree companies do, he's taking it and trying to make it into another product. That product is a production site, which is less than 50 feet from our building.

Mr. Ripley: Okay, well, we'll ask them those questions.

Ms. Oliver: Thank you. Any other questions? No, great. Thank you.

Mr. Walter: Thank you for your time. I would like to ask a city staff was there another person on that piece of property that was storing other things, do I remember that correctly. It wasn't just, wasn't the owner storing.

City Staff: The applicant is actually leasing the property. The owner has the storage containers that are there, we may contact with the owner and those containers will be removed.

Ms. Oliver: Is there a timeframe for those containers to be removed?

City Staff: It has to be removed within 60 days of city council action per condition seven.

Ms. Oliver: Okay, great thank you. Would you like to come back up, please? Thank you. Yes Mr. Weiner.

Mr. Weiner: Do you want to adjust your the selling operations? What's going on and what's going to be...

Mr. McMakin: Well, the sawmill, I told y'all before it was something I purchased for me, my dad because I'm a tree business, I get a lot of good wood, cherry wood, exotic wood. So something I invested in, saw downward build furniture with my dad, but he moved off the basket, I cut now but it's not. It's not a business for me, it's more for just a hobby. If he would have went there two months ago, he would saw the exact same piece of wood sitting right there on top of the sawmill, I haven't had a chance to get to that part yet of him working on the other path. Now, if he would have

gone there two months ago, he would have noticed that over three quarters of the word is gone now.

Mr. Weiner: Okay.

Ms. Oliver: Anybody else?

Mr. Ripley: Well, are you going to continue to get your hobby with saw in there?

Mr. McMakin: Well, I'm gonna keep the machine yeah, but if I gotta bring it on to the job as I'm taking the tree down and saw it on the job site, then that's the way.

Mr. Ripley: So you can just store?

Mr. McMakin: Just store the equipment, yes.

Ms. Oliver: Here is I think that if I'm correct, there's not supposed to be that kind of work performed, that's part of your conditional use permit.

Mr. McMakin: And I agree to all of it.

Ms. Oliver: Okay, so you are not doing that as we speak.

Mr. McMakin: No, I'm not doing that as we speak.

Ms. Oliver: And how much debris have you removed from that piece of property since you were here for?

Mr. McMakin: At least another 15 loads of wood in a large 18 x 6 gravel truck.

Ms. Oliver: And how much more is left?

Mr. McMakin: Probably about another 10, 15 loads. It was quite a bit over there.

Ms. Oliver: Right.

Mr. Redmond: Right. So when do you think you'll have that material off the site?

Mr. McMakin: It's really hard to say, I'm not looking for excuses, but my daughter she's a freshman in college and she plays basketball and I've been trying to travel to make every game and her season just started. My son, he's a freshman in high school, his basketball season just started and I try to be there for my kids and support them. So with the holidays and that going on, and plus having to get jobs done so I can pay the bills, it's real hard to put, you know, a full time job into clearing out the lot, I could get. It takes me about two hours per load. So I could probably get two loads in a day, maybe three loads in a day. So I mean, if I had the next five days where I

can dedicate all my time I get it all done in the next five days but it's going to take a few weeks with.

Mr. Redmond: Realistically with everything going on with holidays?

Mr. McMakin: Middle of January, middle to end of January, I'll have everything cleaned out of there and that's a guarantee.

Ms. Oliver: And you are working on getting relocated?

Mr. McMakin: I've looked into it, I'm not sure how I'm gonna be able to do that because I've never had to deal with that kind of monthly payment. The cheapest place I found was \$2500 a month. And I have three trucks that I'm making payments on. I have my wife's car making payments on that, my car, I'm making payments. I just got a damn motorcycle long ago. Yeah, I know. So it's hard for me to picture myself taking on that kind of monthly payment. So if anything, I might just have to sell everything that I have.

Ms. Oliver: Well hopefully that won't happen and you will be able to find it and I think you got a little bit of time but I think as far as being a good neighbor as quickly as you could alleviate the problem that the condo association is addressing would be to your benefit.

Mr. Tajan: Madam just to verify something, in order to remove the materials, you're not currently chipping it or doing any other things to, you're just up.

Mr. McMakin: I'm not chipping, though I'm not chipping anything, I am operating my equipment to move it around and load it up, yes.

Mr. Tajan: Okay, just want to make sure that you're not actually in the process, you're not processing any of the wood to get rid of it?

Mr. McMakin: Well, I won't be now, but yeah, I've been trying to get rid because dumps are only open till a certain time. And with the light, I mean...

Mr. Tajan: Understandable, I just want to make sure, so our understanding is that you will not be processing cutting any of this wood until you?

Mr. McMakin: The word that's already there, I am going to try to get it out of there, the best, most economical way for me as possible as quickly as possible.

Mr. Tajan: I understand and that's I understand your answer, but it's different than what's allowed. So the manufacturing of wood is definitely not permitted in this district. So which includes the breaking down and changing of that material into something

else, so if you're planning on having to cut it and do other things like that, you got it there without being cut, you need to get it off the site without being cut, so.

Mr. Graham: Sure. Thank you. It does sound like the applicant is working to get it off, get the materials off the property. I think that hopefully the applicant understands it, can't chip the wood, need to basically load it up in a truck, haul it off. I understand everybody's busy, but just try to, you know, get this stuff out of there, you know, over the next month or two so you can get this behind you. You can probably find another property; you've got two years to look and there's lots of resources out there for people that can help, you know, that are in commercial real estate that can maybe help you find something to lease, because it really isn't the right spot for this. And we, you know, we don't want to shut your business down. And we're trying to do everything we can to work with the applicant. So anyway, I guess those are my thoughts.

Ms. Oliver: Yeah.

Mr. Horsley: I agree. I mean, gentleman seems like a hard working man and if I remember from October he said, he's a one man show also, which a lot of equipment one man operate, though, but anyway, I give him the benefit of the doubt. I think he's diligently trying to get straightened out and I'm sure after today, he will give it a good effort and go ahead and get it cleaned up. As far as the raccoons and whatever, I mean, as long as it's a wooded lot, you're gonna have those animals. I don't care what else is there, you're gonna have those animals and the homeowners just gonna have to do some rodent repellent, or some type or hire an exterminator to come around if they got that much problem, but I can't see that we gotta trigger all this damage to this gentleman's operation.

Mr. Ripley: I agree.

Ms. Oliver: Yes.

Mr. Redmond: It just adds one last thing and that is for our benefit, he seems to be doing what we asked him to do. He came back first time we said these are the steps and these are the conditions that probably would be acceptable, or do that he seems to have done that. And so I think there I mean, I think there's great value.

Ms. Oliver: Right. Do I have a motion?

Mr. Graham: I'd like the motion that we approve.

Ms. Oliver: Second.

Mr. Inman: Madam Chair. I have to abstain as the objecting party is a client of mine.

Ms. Oliver: Noted.

Ms. Cartwright: The vote is open.

Ms. Sandloop: By the recorded vote of 8-0 with Commissioner Inman abstaining, agenda item number eleven has been approved.

Ms. Oliver: Thank you.

	AYE 8	NAY 0	ABS 1	ABSENT 2
ALCARAZ	AYE			
BARNES				ABSENT
GRAHAM	AYE			
HORSLEY	AYE			
INMAN			ABSTAIN	
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. No activity including loading or offloading of woody debris or yard waste material shall be anywhere on the property.
2. There shall be no freestanding signs associated with the Bulk Storage Yard.
3. No customers or members of the public shall be permitted within the Bulk Storage Yard.
4. Category VI landscape screening, as described in the Virginia Beach Landscaping Guide, shall be installed and maintained along the northern and eastern boundaries of the Bulk Storage Yard. A solid eight-foot tall solid fence shall be installed along the northern and eastern boundaries of the Bulk Storage Yard, as shown on the Site Layout exhibit.
5. Items stored within the Bulk Storage Yard shall be limited to equipment associated with the tree service company only.
6. There shall be no chipping, grinding, sawing, or processing of wood within the Bulk Storage Yard or anywhere on the property.

7. There shall be no storage of boats; wrecked, inoperable or towed vehicles; or shipping containers on the site. All existing shipping containers on the site must be removed within 60 days of approval by City Council of this Conditional Use Permit.

8. The storage of combustible waste materials shall not be permitted on site.

9. All outdoor lighting fixtures shall be shielded to direct light and glare onto the premises; said lighting and glare shall be deflected, shaded, and focused away from all adjoining property. Any new outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet.

10. All outdoor lighting fixtures shall be shielded away from the adjacent multi-family use to the south of the property.

11. This Conditional Use Permit is valid for two years from the date of its approval by the City Council.

Item #14
Scott Koehler
Conditional Use Permit (Short-Term Rental)
2513 Beaufort Avenue
COUNCIL DISTRICT – BAYSIDE

December 11, 2019

RECOMMENDED FOR APPROVAL

Ms. Oliver: Thank you. And I would like to thank all the applicants that have come down today that had a matter on the consent agenda for today's hearing, and these items will be scheduled for hearing on the city council's agenda, and I thank you for your attendance today. So in an effort to be a bit more efficient today, I'm going to request that we reorder the agenda to be heard in this order, items number nine, ten, eleven, fourteen, nineteen, twenty, twenty one twelve and thirteen, Mr. Tajan.

Ms. Sandloop: Our next agenda item is number fourteen, Scott Koehler, an application for a conditional use permit short term rental on property located at 2513 Beaufort Avenue in the Bayside District, will the applicant or his representative, please step to the podium.

Ms. Oliver: Hi, how are you?

Ms. Koehler: I'm Heather Koehler.

Ms. Oliver: Welcome.

Ms. Koehler: Thank you.

Ms. Oliver: You want to tell us a little bit about your applications Mrs. Koehler?

Ms. Koehler: It's just the conditional use for vacation rental.

Ms. Oliver: Okay. All right. That's it. I guess we will get back to you.

Ms. Sandloop: We have one speaker Melissa Lake.

Ms. Oliver: Hello, how are you?

Ms. Lake: Hello.

Ms. Oliver: State your name for the record please.

Ms. Lake: Melissa Lake.

Ms. Oliver: All right.

Ms. Lake: Getting over a cold and a little nervous.

Ms. Oliver: Don't be nervous.

Ms. Lake: Thank you for allowing me to speak and voice my opinions in opposition's. I have two letters of opposition that I want to submit to all for this application. The first is what I'm going to be reading and the second is from my neighbor who wasn't able to attend today. We are opposing the requested conditional use permit for the short term rental for the property of 2513 Beaufort, which is directly behind my residents, and is that 2412 Chub Lake Avenue. In the past six months, my family and neighbors have experienced the negative effects of the short term rental, as the homeowner directly behind the property, we have seen how the short term renters do not have the same level of respect as a long term renter would, nor would I expect them to, they are there for vacation. Unfortunately though, they don't have any concern for the social repercussions of their neighbors being disturbed by their delight of vacation. I also have a three year old daughter, and there have been many occasions in the last six months where we've had to move our playtime from the safety of our backyard with her swing set to the front yard. At we're inside due to the lack of respect from the short term renters. In our short time frame of the six months that they had been operating as a short term rental, we've had cigarettes butts thrown into our backyard. We've had balls and pool toys appearing in our backyard, towels and bathing suits being hung on the fence. At times, they blow over into our yard and we have to go and hang them back up hoping that they will come back and get them, several cases that they did not and I got the opportunity to dispose of them. I'm concerned that I cannot comfortably allow my daughter to play in our backyard without some level of worry of what might be the next thing that comes over. We've experienced passionate and possibly alcohol induced conversations that contains so much profanity, it would make you blush. We've experienced music with the same amount of profanity. I don't want my daughter to be exposed to. In the seven years of living in our home, we've had this home be a long term rental and we've never had problems, we were able to respectfully have relationships with the long term renters. So although I know that they meet the requirements, there is one that I question and that has to do with the fact that online they're listing states that accommodates nine, which is what they also put in their application, but in their description, they actually have 10 beds listed.

Ms. Oliver: I'm sorry ma'am. You are out of time.

Ms. Lake: The rest is in the letter.

Ms. Oliver: Do we have any questions?

Mr. Weiner: I do. First of all, I want to congratulate you, you are our very first opposition to short term rental. Okay, so just want tell that. We spent two years doing this, you know, by watching news. There's so much, there's only but so much we can do. Okay. The only thing that you can do is make calls to 311 service or call the police or call somebody when you have something come up like that. Okay, there is still a re-strike rule. It has to go through council and then the conditional use permit can be revoked. Okay. Really and truly, as of right now, unless you have a neighborhood civic league or you get with your neighborhood and they come up with an overlay district in your neighborhood to not have so many conditional use permits in there. Our hands are tied, we can't do but so much.

Ms. Lake: I understand and I appreciate, sharing this information about the 311 because I wasn't aware of that.

Mr. Weiner: Okay.

Mr. Ripley: Wait, isn't it a two year term?

Ms. Oliver: It's a five year term.

Mr. Ripley: If you have continuous problems and they don't respect with your property, then the planning director is going to bring it back in here. I'm sure. He's not going to tell them they can't do it. He's going to bring them back here. It's going to be a public hearing and very likely could be denied that use. So it's in his best interest to work with you.

Ms. Lake: Thank you.

Ms. Oliver: Yes Dave.

Mr. Redmond: I would also advise that if you run into first off you and the owner of the property, everybody's hoarse today, I'm sorry, you're not feeling well. I would suggest that you document some of these things when you can so stuff that ends up in your yard or circumstances where there's some, you know, ongoing, as you say, spirited conversation, to put it charitably, you know behind your property, I would do my best to document that because that can be important down the road when this is tested. I am very sympathetic to your view, but I think that kind of because the last thing we want out of short term rentals, or anything that we're faced with is that they negatively impact people's, the family life of adjacent property. So my antennas up, hair on the back of my neck is up and I would encourage you to document some of those things. I think that would be useful as we go on.

Ms. Lake: Fortunately, I have so I'll continue.

Mr. Horsley: And I might say that, you know, this is the reason when we saw short term rentals as Mr. Weiner said we spent two years and that was one reason that we kept, some of us kept pushing for the use permit process because that was the only way that we felt that we could protect the neighborhoods and the long term residence there. They would have the opportunity to come back with either come with something in front that was negative or if you have some problems, you know, you just keep documenting and eventually the use permit will go away. It'll have to if you get enough calls about.

Ms. Lake: Of course, thank you.

Ms. Oliver: I do have a question, how often is the house rented?

Ms. Lake: Through, well because we live in Chic's Beach during the summer months, starting in June, they completed the renovation in May and starting in June, I believe was right around when I first started consecutive dates, I mean to the point where it was turned over that same day, the one group was leaving and the next check in was arriving that evening.

Ms. Oliver: So she is renting more than?

Ms. Lake: No more than seven days or two occupants in more than, two contracts in more than seven days. No.

Ms. Oliver: No, she's not. Okay.

Ms. Lake: Correct.

Ms. Oliver: Okay. Yes.

Mr. Inman: Are you familiar with the ordinance? Have you read the ordinance?

Ms. Lake: Yes thoroughly.

Mr. Inman: The requirements are, that there's violations, so there's requirements, apparently they're in compliance with that, but if they had a compliance, then that's an issue, you should.

Ms. Lake: Well, that's where one of them was that about the beds because when we originally saw this, we had hoped that they were doing this only short term while they were going to move in hopefully, that was me being helpful and naive. And when we looked at, when I first researched it and found them online, on turnkey, or FlipKey, I guess it's FlipKey.com. It originally listed it as 12 beds and that was obviously before the ordinance had gone into effect. And I wish that I had actually copied it. I copied the URL at that time because I had forwarded it to our neighbors' and said,

this is unfortunate that we're going to have people have large groups staying in one home. And so then when I went back, due to the hearing, I went to look in depth, the listings, that they have the descriptions of the listings, and that's where I found that all they had nine people, they still have 10 beds listed. And that's 10 beds, three of which are larger than a twin bed.

Mr. Redmond: We're going to address that with the applicant shortly.

Ms. Oliver: Okay. And I just want to ask one more question and the parking, how is that?

Ms. Lake: The parking is sufficient because they do have a longer driveway. So yes, that's sufficient. And that street, they're allowed to park on the street, ours unfortunately, no.

Ms. Oliver: No, she's not allowed to park on the street.

Ms. Weiner: They're not allowed per the parking regulations for the amendment ordinance. They're not allowed to use those parking lot streets as parkings.

Ms. Lake: I think there were couple of times when the renters were there and then they had guests over as well. They were taking up that parking.

Mr. Tajan: Can I just clarify that one point that the public right-of-way can be parked on in order for it to count towards the required parking, they have to have the site sufficient on or access to their property.

Mr. Ripley: So is there a privacy fence, that's between you and the property?

Ms. Lake: Yes, there is because they have a pool. So they're required.

Mr. Weiner: Six foot high?

Ms. Lake: Yes.

Ms. Oliver: Yes.

Mr. Graham: Have you ever had to call the police when they've had get together or parties?

Ms. Lake: I have been lenient on that. I won't be so much in the future.

Mr. Graham: Okay.

Ms. Oliver: All right, thank you very much.

Ms. Lake: Thank you for your time.

Ms. Oliver: Absolutely. Thank you for yours. Would you like to come up, please. Hi, how are you?

Ms. Koehler: Good.

Ms. Oliver: Good. Anybody have any questions? Yes.

Mr. Redmond: Advertising thing so nine means nine, right? Does not mean 10, doesn't mean 12, and means nine.

Ms. Koehler: Correct. So when we had done our original listing, the listing company accidentally put us as 12 beds, even though we were only advertising as sleeping in the main rooms, we just have options for other types. So when you have like, so I'm a family, I have five kids. So when we have our family at the home, sometimes it's nice if another couple comes with us to have a place for like couples to sleep, but then also a bunk room for kids to sleep in. So we have a bunk room, and then two king bedrooms. And then we have a sofa that pulls out. But it's kind of just like as needed. We advertised just sleeping nine, but we just have other bed options. So like when I listed on the promoting website or say like, how many different options you have. Does that make sense, we only sleep nine. So from 11 o'clock, I think the standard is 11 o'clock. It might be 10 o'clock at night on. There's only supposed to be nine people at the residence.

Mr. Redmond: Yeah, I think it my suggestion and take it for what it's worth is that I'd stick with nine because, yes, down the road that is you know, frankly grounds for having your permit revoked.

Ms. Koehler: That is totally fine.

Mr. Redmond: I would be, I think she has a point and I would be very careful about that. Were you aware of any of these kinds of the noise complaints, cigarettes over the fence?

Ms. Koehler: No, we weren't.

Mr. Redmond: I'd be on the warpath too if somebody were dumping cigarettes onto my property,

Ms. Koehler: Right. Well, and we have like a no smoking policy like on our property at all, and we actually ask people to abstain from like even smoking within the yard. And then we have not had any complaints from any of the other neighbors on either side of us that are very close proximity wise as well. And our one neighbor helps take care of the property when we're not able to be there. And I haven't heard anything about noise or issues along those lines outside of normal everyday people being in a backyard, having fun around a pool, right. Nothing out of the normal.

Mr. Redmond: Lastly, I would, again for what it's worth, since it is just a suggestion, I think always think the more communication the better. You might want to stay in contact, recognize and concerns that she has. I think it would be for everyone that that you all be in communication, there are some things she could probably help you with and some things that you can help her with and as this is a new path for all of us, so I think that would probably serve everybody well.

Ms. Koehler: No, I agree. And now I'll reach out to her after this as well, just so that if there is an issue, I can get it under control immediately.

Mr. Redmond: Thank you.

Ms. Oliver: Ron.

Mr. Ripley: Well, I think you heard her loud and clear. I take it, just what are concerned for and you know, these short term rentals, you're in a neighborhood here and versus being out on the beach, for example and it's little more, this is what caused the short term rental was let's say, the beachfront properties and the need to regulate it because we had no regulation but as they go into inside the neighborhood, that's a different ballgame. Sound carries, disruption is greater so you really need to police your guest, you really need to police them and condition them when they come in there, if you just say Listen, if you can't go nuts here, you're going to get we'll come back, it's probably going to reflect on you.

Ms. Koehler: Right. We have in multiple different places, please be respectful, it is a neighborhood like, you know, strict 10 o'clock policy at night. Like please do not be outside talking or carrying on is the neighborhood people do wake up in the morning so, and we communicate that before they check in as well. So we'll definitely get that under control.

Ms. Oliver: All right, any other questions? Yes.

Mr. Wall: So you're currently operating?

Ms. Koehler: No, we don't have any rentals right now.

Mr. Wall: You don't have any rentals right now, okay.

Ms. Oliver: All right. Great, thank you. All right, we are going to close the hearing and open it up for discussion. Anybody? Yes,

Mr. Redmond: I move approval of the application.

Mr. Alcaraz: Second.

Ms. Oliver: All right.

Ms. Cartwright: The vote is open.

Ms. Sandloop: By recorded out of 9-0, agenda item number fourteen has been approved. Our next agenda item to address is 19, 20 and 21, which is HH VB2 LLC. An application for conditional use permit short term rental on property located at 400 and 402 33rd Street and 3216 Arctic Avenue, located in the Beach District.

	AYE 9	NAY 0	ABS 0	ABSENT 2
ALCARAZ	AYE			
BARNES				ABSENT
GRAHAM	AYE			
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 2513 Beaufort Avenue and the Short-Term Rental use shall only occur in the principal structure.
2. As depicted on the Parking Plan titled “Physical Survey of Lot 5, Subdivision of Chubb Lake Villa,” dated May 15, 2019 and created by Alphatec Surveyors, LTD, a minimum of three (3) on-site parking spaces must be maintained all-weather surfaces and be made available to the Short-Term Rental occupants.
3. The existing 12.2-foot by 8.2-foot one-story frame shed as shown on the submitted survey titled “Physical Survey of Lot 5, Subdivision of Chubb Lake Villa,” dated May 15, 2019 and created by Alphatec Surveyors, LTD, must be relocated to meet the minimum required 5-foot rear yard setback and 5-foot side yard setback.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of the Conditional Use Permit will be administrative and performed by the Department of Planning and Community Development; however, the Department of Planning and Community Development shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short-Term Rental, where it has been the subject of neighborhood

complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.

5. No events with more than fifty (50) people present, shall be held absent a special event permit. Events with more than fifty (50) people are limited to no more than three (3) events in a calendar year. No more than one hundred (100) people shall be present at any event held on the property.

6. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator, or agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short-Term Rental within thirty (30) minutes. Physical response to the site of the Short-Term Rental is not required.

7. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements "a" through "c" below. This information must be submitted to the Department of Planning and Community Development for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.

- a) A completed Department of Planning and Community Development Short-Term Rental registration form;
- b) Copies of the Commissioner of Revenue's office receipt of registration; and
- c) Proof of liability insurance applicable to the rental activity of at least one million dollars.

8. To the extent permitted by state law, each Short-Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.

9. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000.00) underwritten by insurers acceptable to the City.

10. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.

11. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.

12. Accessory structures shall not be used or occupied as Short-Term Rental.

13. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short-Term Rental.

14. The Short-Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.

15. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000.00) underwritten by insurers acceptable to the City.

16. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.

17. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be three (3) individuals per bedroom.

18. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors shall be installed in each Short-Term Rental.

Item #15
Brandy Flotten
Conditional Use Permit (Short-Term Rental)
1804 Baltic Avenue, Unit D
District – Beach

December 11, 2019

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Weiner: Thank you, sir. Madam Chair, the next item on the consent agenda fallen to the short term rental. The planning commission places the following applications for the conditional use permit for short term rental on the consent agenda as these applications meet the ethical requirements for section 241.2 of the zoning ordinance. Planning Commission and staff supports the application and there is no known opposition to the request for items 15, 16, 17 and 18. With that being said, I move for approval on a consent agenda items one, two, three, five, six, seven, eight, 15, 16, 17 and 18.

Ms. Oliver: Right. Second.

Mr. Ripley: I need to disclose, if you don't mind. I need to disclose there, a couple of applications in here, I think specifically Five, I think the last application which is not a subject of this motion, but I'm going to read it more in any way when it comes up. I want to disclose that I am a member of the TowneBank Advisory Board, the city of Chesapeake and I have a letter on file with the clerk so stating and the TowneBank is not the applicant here. And I have no interest in this application. And the Planning Commission's recommendations are strictly advisory; city council makes the final decision. So I want to disclose that I will be voting on it today.

Mr. Inman: I as well need to disclose that I'm on the TowneBank Leadership Alliance, and I will be voting on it as well. I have no financial interests.

Mr. Graham: Likewise, I serve on the TowneBank of Virginia Beach Advisory Board adopted all the comments made by Mr. Ripley, I have no interest in the application and TowneBank is merely a potential financier of this application and we only recommend, so I will also be voting.

Ms. Oliver: Do we have the second consent agenda?

Mr. Redmond: Second.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, three, five, six, seven, eight, fifteen, sixteen, seventeen and eighteen have been approved by consent.

Ms. Oliver: Thank you. And I would like to thank all the applicants that have come down today that had a matter on the consent agenda for today's hearing, and these items will be scheduled for hearing on the city council's agenda, and I thank you for your attendance today. So in an effort to be a bit more efficient today, I'm going to request that we reorder the agenda to be heard in this order, items number nine, ten, eleven, fourteen, nineteen, twenty, twenty one twelve and thirteen, Mr. Tajan.

	AYE 9	NAY 0	ABS 0	ABSENT 2
ALCARAZ	AYE			
BARNES				ABSENT
GRAHAM	AYE			
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. The following conditions apply to the unit requesting a Short-Term Rental Conditional Use Permit. Short-Term Rental shall only occur in the principal structure addressed as 1804D Baltic Ave.
2. The garage space within the unit must remain a minimum of 9-feet by 18-feet, contain a minimum 8-foot wide vehicle entryway opening, and be accessible to the Short-Term Rental tenants.
3. As depicted on the Zoning Administrator approved Parking Plan titled “Physical Survey of Lot 2, Subdivision of Oxygen at Baltic,” dated May 14, 2019 and created by Alphatec Surveyors, LTD, a minimum of three (3) on-site parking spaces must be maintained with all-weather surfaces and be available to the occupants of the Short-Term Rental.
4. An appropriate site plan must be submitted to the Department of Planning and Community Development -Development Services Center Division for review if the applicant would like to keep the compacted gravel area shown on the submitted parking plan titled “Parking Plan for

1804 Baltic Ave Unit D Brandy Flotten 09/10/19.” If approval is not granted by the Department of Planning and Community Development-Development Services Center Division, then the compacted gravel area must be restored to its original state as shown on the site plan created by John E. Siren and Associates, dated 03/21/2016 (with an as-built date of 05/29/2019), and tiled, “Site Plan of Lot 10-A, Resubdivision of Lot 9, 10 and Lot 11, Block B, Plat of Property of Virginia Beach Park Corp for K&B Construction,” which is on file with the Department of Planning and Community Development within record numbers 2019-DSC-00257 and 2019-DDSC-009500

5. While this Conditional Use Permit is active, parking passes issued for the subject dwelling unit through the Residential Parking Permit Program (RPPP) shall be limited to two residential passes only. Guest permits and temporary permits through the RPPP shall not be permitted.

6. Unless a field change or other site plan modification is approved by the Planning Director, all required tree canopy, landscaping, and outdoor amenity space improvements as shown on sheet 6 of the site plan approved by the Development Services Center Division of the Planning and Community Development Department and more specifically titled, “Landscape Plan,” created by Pauline Hundley of Four Seasons Nursery for John E. Sirine and Associated on 01-18-2017, shall remain in place and be maintained in good condition.

7. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Department of Planning and Community Development; however, the Department of Planning and Community Development shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short-Term Rental where it has been the subject of neighborhood complaints, violations of its conditions, or violations of any building, housing, zoning, fire, or other similar codes.

8. No events with more than fifty (50) people present, shall be held absent a special event permit. Events with more than fifty (50) people are limited to no more than three (3) events in a calendar year. No more than one hundred (100) people shall be present at any event held on the property.

9. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator, or agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short-Term Rental within thirty (30) minutes. Physical response to the site of the Short-Term Rental is not required.

10. If, or when, the ownership of the property changes, it is the seller’s responsibility to notify the new property owner of requirements “a” through “c” below. This information must be submitted to the Department of Planning and Community Development for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.

- a) A completed Department of Planning and Community Development Short-Term Rental registration form;
- b) Copies of the Commissioner of Revenue's office receipt of registration; and
- c) Proof of liability insurance applicable to the rental activity of at least one million dollars.

11. To the extent permitted by state law, each Short-Term Rental must maintain registration with the Commissioner of Revenue's office and pay all applicable taxes.

12. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000.00) underwritten by insurers acceptable to the City.

13. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.

14. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.

15. Accessory structures shall not be used or occupied as Short-Term Rental.

16. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short-Term Rental.

17. The Short-Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.

18. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.

19. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be three (3) individuals per bedroom.

20. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors shall be installed in each Short-Term Rental.

Item #16
Armando & Patricia Ellis
Conditional Use Permit (Short-Term Rental)
901 Park Landing Court
District – Centerville

December 11, 2019

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Weiner: Thank you, sir. Madam Chair, the next item on the consent agenda fallen to the short term rental. The planning commission places the following applications for the conditional use permit for short term rental on the consent agenda as these applications meet the ethical requirements for section 241.2 of the zoning ordinance. Planning Commission and staff supports the application and there is no known opposition to the request for items 15, 16, 17 and 18. With that being said, I move for approval on a consent agenda items one, two, three, five, six, seven, eight, 15, 16, 17 and 18.

Ms. Oliver: Right. Second.

Mr. Ripley: I need to disclose, if you don't mind. I need to disclose there, a couple of applications in here, I think specifically Five, I think the last application which is not a subject of this motion, but I'm going to read it more in any way when it comes up. I want to disclose that I am a member of the TowneBank Advisory Board, the city of Chesapeake and I have a letter on file with the clerk so stating and the TowneBank is not the applicant here. And I have no interest in this application. And the Planning Commission's recommendations are strictly advisory; city council makes the final decision. So I want to disclose that I will be voting on it today.

Mr. Inman: I as well need to disclose that I'm on the TowneBank Leadership Alliance, and I will be voting on it as well. I have no financial interests.

Mr. Graham: Likewise, I serve on the TowneBank of Virginia Beach Advisory Board adopted all the comments made by Mr. Ripley, I have no interest in the application and TowneBank is merely a potential financier of this application and we only recommend, so I will also be voting.

Ms. Oliver: Do we have the second consent agenda?

Mr. Redmond: Second.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, three, five, six, seven, eight, fifteen, sixteen, seventeen and eighteen have been approved by consent.

Ms. Oliver: Thank you. And I would like to thank all the applicants that have come down today that had a matter on the consent agenda for today's hearing, and these items will be scheduled for hearing on the city council's agenda, and I thank you for your attendance today. So in an effort to be a bit more efficient today, I'm going to request that we reorder the agenda to be heard in this order, items number nine, ten, eleven, fourteen, nineteen, twenty, twenty one twelve and thirteen, Mr. Tajan.

	AYE 9	NAY 0	ABS 0	ABSENT 2
ALCARAZ	AYE			
BARNES				ABSENT
GRAHAM	AYE			
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. The garage space cannot be converted into any other use other than parking.
2. The following conditions shall only apply to the dwelling unit addressed as 901 Park Landing Court and the Short-Term Rental use shall only occur in the principal structure.
3. The approval of this Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short-Term Rental, where the Short-Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
4. No events with more than fifty (50) people present, shall be held absent a special event permit. Events with more than fifty (50) people are limited to no more than three (3) events in a calendar year. No more than one hundred (100) people shall be present at any event held on the property.

5. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short-Term Rental within thirty (30) minutes. Physical response to the site of the Short-Term Rental is not required.

6. If or when the ownership of the property changes, the new property owner shall provide the updated information (a through c below) to the Department of Planning and Community Development for review and approval. Said updated information shall be provided within six (6) months from the real estate transaction closing date on the property; otherwise, the use of the Short-Term Rental shall be null and void.

a) The owner/operator contact information;

b) Registration with the Commissioner of Revenue's Office; and

c) Proof of liability insurance.

7. To the extent permitted by state law, each Short-Term Rental must maintain registration with the Commissioner of Revenue's office and pay all applicable taxes.

8. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.

9. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.

10. Accessory structures shall not be used or occupied as Short-Term Rental.

11. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short-Term Rental.

12. A Short-Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.

13. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000.00) underwritten by insurers acceptable to the City.

14. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.

15. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be three (3) individuals per bedroom.

16. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors shall be installed in each Short-Term Rental.

Item #17
John H. Davis
Conditional Use Permit (Short-Term Rental)
1434 Gannet Run
District – Beach

December 11, 2019

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Weiner: Thank you, sir. Madam Chair, the next item on the consent agenda fallen to the short term rental. The planning commission places the following applications for the conditional use permit for short term rental on the consent agenda as these applications meet the ethical requirements for section 241.2 of the zoning ordinance. Planning Commission and staff supports the application and there is no known opposition to the request for items 15, 16, 17 and 18. With that being said, I move for approval on a consent agenda items one, two, three, five, six, seven, eight, 15, 16, 17 and 18.

Ms. Oliver: Right. Second.

Mr. Ripley: I need to disclose, if you don't mind. I need to disclose there, a couple of applications in here, I think specifically Five, I think the last application which is not a subject of this motion, but I'm going to read it more in any way when it comes up. I want to disclose that I am a member of the TowneBank Advisory Board, the city of Chesapeake and I have a letter on file with the clerk so stating and the TowneBank is not the applicant here. And I have no interest in this application. And the Planning Commission's recommendations are strictly advisory; city council makes the final decision. So I want to disclose that I will be voting on it today.

Mr. Inman: I as well need to disclose that I'm on the TowneBank Leadership Alliance, and I will be voting on it as well. I have no financial interests.

Mr. Graham: Likewise, I serve on the TowneBank of Virginia Beach Advisory Board adopted all the comments made by Mr. Ripley, I have no interest in the application and TowneBank is merely a potential financier of this application and we only recommend, so I will also be voting.

Ms. Oliver: Do we have the second consent agenda?

Mr. Redmond: Second.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, three, five, six, seven, eight, fifteen, sixteen, seventeen and eighteen have been approved by consent.

Ms. Oliver: Thank you. And I would like to thank all the applicants that have come down today that had a matter on the consent agenda for today's hearing, and these items will be scheduled for hearing on the city council's agenda, and I thank you for your attendance today. So in an effort to be a bit more efficient today, I'm going to request that we reorder the agenda to be heard in this order, items number nine, ten, eleven, fourteen, nineteen, twenty, twenty one twelve and thirteen, Mr. Tajan.

	AYE 9	NAY 0	ABS 0	ABSENT 2
ALCARAZ	AYE			
BARNES				ABSENT
GRAHAM	AYE			
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 1434 Gannet Run and the Short-Term Rental use shall only occur in the principal structure.
2. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Condition Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short-Term Rental where the Short-Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
3. No events with more than fifty (50) people present shall be held absent a special event permit. Events with more than fifty (50) people are limited to no more than three (3) events in a calendar year. No more than one hundred (100) people shall be present at any event held on the property.
4. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be

contacted and to address conditions occurring at the Short-Term Rental within thirty (30) minutes. Physical response to the site of the Short-Term Rental is not required.

5. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Department of Planning and Community Development for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.

a) A completed Department of Planning and Community Development Short-Term Rental Zoning registration form; and

b) Copies of the Commissioner of Revenue's Office receipt of registration; and

c) Proof of liability insurance applicable to the rental activity of at least one million dollars.

6. To the extent permitted by state law, each Short-Term Rental must maintain registration with the Commissioner of Revenue's office and pay all applicable taxes.

7. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.

8. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.

9. Accessory structures shall not be used or occupied as Short-Term Rental.

10. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short-Term Rental.

11. The Short-Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.

12. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000.00) underwritten by insurers acceptable to the City.

13. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.

14. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be three (3) individuals per bedroom.

15. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors shall be installed in each Short-Term Rental.

Item #18
Joshua Lippoldt
Conditional Use Permit (Short-Term Rental)
2508 Mediterranean Avenue
District – Beach

December 11, 2019

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Weiner: Thank you, sir. Madam Chair, the next item on the consent agenda fallen to the short term rental. The planning commission places the following applications for the conditional use permit for short term rental on the consent agenda as these applications meet the ethical requirements for section 241.2 of the zoning ordinance. Planning Commission and staff supports the application and there is no known opposition to the request for items 15, 16, 17 and 18. With that being said, I move for approval on a consent agenda items one, two, three, five, six, seven, eight, 15, 16, 17 and 18.

Ms. Oliver: Right. Second.

Mr. Ripley: I need to disclose, if you don't mind. I need to disclose there, a couple of applications in here, I think specifically Five, I think the last application which is not a subject of this motion, but I'm going to read it more in any way when it comes up. I want to disclose that I am a member of the TowneBank Advisory Board, the city of Chesapeake and I have a letter on file with the clerk so stating and the TowneBank is not the applicant here. And I have no interest in this application. And the Planning Commission's recommendations are strictly advisory; city council makes the final decision. So I want to disclose that I will be voting on it today.

Mr. Inman: I as well need to disclose that I'm on the TowneBank Leadership Alliance, and I will be voting on it as well. I have no financial interests.

Mr. Graham: Likewise, I serve on the TowneBank of Virginia Beach Advisory Board adopted all the comments made by Mr. Ripley, I have no interest in the application and TowneBank is merely a potential financier of this application and we only recommend, so I will also be voting.

Ms. Oliver: Do we have the second consent agenda?

Mr. Redmond: Second.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, three, five, six, seven, eight, fifteen, sixteen, seventeen and eighteen have been approved by consent.

Ms. Oliver: Thank you. And I would like to thank all the applicants that have come down today that had a matter on the consent agenda for today's hearing, and these items will be scheduled for hearing on the city council's agenda, and I thank you for your attendance today. So in an effort to be a bit more efficient today, I'm going to request that we reorder the agenda to be heard in this order, items number nine, ten, eleven, fourteen, nineteen, twenty, twenty one twelve and thirteen, Mr. Tajan.

	AYE 9	NAY 0	ABS 0	ABSENT 2
ALCARAZ	AYE			
BARNES				ABSENT
GRAHAM	AYE			
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 2508 Mediterranean Avenue and the Short-Term Rental use shall only occur in the principal structure.
2. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Condition Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short-Term Rental where the Short-Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
3. No events with more than fifty (50) people present, shall be held absent a special event permit. Events with more than fifty (50) people are limited to no more than three (3) events in a calendar year. No more than one hundred (100) people shall be present at any event held on the property.
4. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be

contacted and to address conditions occurring at the short term rental within thirty (30) minutes. Physical response to the site of the short-term rental is not required.

5. If or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Department of Planning and Community Development for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.

a) A completed Department of Planning and Community Development Short-Term Rental Zoning registration form; and

b) Copies of the Commissioner of Revenue's Office receipt of registration; and

c) Proof of liability insurance applicable to the rental activity of at least one million dollars.

6. To the extent permitted by state law, each Short-Term Rental must maintain registration with the Commissioner of Revenue's office and pay all applicable taxes.

7. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.

8. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.

9. Accessory structures shall not be used or occupied as Short-Term Rental.

10. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short-Term Rental.

11. The Short-Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.

12. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000.00) underwritten by insurers acceptable to the City.

13. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.

14. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be three (3) individuals per bedroom.

15. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors shall be installed in each Short-Term Rental.

Items #7 & 8
Back Bay Wildfowl Guild T/A Atlantic Wildfowl Heritage Museum
Conditional Use Permit (Assembly Use)
Modification of Conditions (Open Air Market)
1113 Atlantic Avenue
District – Beach

December 11, 2019

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Weiner: Thank you sir. The next item is items combined together seven and eight Back Bay Wildfowl Guild, an application conditional use permit for assembly use and modification for conditions for an open air market in the Beach District.

Mr. Hightower: My name is Charles Hightower. I'm the director of the Back Bay Wildfowl Guild trading as the Atlantic Wildfowl Heritage Museum, and we are in agreement with all of the conditions enumerated.

Mr. Weiner: Thank you, sir. Is there any opposition to this being on the consent agenda? Hearing none, Mr. Alcaraz has been asked to read this into the record.

Mr. Alcaraz: Agenda number seven and number eight is requests for two conditional use permits to allow events at the Atlantic Wildfowl Heritage Museum, a conditional use permit for an assembly use as an event venue and a modification to conditions to an existing conditional use permit for an open air market for the operation of food trucks is proposed by the applicant in the city-owned property. The applicant is seeking a use permit for a similar use on the property within the city owned deWitt Cottage which is leased by the applicant. The conditional use permit for open air market for small food vendor seasonal operate, was approved by city council October 17, 2017 as this business is no longer operating the property, the applicant request to modify the conditions of the open air market to allow for food trucks associated with rental facility for private events. The proposed events include weddings, reunions, graduations and other celebrations within the deWitt Cottage on the grounds, the hours will be from 12pm to 12am Friday through Sundays. No structures such as tents and portable restrooms will be provided by the applicant rather than future event holders will contract with businesses to supply those amenities. The concept plan also depicts a portable tent typically 20 x 40, located on the lawn area. Planning Commission recommends approval with the recommended conditions.

Mr. Weiner: Thank you, sir. Madam Chair, the next item on the consent agenda fallen to the short term rental. The planning commission places the following applications for the conditional use permit for short term rental on the consent agenda as these

applications meet the ethical requirements for section 241.2 of the zoning ordinance. Planning Commission and staff supports the application and there is no known opposition to the request for items 15, 16, 17 and 18. With that being said, I move for approval on a consent agenda items one, two, three, five, six, seven, eight, 15, 16, 17 and 18.

Ms. Oliver: Right. Second.

Mr. Ripley: I need to disclose, if you don't mind. I need to disclose there, a couple of applications in here, I think specifically Five, I think the last application which is not a subject of this motion, but I'm going to read it more in any way when it comes up. I want to disclose that I am a member of the TowneBank Advisory Board, the city of Chesapeake and I have a letter on file with the clerk so stating and the TowneBank is not the applicant here. And I have no interest in this application. And the Planning Commission's recommendations are strictly advisory; city council makes the final decision. So I want to disclose that I will be voting on it today.

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Mr. Graham: Likewise, I serve on the TowneBank of Virginia Beach Advisory Board adopted all the comments made by Mr. Ripley, I have no interest in the application and TowneBank is merely a potential financier of this application and we only recommend, so I will also be voting.

Ms. Oliver: Do we have the second consent agenda?

Mr. Redmond: Second.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, three, five, six, seven, eight, fifteen, sixteen, seventeen and eighteen have been approved by consent.

Ms. Oliver: Thank you. And I would like to thank all the applicants that have come down today that had a matter on the consent agenda for today's hearing, and these items will be scheduled for hearing on the city council's agenda, and I thank you for your attendance today. So in an effort to be a bit more efficient today, I'm going to request that we reorder the agenda to be heard in this order, items number nine, ten, eleven, fourteen, nineteen, twenty, twenty one twelve and thirteen, Mr. Tajan.

	AYE 9	NAY 0	ABS 0	ABSENT 2
ALCARAZ	AYE			
BARNES				ABSENT
GRAHAM	AYE			
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
WALL	AYE			
WEINER	AYE			

CONDITIONS

Conditional Use Permit (Assembly Use)

1. The use of the site shall substantially conform to the Proposed Site Layout exhibit on page six of this report as exhibited to City Council and is on file with the Planning & Community Development Department.
2. Any outdoor storage of materials associated with the Assembly Use shall be prohibited.
3. All necessary permits shall be obtained prior to the event for temporary tents or other structures, as required by the Virginia State Building Code.
4. All lighting, temporary or permanent, related to events held on the subject property, shall be directed downward and towards the interior of the site and contained such that the source of light shall be shielded from view from any area outside of the property.
5. The maximum number of individuals within the facility shall not exceed the maximum number as required by applicable building codes, noted on the Certificate of Occupancy and posted by the Fire Marshal.
6. The tent(s) and portable restrooms shall be removed from the site within 24 hours of the end of an event being held.
7. The use of speakers or monitors shall be prohibited between the hours of 11:00 p.m. and 9:00 a.m.
8. The use shall be in operation only between 8:00 a.m. and 12:00 a.m.

Modification of Conditions (Open-Air Market)

1. All conditions of the Conditional Use Permit for Open-Air Market dated October 17, 2017 are null and void.
2. Food trucks shall only be allowed in association with private events.
3. The location of the food trucks shall not be permitted in the public right-of-way and shall be limited to the area depicted on page six of this report.
4. Any outdoor storage of materials associated with the Open-Air Market Use shall be prohibited.
5. The use shall be in operation only between 8:00 a.m. and 12:00 a.m.

Items #12 & 13
Judeo-Christian Outreach Center, Inc.
Conditional Use Permit (Single Room Occupancy Facility)
Modifications of Conditions (Group Home)
1049 & 1053 Virginia Beach Boulevard
District – Beach

December 11, 2019

RECOMMENDED FOR APPROVAL

Ms. Oliver: Thank you. And I would like to thank all the applicants that have come down today that had a matter on the consent agenda for today's hearing, and these items will be scheduled for hearing on the city council's agenda, and I thank you for your attendance today. So in an effort to be a bit more efficient today, I'm going to request that we reorder the agenda to be heard in this order, items number nine, ten, eleven, fourteen, nineteen, twenty, twenty one twelve and thirteen, Mr. Tajan.

Ms. Sandloop: Madam Chair our last agenda items are items number 12 and 13, which is the Judeo-Christian Outreach Center, Inc, an application for a conditional use permit single room occupancy facility, and modification of conditions group home on property located at 1049 and 1053, Virginia Beach Boulevard located in the Beach District.

Mr. Bourdon: Madam Chair for the record, Eddie Bourdon Virginia Beach attorney representing the JCOC. I want to thank you for giving us a break.

Ms. Oliver: You're welcome.

Mr. Bourdon: I appreciate that very much. First of all, I want to take a minute because I get to do is, I don't get to do this very often. I'd like to ask all of the folks who are in attendance with us this afternoon who are here in support of the JC OC, its mission its applications before the commission to please stand and be recognized. The presentations that you all received this morning in your briefing, I thought were extremely illuminating, powerful and helpful. The JC OC has for 31 years, as staff has accurately summarized in their report and providing exemplary service to those in need of housing, the homeless but I don't know want to say anything that's politically incorrect, needed shelter and those in need of assistance in order to afford to pay their rent, and avoid homelessness. Food insecurity, I guess is the new term. They've done this, especially since Todd Walker was hired in 2012 to run executive director to run JC OC program. And as you heard this morning, it's a collaborative process. And the city gets more mileage out of its investment and everybody gets a lot more out of it, when the public is involved. You have letters of support from 20 churches and affiliated churches and synagogues, JC OC works closely with

scores of churches and synagogues, not just the 20 you have letters of support from as well as many other community and business organizations. They provide volunteers to JCOC that serves the dinners every night 365 days out of the year and On Saturdays, breakfast on Saturdays, they also provide financial support and that financial support will be needed as we move forward with the hopefully the redevelopment of this piece of property, in addition to providing shelter and access to programs to aid our brothers and sisters, who are in need, the JCOC last year provided 33,816 meals boxed for families in need with shelter that had shelter. It provided 102,766 meals for individuals with shelter, mostly almost 90 some odd percent through the food pantry. Both the food pantry, the food pantry provided both of those two numbers and they provided 44,313 meals for persons with or without shelter at the dinners and the breakfast, and it's probably a pretty even split maybe a few more without shelter. That's a total of 180,905 meals that were provided last year by the JCOC, is there is a need and there's an absolute need in the area that JCOC has been located on for the last 31 years. And Andy Friedman did a fantastic job of giving you some of the history. The Fire Escape is actually I think was the name of the place that on 17th Street where interestingly, if you read the old use permit, from 1988 1989, it talks about 70 to 100 homeless people having dinner at the fire escape on a nightly basis. And that use permit basically expected 70 to 100 people having dinner at JCOC this was back in '89 and that's still situation today. Still the situation today, all the good work, and it's to be applauded. But it's kept it where it was 31 years ago, that's a good thing. That's a good thing. You look at what's going on the rest of the world, but it's pretty much the same now as it was then. And with this proposal, the only reason that is a part of this is that original use permit, specifically in condition six said, the use permit was for these buildings. If you build a new building, anything like that, you have to come back that's why because we're not making the food service any larger. We're not expanding it in any way. We're putting it in a brand new \$5 million, maybe less, hopefully, building. The JCOC has already raised, going on a half a million. They can get grants, they can raise more money, but they have to have a plan. The big donors, the banks etc, they have to have, you have to have a plan. And that's what we're moving towards today, four years ago, four years ago, it's over four years ago, we began discussions with the city and it's a collaborative process about the need for us to do something about our physical plant. And it's been in service and done well for the 30 years. It's been there, but we need to either spend a lot of money in improving the property, renovating the buildings, or going a different direction somewhat. And those discussions, in those discussions we were discussing back and forth the city with the Housing Resource Center in the process of being developed four years ago, it hadn't been developed yet. Should we change from a shelter, say a shelter, or should we go to a transitional housing and SRO

housing? What would be a more valuable component in our city's and our community's effort to address this problem. And as Andy eloquently described, all this doesn't heck of a lot better than I could ever do, you know, this is what everyone believed was the best way to move forward. So after 31 years of the 50 bed shelter, food pantry kitchen, dining in four buildings with only 17 on-site parking spaces that are a little disjointed and the buildings up close to the street, we proposed this beautiful new building setback with 24 conforming parking spaces, a permeable paver parking area, again, everything back this far from the road out on 17th Street as we could make it with the dining hall and food service that is not an expansion in any way, shape, or form, but the original condition since it will be the new building requires that to be a part of the application. So that brings us here with the application to modify the original group home use permit as well as the new use, which is the SRO and the plan, you know, 42-inch wall, beautiful landscaping, a lot of really bike racks, all that area in the backward you go into the meals, the buildings will have, the buildings will have mounting cameras, it will have monitoring screens, there will be security, there is security now, but there will be more security, better security and it will be the I think, at least so far the most attractive building on 17th Street once you get to the west of the city's last building on the before you get to the field house on the north side of 17th Street. And it certainly isn't going to stand in the way of hope where I hope will be and everyone else will be think some great redevelopment, we absolutely have no problem whatsoever agreeing to a total security assessment and participating with neighboring properties in any such endeavor. Todd told me this morning that when he first came on, he communicated with the chief at the time, chief Cervera, about did they, was there anything that JCOC could do to improve the situation was told no. So, and we can talk more about that, the police calls later if that's something you want to get into. JCOC has a no alcohol, no drug tolerance, and zero tolerance policy and always has had that policy. Now, before I introduce Todd, I want to give you a little bit of background. The week, well little more than a week ago, I was asked to come to a meeting which we held with four people who I think very highly of and have had good relationships with about, is there a win-win here and the conversation boil down to, could the food service be moved and could it be moved over to the leader? I had forgotten, but I forgotten one important part, I will get back to that but I said that I was 100 percent certain that my clients would be very supportive of doing just that. What I'd forgotten was that they actually had proposed that to the city over two years ago, after the city at JCOC had spent close to two years looking for a place to move. That was unsuccessful, and it just doesn't. It's very hard to find some and Andy has a phenomenal job of explaining that. But two and a half years ago, JCOC went to the city and said, what do you think about the idea of doing 50 room SRO, and we try to move the food service over to the

cafeteria at the Lita and about three months later, I believe Billy Almond and Todd were in the meeting or meetings may have been more than one. They just got an email back. Now we think you're doing a great job where you are, you know, stay where you are, and do the food service there and the smaller number of SROs. So, but what I told those gentlemen is that I was 100% certain, and I'm 100% certain today that that would be a win-win for everybody. And, but for the fact that we discovered subsequently to apparently surprised that a lot of folks that the lease on the Lita expires in five months. That's why we're still moving forward. We've been at this for four years, but I will tell each and every one of you that it's a win-win, and we hope that is what can happen. But realistically knowing all and I don't mean but to mean it won't happen, but it's going to take time and we would like to be able to get started raising money. And obviously we're not going to, if council wants that to happen, we will be right there, you know, let's do it, we are with you every step of the way. And if that means we have to wait a while, while they work out all the issues because it won't be easy, I'm sure. We're perfectly willing to do that. But we need to have an approved plan so we can go out and start raising money because our intent was to start in two years and have the money in two years but the more we that was our intent three and a half years ago. So we need this to move forward. But we absolutely have JCOC wants to provide more shelter, if we can provide 50 SROs, we know we can't do it on the site with the food, but the food is essential, the food is essential. It may not be essential in 10 or 15 years, the trailer parks, if they redevelop, then, you know, and there's other need out there, other than those, but those are the primary need, but there are others, but it's certainly conceivable. But I go back to what I said before, 31 years, the same basic we are serving 75-78 on average, 78-77 people every night, that's the average. So it's still there. JC OC as Andy said doesn't create this problem. JCOC is there to serve, to try to help keep our problem from becoming a bigger one, and keep people from who are in food insecurity or pay electrical bill insecurity whatever, and to help them stay in shelter and not become homeless and that's what the food service provides. And I know they're, you know, I couldn't say it any better than Chief Cervera said it, you know, there are perceptions but the perceptions aren't the reality. It doesn't mean that JCOC thinks it's perfect. And JCOC is more than willing to participate in a security review. The new building, you know, they will have much more security these, these buildings were there before JCOC, so they're not modern buildings, but that's not, that is not an issue as far as JCOC is concerned. With that I want to take a second before Todd Walker comes up, as he's done a lot of great things for the JCOC to give you a little bit of background. Todd has his bachelor's degree in Arts degree and criminal justice from Indiana University, master's degree in public administration from Troy University. He has an incredible resume of service in the Indianapolis Indiana community from 1999 to

2008 and since coming to Virginia Beach in 2008, Todd was the program director for the Tidewater Youth Services Commission for four years and has been the executive director of JCOC since 2012. He's a qualified mental health professional holds the certificate of executive leadership from Cornell University and Todd has been the recipient of the Virginia Beach Rotary Club or Rotary Club of Virginia Beach 2009. Paul Harris Fellow Award, the 2018 recipient of the Daniel M. Stone Humanitarian Award, presented by the Virginia Beach Human Rights Commission and under Todd's leadership that JCOC was named the 2019 Bank of America Neighborhood Champion, and I provided you all with a press release about that and a \$200,000 grant to the JC OC, and people like the folks of Bank of America and others who are will be, we are confident there to help with raising grant money to build this new facility, which will be a big improvement and a big enhancement to the 17th street corner. With that, I'll ask Todd to come up. If y'all want to ask me questions like you can save them for rebuttal or ask them now.

Ms. Oliver: I think we're gonna save them.

Mr. Bourdon: Thank you.

Ms. Oliver: Thank you.

Mr. Walker: Good afternoon.

Ms. Oliver: Good afternoon, welcome.

Mr. Walker: Thank you for having me. I'm Todd Walker; I serve as the executive director of Judeo-Christian Outreach Center. What I wanted to speak on today was the letter, I didn't realize police chief surveyor will be here today to provide a little bit of clarity, but I did do a deep dive into some of those calls. That's my responsibility, but also sitting at office every day. And I know what I see and what I don't see. So I wanted to make sure I got some clarity on what the calls were. We had 66 calls that were actually service to our address 1053 Virginia Beach Boulevard, out of those 66 calls; the most common call was officer initiated investigation. Well, we have no control over that. The second most was public intoxication and we had seven. I did a four year to find out how many police cars actually came from our business lines, we have four business lines. And we actually had seven calls. And this is in a one year span. Within those seven calls forward for the same, four of were for two offenses. The other three, one was a hit and run. One was a suicide attempt, and in one was rescue and assist. We had 12 reported offenses that were actually charges. So 12 and a one year span with the population that we serve, I would think would be pretty, it's pretty good. Those offenses, you had three drug offenses and you had three drug paraphernalia. And then the rest were just minor stuff. But I think it's important to make that you all know that there were no crime.

There were no reports of physical violence; there were no reports of assault that actually occurred on our address. We work extremely hard to provide a safe environment for anyone attending our dining hall programs. We are effective at what we do because we treat our clients like people and we meet them where they are, no judgment, just valuable resources to meet the immediate need. Security is always present during meal times. We utilize the police department only when necessary. And I think that's indicated in the low amount of calls, also did a four years you go a little further east on Virginia Beach Boulevard, it was an area that actually had 350 calls that went to that specific area. So I just don't think it's fair that you know, I think there's some opposition is pointing the finger at JCOC like we're the reason, there's crime at the oceanfront and that's just not true in the numbers bear that out. JC OC has been doing this; I want to correct Eddie for 33 years. We just celebrated our 33rd anniversary in October. I worked in the human services field for 27 years; I worked in corrections and mental health, substance abuse and homelessness. In 20 of those years, I've been in leadership roles. I've always ensured that I provide the proper training for our staff, especially our frontline staff, who have the hardest job every day. We facilitate three programs, our day support program, our emergency shelter and winter shelter. Where we have no idea who's walking through the door every day. You know, that's the tasks that we have, but we humbly take on that task because of our love for God who inspires us to help the least of our brothers and sisters in the community. We provided over 2 million meals since 1986 for people in need during our existence, and we've assisted over 2000 individual's secure permanent housing during my tenure as the executive director that doesn't occur we're not equipped to handle the clientele. Our staff is trying to trauma and informed care and motivational interviewing and conflict resolution to name a few. Our mission is always to help the people in need that we are serving. In conclusion, the area that gets missed many times when you talk about our dining hall programs, the missing misconceptions is we facilitate the community dinner that the community actually comes in and serves the meal. So it's not JCOC, it's the many financial institutions, faith based organizations, different groups. Last week, we had the Girl Scouts they came and served a meal. All of these groups that come in and are really effective in helping us provide this service to people in need. And it's one of the few times where somebody can actually come in and see the need, and meet the needy, I tell our staff all the time, our job is to plant the seed. We may not always see the flower grow, but our job is to plant and cultivate as long as we can. But when you provide that meal, you're planting it and seeing the need be met immediately. So On November the 9th, we just had a sign up dinner for providing that meal service in 2020. So we had 160 people signed up, they represented 100 organizations and among the many questions that was asked to me that night, in regards to how many do we need to

prepare for what do we need to bring those type of things, out of all of those people, none of them brought up safety. Nobody said, you know, I'm scared of, you know, for the safety of my kids or for my parents, I mean safety for myself or kids. And so I want to make sure that I mentioned that because we operate in a safe environment, in the community, there comes to serving a community that we serve as a witness today, so.

Ms. Oliver: Thank you, anybody have any questions?

Mr. Alcaraz: I do, unless is he allowed to come back up?

Ms. Oliver: Yeah. Right, thank you so much.

Ms. Sandloop: Madam Chair, we have 21 speakers signed up. And before I call speakers, I want to just remind everybody that you have three minutes once you get to the podium, unless you are representing a large group such as the civic league or a homeowner's association, in which case you will get 10 minutes. Your timing is indicated by the lights on the podium when you're nearing the end of your time, the yellow light will flash and when your time is up, the red light will flash. Okay, our first speaker will be Claude Henry followed by Mark De Roche.

Ms. Oliver: Welcome Mr. Henry, just state your name for the record please.

Mr. Henry: My name is Claude Henry. I first came here in 1989, I was in the military. Things went wrong. Ate my first meal at what they call the Fire Escape, didn't know that I was going to have a 10 year in homelessness in and out. With JCOC help, or help me get to where I'm at today, and today I am no longer homeless. I have a janitorial business. I picked up a bachelor's degree in theology. I have my rights restored, I am an investor. So what I'm saying is if somewhat of that magnitude did not put time out with me, who knows where I might be. I stayed in the shelter, I ate many meals. I just want to credit that too JCOC. JCOC with the meals and the shelter exactly what good is is a glove without a hand, it works together. It's like Virginia Beach, if we didn't have no water we wouldn't have no beach, so it's still being no good. So what I'm saying is this right here, I know JCOC, I know that the meals that's provided. When I went in, I got job leads or I was able to get an extra sandwich that helped me out or more food and I could to help be catch the bus. So what I'm saying is, with all the neighboring communities as far as Atlantis Apartments, Friendship, the trailer courts, those people still needs their hot meal. I remember when I was in the military that I was told a hot meal helps. So what I'm saying is that when we sit down and look at what JCOC is doing for those 33 years and what they have done, to sit back and say, hey, lets cut the meals off but we want this part and both of them altogether as I see it. I would like to challenge all of you, or even one of yall, go down to the shelter, and when they feed, and look at,

especially three days out from the end of the month, from the beginning of the month check and see who comes in who JC OC helps and make your decision. I will thank you for your time.

Ms. Oliver: Thank you very much.

Ms. Sandloop: Mark DesRoches and then Jim Johnson.

Ms. Oliver: State your name for the record please.

Mr. DesRoches: Good afternoon. My name is Mark De Roche. I am property owner on the 800 block of Virginia Beach Boulevard. We have formed a group of concerned stakeholders, composed of 17th Street property owners, Oceanfront hotel owners, 17th Street Atlantic Avenue business owners. We have been trying to mediate the dining hall issue by identifying a relocation site and pushing the discussion between the JCOC and the city to relocate. City staff and JCOC have identified a potential solution, as Eddie alluded to; with a city owned property that all parties feel is a better fit for the feeding program. For many aspects, it's a much better fit for a lot of reasons, I won't go into here, but I think everyone here knows why it's a better fit. We understand this is more work to be done to determine whether the site is going to be available. We heard all that earlier. We request that the city moves with a sense of urgency to make this relocation happen. And we also want to point out that we identified another several properties that are very workable city owned properties. Some involve APZ1 naval issues, city must approve, use and do that in conjunction with a discussion with the United States Navy. But there's another property that's not in a crash zone that fits the parameters that they this community is looking for it to fit. And I'm not revealing site names, but you should have that information because it was in the information that Andy Friedman provided to each of you. There's also a letter to Williams Moines that provided substantial amount of details about alternate location sites. Why does the dine home need to be relocated? Well, it's really; quite simply and it comes down to a land use issue and I know that this board is a land use deciding boards and I would hope. I mean, the JCOC does great work in this community and a half for a long period of time. And that's what makes this thing so difficult but at the end of the day, this is a land use. And this panel must decide, is this an appropriate land use and when you do that, you really have to look at public safety and the concern for public safety and also for the protection of the ocean front economy. The JCOC block statistics, not just their site, as Todd alluded to, but the block had total police calls the 326 calls, which resulted in 74 offense reports in a one year period. As I just handed it out to you the shopping center next door, the Food Lion Shop Center which is owned by Reed, it's difficult to get these guys but they had their corporate attorney write this letter. This is very serious. And they are opposed to this application, as you can see by

looking at this letter. Their police calls were 253 over similar period. And again, as the police chief to use his words, this is remarkably high. And it's not the JCOC site. It's the surrounding adjacent sites. This is spilling out everywhere and what type of offenses are noted, there's a laundry list of them, but you got to drill down and look at these offenses and think, how would this, you know manifests itself to the new sports center across the street and these existing neighborhoods and these existing shopping centers that have been inundated with this for 20 years. So what type of offenses are noted narcotics and drug violations, larceny, assaults, threaten bodily harm, kidnapping, abduction, robbery, forcible rape, gunshots and destruction of property to name a few, there's a laundry list and I try to pick the most relevant, the most prevalent ones. And the most serious ones in a number of those are violent crimes. There's a distinction between a run of the mill larceny and a violent crime. We have a number of violent crimes in this area. Again, not blaming on the JCOC, they're protecting their property. This is happening outside their property. So the question becomes, do any of these crimes sound compatible with a \$70 million Sports Center? Actually, I've been corrected Ron Williams told me this morning it was 63 million but I'll use 63 million. I hope the Planning Commission will adequately address that consideration. It's up to you guys to determine whether this rate of crime and this adjacent area is compatible with the sports center. Police resources, the chief in his letter states, number of police man hours and resources dedicated to this facility is remarkably high. Our attention and focus on this one location significantly takes away from our ability to provide high quality services to all of our citizens. That's the police chief, and he was there earlier. And I think that statement speaks to the resources, the police department is suffering from a resource shortage. So the reality of this situation is, we have a high crime Sports Center area. We have an increasing number of people soon to be visiting the sports center area. And we do not have enough police resources to keep everybody safe. So my public safety conclusion is the Sports Center and the Dining Hall are highly incompatible due to the significant rate of crimes occurring in the area and the lack of police resources. The ocean front economy, the Sports Center will bring in 190,000 visitors each year to the Sports Center Area. Currently, there's over 60 events scheduled for the upcoming first year of operation. There's over 90,000 additional hotel rooms projected to be sold at the Ocean Front as a result of the new Sports Center. Increase restaurant and retail spending is also expected to result from the new \$63 million Sports Center. A large number of children and teenagers will be present in this area. There's a significant number of new visitors in the area, which increases the risk of a bad outcome, for these visitors and this risk increases the reputational risk of the city. This can negatively affect the long term viability of the Sports Center project. And the resort district as a whole. The Sports Center is our future. It's a once in a generation opportunity for

the city of Virginia Beach. It's a shot in the arm for our economy and it's a much needed shot. Over the last several years, our Ocean Front numbers are down. There's much talk about this amongst the people that are involved in Atlantic Avenue, 17 Street hotel, the Hotel Association, we all talk, and the numbers are down. And we need the Sports Center to pick this up. So how do we do that by protecting the Sports Center and relocating the dining hall, it comes all back to, we're not trying to stop the feeding. We just think the feeding needs to be done from a new location, 30 years in one location, it's time to change. We can do it better differently somewhere else. And there are numerous places to choose from, if the first one falls through. So I'm going to give you another reason, we all want to help the homeless. We all want to help people that struggle with addiction to overcome that, that terrible demon. This is another reason why the dining hall needs to be relocated because it is in incompatible use with the SRO. The SRO should be a drug and alcohol free facility. City of Virginia Beach program for rehabilitation of the homeless in conjunction with his partner, the JCOC, proposes a mixed transitional housing, the SRO with persons that are in a rehabilitation program, to being are mixed with persons that are not in a rehabilitation program. That's just homeless feeding. For percentage of residents living in a new transitional housing that have a substance abuse history, this could lead to a relapse into habits or lifestyles that brought them through the program in the first place. This combination leads to people losing their sobriety and repeating the cycle. The city and the JCOC proposed combination fails the people they are trying to help and waste taxpayers dollars. The new HRC has an annual budget of \$4.3 million and is step two of the city's program to solve homelessness. Step three is the proposed SRO. You have a flowchart that explains this.

Ms. Oliver: Got it, but you're out of time. I am very sorry. Do we have any questions for Mr. DesRoches? Please. Not at this time. Thank you very much.

Ms. Sandloop: Jim Johnson and then Ed Konawitz.

Mr. Johnson: Good afternoon. My name is Jim Johnson.

Ms. Oliver: Welcome.

Mr. Johnson: I'm here on support of the JCOC. I think I might provide a little bit of unique perspective here because I've served at the JCOC for between 15 and 20 years. I'm also a retired Virginia Beach Police Officer 36 years on the job and the last eight years, my responsibility was the second precinct where the JCOC is located two blocks down from there. I was responsible for the investigation of property crimes throughout the second precinct, but certainly in that corridor. I want to make it clear. I'm not here representing the police department at all, which you'll figure out

as soon as I finish. But if we're going to accept that the JCOC does really good things which we do and that homelessness is a problem down there, which it is, I'm just going to move to whether there's any cause and effect of the JCOC, on the crime down there. I was a patrolman down there in the early 80s. There were homeless people down there in the early 80s and there are homeless people down there now, JCOC wasn't even there yet. One of the things that I was responsible for in the police department was to respond to these things called comstat meetings. I don't know if any of you've heard about them, but it's where all the data is compiled from all the precincts, the precinct commanders are responsible to come in address crime trends. The chief, deputy chiefs will ask very pointed questions, it can be difficult and you had to be prepared for what they were going to ask. I was responsible for the second precinct crime comstat report or at least partially responsible for it for eight years. In eight years, the JCCC was never, not one time listed on a comstat report. In my pocket, I have one of those thumb drives, and I've got probably about 75 of those comstat report saved on it. I couldn't read every one of them, but I breezed through them. And I never saw JCOC mentioned. The precinct staff meetings are held every month. Although I wasn't assigned to the precinct, I was assigned to the detective bureau they invited me to come in because of what I was doing. Not one time in eight years of those staff meetings was JCOC the center of anything, there are lot of things that were centered. We do direct patrols in Virginia Beach Police Department all the time, that area down there, everybody in this building knows there were problems down there. Everybody knows it. But if you look at JCOC and where it sits, you've got Friendship Village Atlantis, you've got the shopping center, and you've got Colony trailer park and to suggest that the JCOC somehow had some impact on the crime down there when you've got all of those places that I'm acutely familiar with and what crime we have in those places, all the crime that the previous speaker spoke about and more. I have never seen any connection to JCOC in any crime rate down there, are there problems, of course there are.

Ms. Oliver: Thank you Mr. Johnson, I appreciate it very much.

Mr. Johnson: Thank you.

Ms. Sandloop: Ed Konowicz and then Teresa Stanley.

Mr. Konowicz: Good afternoon. I'm Ed Konowicz, I am a faculty at ECPI University for 20 years, I ran a student club and the students want to do volunteer work, so we got together a bunch of computers, got them working and brought them to JCOC and I went once a week for five years, keeping their computer network and computers working and showing basically the homeless how to, if they didn't know how to use computers to contact their relatives through Facebook and emails, and stuff like

that. I've never seen any violence at the JCOC, they do once in a while have some people there who have violent tendencies and they're usually gone in a week. You know, because I had contact in the computer room with most of the residents because they would go there to use the computers. This concept of not in my backyard crime that's a criminal area, if you move the dining facilities and that may be an option. That's not going to reduce the overall crime by moving people if they do have criminal intent or whatever, doesn't stop crime. So what stops crime? What stops crime is police surveillance, cameras, adequate police enforcement because you want to separate the criminals from the people like one of my not my students, but ECPI students was there. She was a networker making about 100,000 a year, her mother got cancer in Pennsylvania, and she couldn't afford the hundred thousand dollar a year nursing care. So she wanted to take care of her mother. Her mother died after about a year, she was broke. She came back and got a job, took a bicycle and buses and one time when she was sitting at a bus stop, she got beat up and lost the kidney. And as a result of that was homeless, so these are a large part of the population people are down on their luck, but anyway the thing is to be compassionate. I have friends that say, well, they're against socialism. They don't think the government should help the poor so but you're not against socialism, you're against Judaism, Christianity, Buddhism, Islam and you're against government because what do we do as government, we share responsibilities and we pay a cost for sharing whether we have poor children go to school or garbage collection, people can afford it. That's the role of government. And the role of government is to protect people. So we have to go through extra cost and surveilling the area, so what obviously taxpayer I live here for 40 years, my son and his family lives here. We rather pay for the extra police protection to secure the sports area and to deprive people the convenient place where they can have dinner and food and support so they don't become homeless. Thank you.

Ms. Oliver: Thank you very much.

Ms. Sandloop: Teresa Stanley, and then Tom Musumeci.

Ms. Stanley: Good afternoon, commissioners. I am Teresa Stanley and I chair the advocacy portion of the Interfaith Alliance at the beach. The Interfaith Alliance at the beach is more than, it's a 30-year-old organization that is a partnership of lots of faith communities in the city of Virginia Beach, that have been working in partnership with many of the partners like JCOC for decades to deal with gap services that meet the residents of our city. And so on behalf of them with full consensus in that group, we fully endorse this application and want to laud and applaud JCOC because they are a long term partner, I date myself when I talk about the Fire Escape and then Brenda McCormick days and Alice Taylor and then as we went on to create all kinds of responses in the city, but many of those have started with the faith

community, the faith community, Seton house is one of those, we respond to where the need already is. So homelessness and people in need, were at the Ocean Front and as first line responders in faith communities, we are constantly getting the information about what is the need, and then lining up to address the cause. And for more than 30 years, we've been doing it with JCOC; it enhances the communities' money when it comes to the dining hall. So I specifically want to speak to the need of those vital services. People will come to my church, and they will ask me, how am I going to pay my rent or the high utility bill, and these are our service workers that run our tourism, these are the vital workers that we need, and they have to make the choice often between eating and whether that utility gets paid and they keep their housing. So it is prevention of homelessness and it is a community response by gathering the dollars that all the partners that serve and when Todd says they have the day, all kinds of folks line up because they feel safe in that environment. These are people that often have to be coaxed into being with people that are different than they are. They feel safe there. The security has been there. For more than 30 years, we've been doing it and many of the families that we're serving are not just homelessness, they are people on the brink of homelessness. So the need is already there. JCOC has proven track record, the idea that they're not going to provide 38 units of single room occupancies that are sorely needed in the city, as many of us work for affordable housing. And they have a blueprint with an enhanced dining facility, where both faith community and other partners as well as the people were serving themselves feel safe. It's a no brainer. It's one that we have to figure out how to come together with as a community, but as somebody who's been doing this for more than 30 years, the NIMBY issue is alive and well and it's always there. And we need to make sure that we find ways that people feel safe, but we also need to be moving forward with organizations that have proven, have a proven track record for meeting the needs that we need in this community. Thank you.

Ms. Oliver: Thank you.

Ms. Sandloop: Tom Musumeci and then Morris Fine.

Mr. Musumeci: Good day members of the Planning Commission. My name is Tom Musumeci, my property is at 1008 Coastaway Drive in the Sea Bridge Square neighborhood located directly next to the JCOC. I am against the soup kitchen for the following reasons. One, the JCOC has a no questions asked policy at the soup kitchen. This was documented in an expose done on the JCOC by 10 on your side last year. The JCOC knows that they are serving people under the influence of drugs and alcohol. This was also in the 10 on your side expose they were a JCOC client talk freely to the reporter about the drugs and alcohol that consumed all around the JCOC. I have also provided the commission and staff significant

photographic evidence that I have collected over the last 20 years of the alcohol consumed all around the JCOC. The JC OC does not allow drugs and alcohol to be consumed on its property. In essence, the JCOC says to their clients, go on to somebody else's property and do your drugs and alcohol. And when you're ready, come back and we'll feed you when you're hungry. When we address this issue with the JCOC, their response to us for the last 20 years has always been if it's not on our property, it's not our problem. It is grossly irresponsible to create a serious problem on your neighbor's property, and then refuse to acknowledge and address that problem. There's not a single person in this room today that will put up with that type of behavior in their neighborhood and its past time for the city to put a stop to it. Two, we've been deeply frustrated by how the staff has handled this application. The opposition is provided the staff significant amounts of information regarding the issues that the JCOC is creating in the neighborhood, none of which is addressed in the staff report. Our frustration is further evidence by the way, the staff handled the letter from the police chief dated October 31st. Instead of addressing the issues raised in the letter and the staff report, it appears that the staff went out of its way to notify the JC OC about this letter and burry it from the opposition. I obtained via a FOIA request an email from Bill Landfair to the JCOC and their attorney. The email was dated November 5, and I quote Todd and Eddie, see the letter attached from the VB police drafted by the captain of the second precinct, which lays out their concerns respect to the JCOC and the surrounding area. It is a strongly worded letter and suggested in their words that the amount of resources dedicated to the JCOC is remarkably high. Bill, I had to threaten the staff with a FOIA request before they would even send the chief's letter to me. Even though Bill Landfair was well aware of my contact information, the reason the staff requested information from the police was to verify statistics I obtained via FOIA requesting over the previous three year period that there were 1,257 police and fire responses directly to the JCOC property at 1053 Virginia Beach Boulevard. How can it be that all of this evidence is ignored in the staff report? Why is the staff ignoring our voices? Why is the staff allowing expanded hours of the operation the soup kitchen until 9 pm? The neighbors of the JCOC have rights too. Why is the staff ignoring the health, safety and welfare of the neighbors? I respectfully submit the staff report is hopelessly tainted, and therefore must be rejected by this commission. Finally, I provided information from another FOIA I obtained showing that the staff worked extensively to provide the JCOC hand just two blocks from the new housing resource center. The JCOC rejected the offer. It was a great opportunity for collaboration with the city. It is important to look at the union mentioned in the Norfolk experience, when the Union Mission moved from downtown Norfolk to Ingleside Road, the people found their way to Ingleside Road and the new facility to obtain services just because the JCOC has been on 17th

street for a long time does not mean that it makes sense to continue at that site. Given all of this, I respectfully request that you deny the soup kitchen application. Thank you.

Ms. Oliver: Thank you.

Ms. Sandloop: Morris Fine and then Mr. Bibbs.

Mr. Fine: Ladies and gentleman, I'm Morris Fine and I'm an attorney. And I represent Seathin which is the owner of the Trailer Park that is notoriously owned by the Trapline family. It's on 37 acres; it's almost adjoining this property. And they've been there probably 100 years. And they are not insensitive to the issue of the JCOC and we applaud them for what they have done, what they say and what I think Mr. DesRoches was saying, this is a planning issue, all of us applaud what the volunteers and the community has done for the homeless, our community has done a great deal for the homeless. We have built a facility on Witchduck Road, which I understand and they're going to bus the people from Witchduck Road to this food facility. Food I hear is that everybody agrees that it ought to be at another place, not this particular place and for that reason, and the reasons that we've already heard about and safety and I won't go into that, as it may also be a parking issue because the staff has to park there and then I understand that they are homeless people that come to get fed in a car even. So, there is a parking issue, we have issues here that are not addressed, and I would suggest that in order to address the problem, we should not perpetuate the problem. Let's not agree to perpetuate this problem. It ought to be turned down, then it'll go to the City Council and the City Council will deal with it. There are problems here that need to be ironed out and this is not the forum for that. I would suggest that at this point at least, the planning part of it be denied. Thank you.

Ms. Oliver: Thank you, Mr. Fine.

Ms. Sandloop: Last name Bibbs and then Liz Stevenson.

Ms. Oliver: Welcome.

Mr. Bibbs: Hello, my name is Robert Bibbs. I'm a JCOC Board Member and thank you for the opportunity to speak to you today. In terms of the location, the homeless have been in Virginia Beach many years before JCOC started, and they are seem to congregate around the Ocean Front, and we think the current facility is ideally located for our mission. And our mission is to empower people to recover from crises situations, primarily hunger, homelessness and disabilities. That's what we do every day, that's what our staff deals with. And the facility we have right now is critically in bad shape. It's dilapidated, plumbing, electrical are terrible. One building was

condemned for asbestos, and for JCOC to complete our mission going forward, we need a new facility as soon as possible, it is that critical. We are aware of the citizen concerns. And I just want to remind the Commission, the new facility is going to be set back about 70 feet from the current location. And, so; as our clients gather for dinner or other services, okay, they're going to be set back further. And then as soon as they come on our property, we're going to get them into the building so that people will not be visible from Virginia Beach Boulevard and I think that's very important. But, I want to shift my comments, now my next comments come from a different perspective. I'm a member of Kings Grant Presbyterian Church on Little Neck Road. Our Christian faith compels us to help people in need to serve others. We believe JCOC is the perfect vehicle for our church, and many other Virginia Beach churches to respond to this call from God. We have many people from our church today I think we got 15 people back here from our Church, and thank you for coming by the way, and they are passionate about the opportunity to serve. They love to help people in need through the JCOC Support Programs. Our church has served 12 community dinners in last two years. I have personally participated in most of those dinners. We come in about five o'clock and finish up about 7:30. The clients in our experience are well behaved, very appreciative of the meal and the love being served. We have not seen unruly behavior, violence, fighting or substance abuse on the property. In conclusion to the Planning Commission, I and our 400 church members strongly believe that the Judeo Christian Outreach Center is a vital resource to our community. The City of Virginia Beach needs a vibrant Judeo Christian Outreach Center to help our citizens who struggle mightily with homelessness and hunger. We ask for your support of this property of this facility. To the citizens who are dissenting, we respect your opinion. I pray that you can soften your hearts and consider how critical it is to provide meals to the less advantaged people in our community and many instances...

Ms. Oliver: Thank you Mr. Bibbs, I'm sorry, your time is up.

Mr. Bibbs: Thank you.

Mr. Ripley: I would ask a question. As a board member, you know, there's been discussion about the opportunity to relocate the food service to what I heard and that make makes the most sense, is this police academy and if it worked out? Is that something the board supports? You have the feeding facilities on your property or with that [Crosstalk]?

Mr. Bibbs: We have residents sleeping there, our office there, that's our support system. That's where we've been for 33 years and we'd like to keep it there.

Mr. Ripley: But would you support that?

Mr. Bibbs: Support moving it?

Mr. Ripley: Yeah.

Mr. Bibbs: Not our preference. We'd rather keep it where it is.

Mr. Ripley: Not your preference, but would you support it if it was made available to you?

Mr. Bibbs: I don't know the view of the board is in general; my personal view is I would not like to do that.

Ms. Oliver: Yes.

Mr. Graham: That is contrary to what I had heard earlier from representative of JCOC. And, what I'm hearing from some of the speakers, there's been really sounds like you guys want to keep it where it is. There's a cost associated with it for commercial property near it, but it seems like that's okay with the JCOC. Am I wrong? Is a thought that other property should take on the financial burden of all the people that are loitering and other things? I'm just curious, because it just really I don't know, is that the case?

Mr. Bibbs: Your question is, you know, is it better to try to move to the kitchen? Is that what you're asking me? And I think we could move.

Mr. Graham: I'm not asking you. You've already told us that it's not better to move the kitchen. It's not your belief that it is.

Mr. Bibbs: By moving the kitchen, that doesn't fix the crime problem, crime still going to exist whether the kitchen is in point A or point B.

Mr. Graham: Well, my guess is if the soup kitchen is next to a police academy, there's probably going to be a little bit less crime at the soup kitchen, but I could be wrong.

Mr. Bibbs: Well, I think we'll have the security cameras and will be further set back and I would like to keep it where it is, sir.

Mr. Barnes: Okay. All right.

Ms. Oliver: Okay. Thank you very much.

Mr. Bibbs: Thank you.

Ms. Sandloop: Liz Stevenson and then Beth Richardson.

Ms. Oliver: Welcome. State your name for the record please?

Ms. Stevenson: Liz Stevenson and I'm a Pungo resident. For the last 20 years, my family has supported the Judeo Christian Outreach Center. My husband Kevin Stevenson, the President and CEO of PRA group could not attend today. But I wanted to share that along with our family, PRA group has become a major corporate sponsor of JCOC. PRA is a global company headquartered right here in the 757. They chose JCOC as one of their major corporate donations, as has the Bank of America. These major corporations realize the important role JCOC plays in our community. I am here today to convince you of the same. As I became an empty nester, I started to volunteer weekly and by the way, I'm there every week and I haven't seen any police cars. I've seen one ambulance because a lady fell ill. And I immersed myself into the JCOC, I was then asked to join the board of directors. Now the question is, why do I drive all the way from Pungo to the Oceanfront every week, put in extra hours at JCOC, when there's so many other charitable organizations on the way there or nearby me. I could play with the puppies at the SPCA or the horses at Equi-kids, or I could go back down to Creeds Elementary and work with the students down there like I did when I was with the PTA. I do it because I believe in the mission of the Judeo Christian Outreach Center. I believe it is my duty to serve those less fortunate than me. And, I believe in Todd Walker's ability to make this great program even greater. JCOC works to provide two of the most basic human needs food and shelter, while allowing a person to maintain their dignity. The various feeding programs that you heard that have been almost 181,000 meals last year keep those families in their homes and keep their children belly from growling. Let me repeat that so you remember it, to keep the families in their homes, and I want to leave you with a short verse. When the multitudes found Jesus, they continued to follow him and he was moved with compassion for them. That evening, the disciples came to him telling him to send the multitudes away, that they can go buy their own food, but Jesus said to them, they do not need to go away. You give them something to eat. The hungry people do not just go away into the cracks. There are people that live among us with and without homes and we must have compassion on them and follow Jesus' lead that we must give them something to eat. We need to rebuild this campus, and I'm asking you to vote for that. Thank you.

Ms. Sandloop: Beth Richardson and then Linwood Branch.

Ms. Richardson: Good afternoon. Thank you for having me. I'm Elizabeth Richardson. I live at Sea Bridge Square neighborhood, which is behind the JCOC. Anyway, I'm a little nervous. I've lived there since 1990, so I've seen how it has evolved. I've even volunteer there. I've worked there at the convention center. I've seen the homeless for decades. I know them by name. We are talking about professional homeless. Our concerns are, they are only concerned about to the fence. If you're

going to have compassion for your fellow brothers and sisters, I'm your brother and sister that live there. I see the beer cans and the drugs and the prostitutes on the corner at our bus stop. We have to call the police when the police department brought a tower that is on a trailer and it rises up in the air so they could see, it's an observation tower, the professional name of it but within minutes, all the homeless walked out of that parking lot that were beside the homeless shelter because they didn't want to be seen by this camera that is on this tower. We as a neighborhood have been frustrated by the lack of cooperation, because they only want to police to their fence and someone's on the other side of the fence talking to the people being served, and they're doing all this bad stuff. And it's all around, 500 feet around and this is right across the street from the new Sports Plex. I don't see one of my neighbors here, because we're poor people, and we are working. I took off work to come here. These people do not come here and watch in the parking lot what's going on? It may be beautiful where their head lives are on when they're being fed, but when they're outside the Judeo Christian Outreach Facility, there's a problem. And if they really have concern for my neighborhood, why aren't they helping us through these last 30 years to help bridge the gap to clean up around their facility, not just their facility. I want to feed homeless people, but I don't want them to take an advantage of my hospitality in my neighborhood because they're coming through. Thank you very much for having me.

Ms. Oliver: Thank you very much.

Ms. Sandloop: Linwood Branch and then Bill Desteph.

Mr. Branch: Members of the Planning Commission, my name is Linwood Branch. I'm here today speaking as a member of the Resort Area Strategic Action Planning Committee, which we call RASAP 2030. This plan sets forth resort development vision for the next decade. For the past year, the committee has worked very hard and is comprised of civic business and major attraction representatives with ample staff support. I feel it would be very unfair for you to make this very important decision today without benefit of the committee's recommendations regarding 17th Street. You'll be receiving the RASAP 2030 plan next month, but you need to hear the vision now and I'm going to tell you what it is. I was struck by the fact that the planning staff write up for this application specifically mentioned that the RASAP plan is silent on 17th Street that is true the current plan on file, which was developed in 2007. 17th Street is not mentioned in that document and none of the eight recommended CRP priorities includes anything to do the 17th Street, 17th Street is as neglected in that document as it has been historically, a road where one drives on gutter pans with public infrastructure dating back to the town of Virginia Beach. Out of towners would curiously ask how this land so close to the ocean could be so under and unsuitably developed. A land use consultant hired by the City in the

1990s deemed the stretch of real estate as the most underutilized, he had ever seen anywhere in the country. This is the land that time seemingly has forgotten. And the RASAP 2030 plan which you'll be getting next month, 17 Street takes on a primary role, assessing the strengths and weaknesses of that quarter show the following. Strengths close to the ocean, Sports Center, Convention Center, ViBe district and Dome project. Strength, 17th Street improvements have already made the city budget. Strengths, significant parcels of underdeveloped and undeveloped land in a city where there has become a precious commodity. Strength advocacy groups that have been organically created by caring citizens including the ViBe district and the 17th Street Association. Weaknesses, incompatible uses but if the City sets the vision over time, economics should inset the redevelopment of the tow yards and auto repair centers. Given those strengths and weaknesses, 17th Street will receive these recommendations that are coming your way from our committee; 17th Street is designated as a gateway to the resort from Bird Neck Road East. The 17th Street quarter is listed as a key development area. A 17 Street is our number one recommended priority project for CIP streetscape improvements. The corridor is envisioned to be primarily mixed use and residential with an assortment of dwelling units including affordable and workforce housing, creating a walkable community to the abundant employment opportunities nearby. This workforce housing is very important to the business community. We should take advantage of every policy and program to provide affordable in entry level housing in the quarter. So how does this application before you fare with the RASAP 2030 vision. Well, the SRO housing component fits perfectly. Entry level affordable housing helps live 38 more people from living on the street, under shelter, recommend approval. It is not possible to make a case that a dining hall operation was street feeding types of feeding supports this proposed plan. We need a better plan. Recommend denial. I can report to you that after spending a year listening to the people who have made tremendous investments in the ViBe district, trying to resuscitate this corridor, and from those who would like to join them in development, the passion and desire is real. A 17th Street is finally getting attention and love. I have passed out a page to you from the RASAP 2030 draft report, which shows the current state of 17th Street and the proposed future state of 17th Street as planners entrusted with making land use recommendations for a City, I ask you which picture will provide the affordable housing and employment opportunities, which is really the main focus we should put on homelessness. If you favor the future, plan does a street feeding dining hall help or hurt that cause? In my opinion, it does not. 17th Street can no longer be an incoherent mixture of contradictory uses. It is time to choose a path. This is the choice before you. Thank you.

Ms. Oliver: Thank you.

Ms. Sandloop: Bill Desteph and then Gina DesRoches. Mr. Desteph, all right Gina DesRoches and then Bert Harrell.

Ms. Oliver: Welcome.

Ms. DesRoches: Hi. Thank you planning commission members for your consideration today, my name is Gina DesRoches. And I'm a property owner and a concerned citizen. The Planning Commission is tasked with making recommendations to the city council on land use issues in consultation with the city staff. Upon reading the staff report on this application, I was struck by the lack of transparency concerning the significant safety issues which have plagued this area. When the City staff asked the police department to provide support for the crime statistics in this area, the letter from the Chief of Police was given just one sentence in the staff report. Since September of 2018, the JCOC has not providing shelter services as this location is my understanding they've moved to the HRC. So, they have just been providing the feeding program. So, I think it gives us a good years worth of data to look at, to quote from the police chief letter and this is his quote, "However, it is my professional opinion that the JCOC staff is under equipped to address the full scope of issues that are present at this location. As a result of Virginia Beach Police Department is consistently called upon to alleviate citizens concerns and address criminal activity, which is best evidence by the fact that there were 326 police calls for service in a one-year timeframe for just one city block." He goes on to state and I

"our attention and focus on this one location significantly takes away from our ability to provide the high quality of services that the Virginia Beach Police Department strives to provide equally and proportionately to all citizens who live, work and play at the Virginia Beach Oceanfront". There are significant public safety issues in this area and there have been for years. I do not believe the right course of action is just to continue the same practices and hope for a different outcome. Do the surrounding businesses and property owners not have any rights? Looking forward, the City will open a new \$63 million Sports Center for children and young adult athletes. The parking lot is located directly across the street from the JCOC with the curb cut into the parking lot of the Sports Center. The Sports Center will bring thousands of children for sporting events into the area. Does anybody have any doubt that the crime the current residents and businesses have been dealing with for years will not manifest themselves at the sports center? So, in closing, I feel like we all have numerous questions and concerns and how can you make an informed decision at this time? Our leaders and decision makers just going to approve this and hope things change?

Ms. Oliver: Thank you.

Ms. DesRoches: Thank you.

Ms. Oliver: Sorry.

Mr. Redmond: Madam Chair, I've a question, please don't go away. I'm gonna go way out on a limb and guess that you and Mark are married?

Ms. DesRoches: That's correct.

Mr. Redmond: Okay. So where is it, the piece of property that you own?

Ms. DesRoches: We own property across, directly across from the second precinct.

Mr. Redmond: There's the aerial. Can you show me on this?

Ms. DesRoches: It's a little further down. It's directly across from the second precinct. And, I do have a little story to tell with that when we bought the property, it was overgrown with brush and in the back of it, and we, we got numerous complaints from people that they said there's people living in there. And it's affecting us, and we want you to clean it up and we weren't mandated to clean it up, but we did clean it up. And, it was really quite a sight when we did it. There were needles, there was clothing. There was just everything you could imagine in that area.

Mr. Redmond: I am clearly unsurprised by that, I found that in places in my neighborhood as well. So, when did you buy that property?

Ms. DesRoches: In May of, I think it's 2018.

Mr. Redmond: May, so last year?

Ms. DesRoches: Yes.

Mr. Redmond: Okay. Thank you.

Ms. DesRoches: You're welcome. Does that make a difference?

Mr. Redmond: You answered my question.

Ms. DesRoches: Okay.

Ms. Oliver: Thank you.

Ms. Sandloop: Bert Harrell, I'm guessing and then Shannon Kane.

Mr. Harrell: Good afternoon.

Ms. Oliver: Good afternoon. Please state your name for the record.

Mr. Harrell: My name is Bert Harrell and I am with Pavilion Realty down at the Oceanfront, I have the shopping center directly beside the JCOC, and had a few things I wanted to bring up front of the Planning Commission if I could. One thing wanted to know is that we built shopping center approximately three years before the JCOC broke ground on the facility. So, I have personally seen ups and downs associated with underprivileged in the homeless. We are compassionate for the homeless and believe they should be helped, but although the JCOC provides a service the homeless population and those who are looking for their next meal, there are many negative aspects associated with the operation. I would like to read a letter from the adjoining shopping center. I'm sure some of the people in the audience have not heard this but this is from Phillips Eddison, who owns the Food Lion next door. JCOC currently provides free meals and temporary housing assistance at their existing facility while Phillips Eddison appreciates the work JCOC does to the community that JCOC operation jeopardizes the safety of our customers and property. Of the 253 calls for service at our shopping center, 88 are rising from homeless or pandered. This is pretty good example of what's going on. We have faced the same at our shopping center spending roughly \$14,000 a year on security just to monitor our shopping center. Homeless breaking into our building, sleeping behind our store, panhandling, loitering, shoplifting, and all these things I have personally witnessed. In the last couple of months, we've had numerous meetings with the JCOC, their attorney and board members trying to come up with a consensus or something that we could all agree upon. When I presented the crime problem in our shopping center, one board member stated that they would like to see the reports, as if I was making this up. I also stated that I could not understand why the applicant did not approach us to talk about the possible application before it was submitted. The comment was, "well, you didn't contact us either.". Since the beginning of the JCOC, no one has ever and, I stress ever called us to see what can be done to address the problems we were experiencing with their operation. I have heard so many times. We can't control what's goes on outside of our parking lot. On a weekly basis, we have also hired towing companies to tow vehicles from the side of our shopping center. No one at the JCOC seems to think that they are the central theme to some of the problems associated with this corner of the city. Our rental income has been severely impacted, and we do not receive market rate because of the homeless shelter next door. Has anyone talked to the merchants in the next either shopping center, ask the manager of the Dollar General if she feels safe at night? Or how about the manager at the smoke shop who has to lock her door?

Ms. Oliver: Mr. Harrell, time is up but I do want to ask you a question and specifically since you are a neighbor of the JCOC how is this effecting the shop in your shopping center?

Mr. Harrell: Well, we do not receive the normal market rate of rental income that we would normally see at a shopping center. And, our expenses based upon removal of trash, debris, security, common area, maintenance area items are typically higher than any other shopping center we operate.

Ms. Oliver: And, the one on the either on the other side, I guess it was the?

Mr. Harrell: Phillip Eddison who owns that where the Food Lion is.

Ms. Oliver: They experiencing the same?

Mr. Harrell: Yes maam, exactly the same thing. They're currently spending \$22,000 a year in, I'm sorry, \$20,000 a year in undercover or off duty police officers to monitor their shopping center.

Ms. Oliver: Yes.

Mr. Graham: Quick question about the parking, you mentioned that you had to tow cars from the parking lot. Where the cars coming from?

Mr. Harrell: They're coming into our parking lot; they parked on the far south side next to the Dollar General. And, the people walk over and go to JCOC.

Mr. Graham: These are people that are going to the JCOC?

Mr. Harrell: Yes sir.

Mr. Graham: And they are parked?

Mr. Harrell: Yes sir.

Ms. Oliver: And, is that do, I'm just asking question is that due to the fact there's no parking on that?

Mr. Harrell: I cannot say for certain, but I know that I have personally witnessed numerous times and we have this problem when we discuss it with our tenants there that there's parking, people parking there and going over to JCOC.

Ms. Oliver: And the response from the JCOC?

Mr. Harrell: We can't control that.

Ms. Oliver: Yes, Ron.

Mr. Ripley: This morning, the police chief addressed this informal meeting I don't know if you were in there.

Mr. Harrell: Yes sir, I was here.

Mr. Ripley: Okay. And he spoke of the safety security plan. Is that something you'd be willing to participate with the property owners did together and trying to determine a strategy.

Mr. Harrell: But if, you know, if we're looking at past history there's never been anything presented to that aspect of trying to help the neighbors around this center.

Mr. Ripley: I understand that.

Mr. Harrell: Yes, I am willing to do.

Mr. Ripley: Thank you.

Ms. Oliver: Yes David.

Mr. Weiner: It's going to be hard to say but I would say it anyway. Back in the early 80s when the Belo was there in that shopping center, I just working at Belo and it hasn't changed one bit since that shopping center. I mean, nothing has been trying to fix up, we haven't tried to fix it up, put a new sign on it, anything to it, I mean, I don't, I mean, I gotta tell you the truth. I go there every 2 weeks, I go to Jessy's over there all the time; It is one of my favorite places. So, I mean, but it's nothing's changed there since the early 80s. You can't blame it on not getting the amount of money because of the homeless because nothing's changed there and that means it's been like that. You know what I'm getting at. that's my opinion. That's just my opinion.

Mr. Harrell: It's just your opinion, sir. Yes, sir.

Ms. Oliver: Anybody else? Okay, thank you very much.

Ms. Sandloop: Shannon Kane, and then George Moore. Ms. Kane, alright, Mr. Moore and then Dallas Stamper.

Ms. Oliver: Welcome.

Mr. Moore: Thank you. Good afternoon, Madam Chairman and the Commissioners of the Planning Commission. My name is George Moore, a retired local businessman who owned the mortgage company in Virginia Beach for over 20 years. I'm also the co chair of the Board of Directors of the JCOC, and a volunteer for this organization since 1988. It is an honor to speak with you today asking for your approval to build a new campus at our current site on 17th Street. Now, it's been a long day today. I appreciate you all being here and letting us bring this to your attention that we do want to get approval for our new campus. But I do want to clarify one thing, we would and are willing to move our dining hall to a facility that

the city is working with us. I have been in several meetings with Todd and other board of director members with Ron Williams, Andy Friedman, Eddie, our attorney, Ruthie Hill, and Karen Prochilo, this has happened several times over the last few years. And we are very interested in moving the facility of the dining hall. When we find that facility, we just haven't found it yet. They are working very hard with the SeaTac Elementary School, but we just have not found that yet and had been approved to do that, but I do want to say that there has not been violence or loitering at our facility and I've been serving there myself for the dinners. And that is not something that is going on in our facility. So again, I wanted to be short with my presentation and to be brief but I did want to stress about our ability and willingness to move with you all to a new facility if we found one.

Ms. Oliver: Yes.

Mr. Graham: Question, are you on the same board, the gentleman from the Presbyterian church is on?

Mr. Moore: Yes sir.

Mr. Graham: You guys have a different opinion? So, what is, I mean, I'm hearing two different things from two different board members on the same board.

Mr. Moore: As I have stated, it is our position. the Board of Directors that we would move our dining hall to another facility if bound that was satisfactory to our organization. That is correct.

Mr. Oliver: Okay. Thank you very much.

Mr. Horsley: I have a question. If you did move this dining facility, would that not help alleviate some of the problems that some of these neighboring businesses and all or complain about with parking them and I'm anticipating that when people come for the meals as when you get this access parking, and maybe access lorry because you got more people there during meal time than you have any other time, with not just help alleviate some of that loitering problems and parking problems that these people have talked about this afternoon?

Mr. Moore: Yeah, we really don't have any loitering problems because once we serve dinner at 6 o'clock, the meals are over by 6:30 or 6:45 and Todd has told me this many times before, by 7:30 everyone has gone?

Mr. Horsley: Well, they may leave your property, but they may go around to a neighboring property, do they do that?

Mr. Moore: I am not familiar with what.

Mr. Horsley: That's the point, I am getting. If they're not eating they won't be there to do that. Is that right?

Mr. Moore: Well, we don't have that type of clientele coming to eat at our facility, they're not going out, to my knowledge the other neighborhoods and creating any situations. I'm not aware of that.

Ms. Oliver: Well I have a couple of questions for you, you said that the food service is over by 7 or 7:30?

Mr. Moore: Yes ma'am.

Ms. Oliver: On your application, it asks for it to be finished at 9. So, are you not, are you all ending your food service at 7 or 9?

Mr. Moore: Well, like I said, we serve dinner at 6, and again, I've been there and done this numerous times. In fact, I'm representing my church this coming year, as setting it up, our folks helping with our church. We eat at 6 o'clock, about 6:30 or 6:45, the folks have been fed and they leave the building and the facility.

Ms. Oliver: Well, one of the conditions on this application asked for it to be ending at 9. So, I'm a bit confused that?

Mr. Moore: Well if they can stay until 9.

Ms. Oliver: They can stay there till 9.

Mr. Moore: Yes, he does agree to that, but I'm just saying, as a general rule, people do not stay around and again, the word loitering came up once, but we would be happy for them to stay. We enjoy meeting with the folks and whatever we could do to help them, we would do that.

Ms. Oliver: Understood. Now, I just want to get just a little bit of clarification of what Commissioner Horsley said about the loitering and then you mentioned, not our kind of clientele, so; I'm trying to understand the definition of what that means.

Mr. Moore: Well, what I'm saying is we do feed the homeless people, but we don't have any situation where we have any crime or anyone that's not in order is what I really meant to say.

Ms. Oliver: While they're in your facility?

Mr. Moore: That's correct.

Ms. Oliver: But when they leave the property, is I think is what the neighbors are saying?

Mr. Moore: Again, I am not familiar with them leaving our property and going around to other neighborhoods. I don't know why that would be an issue because they come to our place. They're not of any obviously, they're not intoxicated or anything of that nature.

Ms. Oliver: Okay. Thank you. Anybody else have any other questions? Mr. Graham.

Mr. Graham: Thank you. We've heard from a few of the people that live behind the JCOC or own a shopping center next to it, were on a property further down the road is that they are experiencing drugs and alcohol on their property. And, I believe it's not happening at the JCOC, it sounds like you are on a tight ship when it's, you know, kind of with an effort, you know, explain when it's, you know, it's not allowed on JCOC property, but it sounds like it does when the people are on the way there or maybe when they're leaving, or maybe they're waiting for a meal, it seems like that's when it's happening. But I keep hearing that, you know, it's not well, it's on our property, but I can't control what's going on down the road.

Mr. Moore: Again, Mr. Graham I'm not aware of that happening at all, where our clientele is leaving our property and going out and doing this type of thing.

Mr. Graham: Is this first you've heard of it?

Mr. Moore: Oh, no, I'm saying that. It does not happen. That's what I am saying.

Mr. Graham: Does not happen.

Ms. Oliver: Thank you very much.

Ms. Sandloop: Dallas Stamper and then Richard Maddox.

Mr. Stamper: Good afternoon. I'm Dallas Eugene Stamper Junior. My dad would like me to say it that way. I run a PiN Ministry. So, I'm the Executive Director there, but I'm speaking to you today as a lifelong citizen of Virginia Beach, I went to Malibu Elementary School, Independence Middle School and Princess Anne High School, spent three years in the Army in the 82nd Airborne Division. But other than that, I've lived in this city. This is my City. I'll be buried somewhere in this city. And I started as an engineer, but eventually started going out and helping homeless people and that's how organization started. And the meals are so critically important to bringing people in to give them help. I've seen with organization with JCOC, there are people that are working, but they're struggling to eat. And they rely on like JCOC to come in so that they can get a meal. It's just, and then their lives begin to change like you heard from Claude earlier today. The meal was the first part. And as the resident of Virginia Beach, I'm very excited about what's happening in the future of our city. All the great things were going to build to

attract people to our city. But I also don't want the poor people in our city to be forgotten that live at the Oceanfront, we have people that have a lot of money and people that have very little money. And I want to make sure that the citizens that are our neighbors and our people that we care about, are able to still eat and those kinds of things. And I can tell you personally, I've been working with homeless people since 2002. I know more homeless people than probably most of the people in this room. And 95% of them are good people who want to change, who have gotten themselves into tough situations. And, I can tell you from knowing JCOC, long before Todd was there, they've made great strides and cleaning up the area to do things, you don't drive down 17th Street and see the people that used to see out there and that's because JCOC has been proactive about that. They've heard the cries of the citizens and they've reacted and so and they'll continue to. I have a great relationship with JCOC, we work together to try to help people to transition them from being homeless to not being homeless and Housing Resource Center is a great thing, but we're still resort city. And sometimes people come to our city because it's called Virginia Beach. And, it's how you take those people that are in those tough situations and transition them. So, I don't think I'm going to take my whole time, but I want to thank you guys and, tell you that the meals are extremely important. What we've seen is feeding people gets them to take the next step because you have a relationship with them. And I can't tell you the number of relationships that I've had that have taken the next step by having a meal. So, thank you all.

Ms. Oliver: Thank you very much.

Ms. Sandloop: Richard Maddox, and then Drew Lankford.

Mr. Maddox: Good afternoon Madam Commissioner, and all committee members. My name is Richard Maddox. I'm a former Beach District council member. I'm a former RAC member, former chairman of the Resort Leadership Council and my family's been in business in the resort for 70 years. In 17 years ago, when I was on Council, there were serious discussions by both senior staff and council regarding the JCOC and its land compatibility for the \$250 million Convention Center, and we're getting ready to build. We talked a lot about the impacts, the negative impacts and how it was really not compatible with that facility. And the 17 years that have taken place since a lot has happened. The ViBe has sprung up organically triggering and furthering the rebirth of 17th Street. This year's budget as Linwood said a minute ago, the city appropriated nearly \$30 million to begin the reconstruction of 17th Street from Pacific all the way back to Bird Neck. And, we have a \$70 million athletic facility under construction directly across the street from the JCOC which will bring people in, kids from all over the country to that location. The impacts of the JCOC are real and they're severe. The community, the surrounding businesses,

and the neighborhoods deal with it every day, things too graphic to mention on this podium. I'm not here to disparage the people that work at the JCOC. They do great work. They're dedicated and they're well intended, but the feeding component is absolutely incompatible. It was incompatible 17 years ago. It's even more incompatible today. I would urge you in the strongest possible way to deny that component of the planning item today. Thank you.

Ms. Oliver: Thank you. Any questions? No, thank you very much.

Ms. Sandloop: Drew Lankford and then Barbara Clark.

Mr. Maddox: Good afternoon Madam Commissioner, and all committee members. My name is Richard Maddox. I'm a former Beach District council member. I'm a former RAC member, former chairman of the Resort Leadership Council and my family's been in business in the resort for 70 years. 17 years ago, when I was on Council, there were serious discussions by both senior staff and council regarding the JCOC and its land compatibility for the \$250 million Convention Center we were getting ready to build. We talked a lot about the impacts, the negative impacts and how it was really not compatible with that facility. In the 17 years that have taken place since a lot has happened. The ViBe has sprung up organically, triggering and furthering the rebirth of 17th Street. This year's budget as Linwood said a minute ago, the city appropriated nearly \$30 million to begin the reconstruction of 17th Street from Pacific all the way back to Bird Neck. And, we have a \$70 million athletic facility under construction directly across the street from the JCOC which will bring people in, kids from all over the country to that location. The impacts of the JCOC are real and they're severe. The community, the surrounding businesses, and the neighborhoods deal with it every day, things too graphic to mention on this podium. I'm not here to disparage the people that work at the JCOC. They do great work. They're dedicated and they're well intended, but the feeding component is absolutely incompatible. It was incompatible 17 years ago. It's even more incompatible today. I would urge you in the strongest possible way to deny that component of the planning item today. Thank you.

Ms. Oliver: Thank you. Any questions? No, thank you very much.

Ms. Sandloop: Drew Lankford and then Barbara Clark.

Mr. Lankford: Good afternoon.

Ms. Oliver: Good afternoon.

Mr. Lankford: My name is Drew Lankford, I worked with the City in the Public Works Department, and I'm the Vice Chair of the Board for the JCOC. I had quite a few

things to write down today, but I think maybe it's more important to come back circle back and respond or reinforce some of the things that have been discussed before I stood up. What we are talking about is putting housing units on this site, that's what it's always been about. We have started the question; we've shifted the questions over about the feeding facility. We've made it clear for the last couple of years, we're not opposed to relocating the feeding facility in fact, I spoke with the city manager Dave Hansen at the time, and said what about the Law Enforcement Training Academy? What we're talking about is putting up housing units here for people to get them off homelessness. I've been stunned to hear this whole fog and smoke today by all these crime figures and how all of a sudden that's because of the JCOC. We can burn that place down to the ground tonight and guess what, you're still gonna have people in the parking lot of Food Lion drinking and you're still gonna have people roaming around peeking over fences and whatever all these other things they come up with. Mr. Johnson, the former police officer at second precinct didn't finish his, he ran out of time in his report when he was the second precinct, he told me well over 80% of the warrants issued by the second precinct were delivered to the trailer park, not the JCOC, the trailer park. And people everything I've heard today and some of it I don't necessarily disagree with, I'm sure that there are these problems, but nobody I've been listening closely, no one has said these problems are directly because of the JCOC and we know it because those people are part of the JCOC to say they come there and get a meal between 5:30 and 6:30 one night and that's the reason for everything that's like me saying, well, this guy went down to the Dairy Queen other night and got a milkshake went out to the boardwalk stabbed somebody, let's go take it over Richard Maddox. It's not Richard Maddox's fault, it's not the Dairy Queen's fault. When people come for a meal, they leave particularly now they're not staying there. It was brought up. They have been residing at the HRC since September 2018. So, it's not residents of the JCOC. That are doing these things. I don't disagree but there are these things going on. Food Lion sells alcohol, so people are getting there, they're getting alcohol, they're hanging around and doing whatever. We are here to try and help these people. I had it drilled in me as a kid, there before the grace of God go I and it's been gratifying to work here and I've brought in lots of people, my church has contributed thousands, but to sit there and say, well, this means this crime. There's one lesson we've learned the last six months in the city. We can't predict when somebody is going to commit a crime. This is about getting housing units up, helping people get off homelessness. So, I want us to keep focused on this, this that we've proposed to you is by putting up individual housing units that will help people get off homelessness. The kitchen we'll talk about it. We're not opposed to it. We've met with these people and we've said we would, and they supported our housing unit and provided we move the kitchen.

Ms. Oliver: Thank you very much.

Mr. Lankford: Thank you.

Ms. Oliver: Yes, hold on. STOPPED HERE 3:36:25

Mr. Ripley: Mr. Maddox mentioned that he recommend that we deny the feeding facility but I hear people with no objection to the residential building, have y'all looked at a plan that would allow you to build the residential building and leave your feeding facility in place? Have you looked at a concept of?

Mr. Lankford: Oh, yes. Keeping the facility that you have right now, but building the new housing behind it, yes, I mean.

Mr. Ripley: Would that work?

Mr. Lankford: Maybe Todd can address that better, I mean, we've had the plan where it's off the street.

Mr. Ripley: You have permission to do the feeding facility now.

Mr. Lankford: Right.

Mr. Ripley: Okay. You have a vested interest a vested right to do that. No question about it, okay. Nobody can take that away from you. If you left it where it was, or it is, but got permission to build your housing facility would take you to redesign your plan, that would be something that give you some flexibility.

Mr. Lankford: I mean there's some flexibility there.

Mr. Ripley: Give you time that maybe work out on another location for the feeding, if you found something satisfactory to you?

Mr. Lankford: Again, I can't speak for the board, but yeah, I mean, we're open to, yeah, trying to work something out. Important thing then this is something we've been working on for over three years and we've met over and over and over with the city officials. I mean, I'm getting birthday cards from Andy Friedman, now we've been seeing each other so much. And they've been very helpful. Former City Manager Hanson tried its best to find a something, Ron Williams has worked hard to find something, and we are open, and have been from day one. But, you know, we've got to get this going and where the feeding is located is almost a separate issue. But again, we're not being closed minded about that either. The thing though, we really need to get this going, and the money and the grants and things that we would be eligible for, we need certain permits in place to go on for that. But again, we have gone back to the drawing board several times with suggestions from the city. Can you do this,

when we've had the architect draw the plans and all, I mean, we've done this a lot of ways. And I mean, I'm out of here to say we're closed to anything. There's nothing chiseled in stone here.

Mr. Ripley: Okay, well, thanks.

Mr. Lankford: Does that answer your question?

Mr. Ripley: It does. And I know I asked you a tough question, because you gonna ask somebody to redesign what they're doing, it's a tough question to ask from this part here, and I'm not trying to plan your property. I'm just asking your question, if that would be another way...

Mr. Lankford: From the very beginning, we've had to change some because I mean, this idea with the single unit housing and all came up after we started the development plan. So, I mean, we've got some experience here by shifting gears and shifting direction.

Mr. Ripley: Thank you.

Ms. Oliver: Question for you. If you could have your preference versus 38 units originally, you all want to 50, am I correct? No?

Mr. Lankford: No, I think it's 38 with the possibility on 50.

Mr. Tajan: That's correct. So, the existing emergency housing has 50 beds, which is the number that we translated over.

Mr. Lankford: Yeah, when they were residing there, we were housing a limit of 50.

Ms. Oliver: Is there a room for 50? Should you not? If you didn't, if you could do 50 verses and relocate the soup kitchen, would that be a possibility?

Mr. Lankford: We could do 50 whether the feeding kitchen is there or not.

Ms. Oliver: But hat would be permanent, because right now it's not permanent housing?

Mr. Lankford: Correct. I mean, what we propose this, yeah, but I mean, what sitting there isn't.

Ms. Oliver: Right, right. Okay. Thank you.

Mr. Lankford: Thank you.

Ms. Sandloop: Barbara Clark, and then Mark Stevens.

Ms. Oliver: Hello.

Ms. Clarke: Good afternoon, Chairwoman Oliver and Planning Commission members. My name is Barbara Clarke and I live on 16th Street at the Oceanfront. Thank you for this opportunity to speak before you. Well, the folks hearts are in the right place, the current feeding operation has created very negative conditions which need to be realistically addressed. This is an evidence by Police Chiefs Severa's letter regarding in his words the remarkably high number of police hours and resources dedicated to this one facility and resulting inequity, it causes for the safety and security of the rest of us who live, work and play in the Oceanfront area. The excuse of I cannot control what happens outside my property is not adequate. The impacts of ripple effects on the adjacent properties and nearby neighborhoods need to be assessed. These impacts will not be allowed from any other operation in the city. I'm here to support the safety of the residents of the Sea Bridge Square Community and their ability to protect their properties in the interest of neighborhood vitality and stability, please do not approve the soup kitchen at this location. We supported the Housing Resource Center as a one stop shop for homeless services. Please honor this support. Thank you for your time and kind consideration.

Ms. Oliver: Thank you very much.

Ms. Sandloop: Mark Stevens and then our last speaker Michael Shackelford.

Ms. Oliver: Hello.

Mr. Stevens: Hello, good afternoon. Thank you for taking all this time today. I am Mark Stevens. I actually own a business on 17th and Cyprus. I opened it up in 2013. But, I also live on 21st Street, so I'm very vested in our neighborhood. And I'm very invested with the homeless. I have had my business there since 2013, right next to the library and had zero crime. Have I had panhandling? Yes. Have I asked people to move on? Yes. But, I also run a nonprofit for homeless youth. We feed youth 24 and under, we feed families, we feed kids. We do it three nights a week. There was no other services feeding families in our neighborhood except JCOC. There are families that provide, need that and they live in the hotels at the Oceanfront during the winter. They have to go somewhere to eat because they can only afford to pay the hotel bill. Without JCOC doing this, we will have families starving on our streets. I have a young man I adopted. He was five when he was taken away. He was taken away because his parents could not feed him. We cannot let this happen to our citizens. We cannot let this happen to our neighbors. These are our neighbors just as, these are my neighbors I'm speaking against who I appreciate and like a lot. But we have people that are starving on our streets and in this city, we should not have that. And, JCOC is only the one place that they can go in our neighborhood. We also have only 59 food banks and you say well, that's a lot. My sister work with the homeless in Richmond, they have over a hundred.

People have to eat in our city. It's not cheap to live here. Thank God I can feed my son and take care of him, but there are families out here who can't. So again, thank you for your time. I appreciate it.

Ms. Oliver: Thank you.

Ms. Sandloop: Our final speaker Michael Shackelford.

Mr. Shackelford: Good afternoon. My name is Michael Shackelford and from 2012 to 2014, I worked at JCOC as the Grants Manager. And, I think I have a unique perspective. In that time, I had dinner almost every night that I worked after work, and I broke bread with our residents there. We used to have the housing program and I saw a lot. And, I learned more about homelessness there than I could in any class or seminar. And what I saw at the feeding program was people of all, you know, people that are on the margins going there and eating, and that was keeping people from having to live in our shelter. And, the other aspect of the feeding program it is really good, is that it helps bring people into get resources, because you have a lot of people that are homeless, they are on the outside, they want to be alone or they do not want to be in society, but everybody needs to eat. The feeding program would bring them in, and then with contact with staff and other folks, then they would start to seek services, get into our shelter and end their homelessness. And, one of my proudest moments, and I was working there. Some guy called me up, you know, so came in the office, I was working on a grant and he said, Hey, you want to talk to me. He was a veteran. I'm a veteran. And, because of the rapport I had, we started talking and I was trying to bring him in to get services. So, everybody talks about the bad behavior that takes place outside of JCOC. But what happens in the feeding program helps people in their homelessness. That's all I got.

Ms. Oliver: Thank you very much. Mr. Bourdon? Before maybe, I just would like to have maybe Mr. Friedman come up, real quick, if you don't mind and just because you're getting ready to.

Mr. Bourdon: I got a lot of things to say. But I'll wait.

Ms. Oliver: Do you want to say them now?

Mr. Bourdon: Well, it's up to you, I think it might be better and then.

Ms. Oliver: Let's have Andy, if you don't mind.

Mr. Bourdon: I don't mind.

Mr. Horsley: Madam Chair.

Ms. Oliver: Yes.

Mr. Horsley: At some point, I'd like to ask Mr. Johnson, who's that second precinct person? If he's still here, come back and finish, what he didn't get to say. I think he is important source of input.

Ms. Oliver: Well come on Andy, yeah. We all know who you are, but for the sake of the record.

Mr. Friedman: Andy Friedman, Director of Housing and Neighborhood Preservation.

Ms. Oliver: Thank you. And I just want to appreciate, as I said earlier, you and Karen and Ruthie Hill and all that you all done for the Housing Resource Center and just for the sake of the people watching and for the people in the audience, I would, you know, appreciate it if you could just speak on the Housing Resource Center, how it works, how successful it's been, and how it works in conjunction with the JCOC at this time, if you don't mind just a little bit and then I've got a couple, some follow up questions for you, if you don't mind.

Mr. Friedman: Thank you. So the Housing Resource Center was the result of a several year community process to identify how the City could and the community together could take the next steps and really enhance how we address homelessness,. addressing homelessness means making, taking people from homelessness into housing, it's really not about helping people survive homelessness, but rather to get them out of homelessness into housing. The center evolved into becoming a one stop shop where we can help people who may about to become homeless to avoid that, where we can shelter people overnight, where we can actually house people on long term housing, and where we can continue the work of the lighthouse center which provided a place for people who are still homeless on the street to get showers, do laundry and connect to services. We also have health services on site. We have social services on site. So, it's all of those things in one place, which removes a lot of obstacles for people who are homeless. The Housing Resource Center is not going to and has not eliminated homelessness in Virginia Beach. There are multiple myriad causes of homelessness. What the center does is really steps up our ability and the number of people we can serve, getting them out of homelessness. There are also, it's also important to know that in any group of people, there are those who desire to move forward. Those who may desire to but don't know how to and then there have been as always, there are people who are homeless by choice and may remain that for a long time until they finally reach a point where they want to get out of homelessness. Our job is to offer the best possible magnet of services and housing to them. We do outreach as well. We have an outreach team that's been established for five years, travels all around the city, interacts with people from the boardwalk already, all the way to Norfolk Line and seeks to bring people into housing. In the first 11 months that we were there, 501 people who previously were homeless became housed as a result of the work

of the city and its nonprofit partners who operate the services at the Housing Resource Center, and an additional 203 people who might have become homeless were prevented from becoming homeless, from through assistance and redirection of their issue, possibly to family, possibly through paying last month's rent or things like that. JCOC is a partner in the overall city community partnership to address homelessness. They are a provider of services at the Housing Resource Center, they operate day services and they operate the single shelter, which they started when they ended their shelter at 17th Street. JCOC also as our operator of the emergency winter shelter program, which has been a community program for over 35 years that provides through many of your churches, overnight shelter to people who are not currently housed or sheltered, so we as the City coordinated large community system of nonprofits, faith organizations, other government agencies, to do all this to address homelessness.

Ms. Oliver: Thank you. Does anybody have any questions for Mr. Friedman?

Mr. Alcaraz: I do, in the informal. I'd ask the question about, I guess, redirecting for the feeding program and you had mentioned that the lighthouse, I guess, discontinued 2018.

Mr. Friedman: Yes sir.

Mr. Alcaraz: So those that went to the lighthouse for showers, laundry and services, how do they get to the Resource Center?

Mr. Friedman: Right. So, our initial, when we were planning the center, we said that we wanted to make it a magnet, and that we would do everything we needed to get people there. We have found that people can get there when they need to. We also continue our outreach team so that when people are found, and they want to come to the center, our outreach team has the ability to transport them there. We live in a country where anyone can travel wherever they want to at any time. And, so; they have that opportunity to come to the center. We hope we continue to make it as attractive as possible for those who want to get out of homelessness, and then we provide the direct transportation whenever we encounter people who need that help.

Mr. Alcaraz: But again, the feeding program did not work, correct? The transportation to the Resource Center, the central location for this service did not work and they just stayed at the beach, is that what I'm hearing?

Mr. Friedman: I'm not sure your question about feeding.

Mr. Wall: Transportation for the dining hall.

Mr. Friedman: So, we have never had a, we do not have a dining hall at the Housing Resource Center. We only feed people who are actually receiving housing or shelter or participating in day services there.

Mr. Alcaraz: Okay, I thought there was a breakfast, lunch and dinner program there available.

Mr. Friedman: Only if you are part of services at the center, so you can't just walk in and get a meal.

Mr. Alcaraz: Okay, thank you.

Ms. Oliver: You could participate in the program. I had a question and I just lost it. Anybody else have questions for Andy? Yes Ron.

Mr. Ripley: The concept of deferring, giving you time to work out possible, another location for the feeding facility is that something that you think can be worked out in a reasonable period of time, and I guess you need to find a reasonable period of time as city time sometime that's real long. You have any sense of that?

Mr. Friedman: So I would just refer back to deputy City Manager William's remarks that he is working to address the issue of the Law Enforcement Training Academy and in addition, we are working to with sites that have been identified as other potential sites that could be offered to JCOC and reduce them, review and vetting of those sites. But I really couldn't offer a recommendation about how much time that would take or whether a deferral is appropriate or not. I just say that our assignment is to do that work to find those alternatives.

Ms. Oliver: And, I have a question for you Andy, just statistics reasons in the City because I know you all just such an outreach and you really do basically have a head count fairly close on our homeless, what's the percentage of people would you guess that are reaching out for the resources that the City provides? And, the people that decide that they don't want the help, but they just want to stay on the streets?

Mr. Friedman: So, I don't really have a number like that. Sometime, it's really more a matter of time and effort that additional effort and additional time when people realize there's a barrier that they really can't overcome, but I couldn't characterize that.

Ms. Oliver: Okay, all right.

Mr. Inman: I have a question. Andy since you've been working over a period of years to look at for a different site, what do you think would two years be a reasonable time to make a condition that they had to move the dining hall within a two year period?

Mr. Friedman: So probably, I'm not going to comment on a policy decision that the Commission has to make. I would just say that...

Mr. Inman: I am just asking for a realistic expectation, is that a realistic expectation?

Mr. Friedman: I guess, again, I'm going to refer back to what deputy city manager William said is that a few months to get a decision yes or no on that and training academy and somewhat longer than that because the other sites have other challenges to overcome, two years is probably I would say that we would hope to do it in less time than that, but we have to go through the various steps necessary.

Mr. Inman: Okay, thanks.

Mr. Ripley: I have one more question.

Mr. Friedman: Yes sir.

Mr. Ripley: And looking at this site plan, and I asked this question a little earlier, I mean it seriously and could this property be developed really in two phases, you know, maintain the needed feeding facility in its present form and build the single room occupancy adjacent to it, and then later tear down the once you've satisfied how are you going to, how you can or cannot satisfy the feeding facility, maybe stages so that condition will allow them to build it two years from now if you weren't able to locate a satisfactory facility, it would give people time to get into the marketplace and find a location to relocate that and then you would have more property to build, actually more single room occupancy or whatever other needs the nonprofit ends with, does that seem like a practical thing to you or not?

Mr. Friedman: So it's really a development question, I'd have to defer to JCOC.

Mr. Ripley: I know that, I know you need to be more careful when you answer it I am sure, I get it, but to me, I'll say in an outlet looking at it almost even looks like it might have been designed that way, the way it acts is like the little connector between the single room occupancy and the other building that houses the feeding facility and houses with like three administrative offices, perhaps obvious storage, so what is it? I mean, there's got to be a plan that would help them move forward to meet the needs of the community other than just all or nothing, if it's such an objection to the feeding facility at this point, if there's an opportunity to resolve that there's a possible win-win there, I would think.

Mr. Friedman: Yeah, and I wouldn't, it really seems to me to be something that has to be re-planned to see if that's possible and I don't have that information. I really don't.

Mr. Inman: You also need to bear in mind that even if they move the dining facility for walk-ins away to your residence there that will need a dining facility, so like they do at the Housing Resource Center. If you reside there, you eat there, right. So that

would be the same thing would probably apply here so you got 35 residents to live there would still be needed dining. Sure.

Mr. Alcaraz: I got one more question, sorry.

Ms. Oliver: Yes.

Mr. Alcaraz: Andy, couple of comments were made about the condition of the dining hall, is your office, I know does code inspections. Do you have any records of anything or do you notice anything wrong over there that you're concerned?

Mr. Friedman: Yes sir. We did a inspection our code enforcement division inspected the properties and outside of the condemned building, we did not find them to be, we found minor exterior deficiencies that we've issued notices to be corrected. But there is nothing unsafe or unsanitary that, you know, as far as the code, you know, the property maintenance code that we enforce, there's nothing that would cause it to be a concern that can't be addressed by the minor repairs that we've given notices for.

Mr. Alcaraz: Thank you.

Ms. Oliver: Thank you.

Mr. Friedman: Thank you.

Ms. Oliver: Thank you very much, Andy.

Mr. Inman: I'd like you to tell us what else you had to say before your time.

Mr. Johnson: Thank you. I got down to the point where we know homelessness is an issue at the second precinct, it is all over the city but certainly at the second precinct, but in my estimation, the two hats that I wore over the period of time that I was down there, the JCOC does way more to help and it does hurt to suggest that some of the people that are hanging out at the shopping center or at the gas station down in front of Sea Breeze to suggest that none of those were at JCOC would be disingenuous. Some of them certainly were, but having worked down there and been responsible for all the crime data in that area, there's a lot of crime that happens in Friendship Village. There's a lot of crime that happens in Atlantis apartments. There's a lot of crime that happens in Colony Trailer Park. I became a police officer in 1980. I wrote search warrants in all three of those neighborhoods when I was a patrolman, Chief Cervera actually was the SWAT commander that executes of search warrants for me, some of them in the late 80s, right around the time JCOC was opening. So again, to suggest that the JCOC is the cause of that is simply wrong. There are issues with it, and I would not say here and say otherwise, but it does far more good than bad. I just anecdotally tell you in 2014 David Kilgore was shot and killed in

armed robbery at Beach Pharmacy and I was sitting in the precinct when it happened. They put out a description. I got out, went into my police car and drove three minutes and drove right to the killer. He wasn't at JCOC, he was at Colony Trailer Park, and he was at a trailer that we all knew was a place that distributed drugs in there. I've done 10 search warrants in that place over the years for drugs search warrants in Colony Trailer Park. How many the departments done is I have no roughly idea. And again with the other neighborhoods that are around there that's a crime problem. And again, when I refer to the meetings that we would have, and you better believe the Colony Trailer Park came up in those comstat meetings almost every month, Atlantis and friendship got to where they didn't have to bring them up, they just automatically kind of self reported because of the problems in there. And that's been going on for close to 40 years and so when I read some of the stuff that came out that confirmation bias, you can sit down and type things into a computer and get stats out and if you're inclined to believe that that's a problem there, then you can make those stats say that. And if you're inclined to believe that it's not a problem, you can make them say that too. I know this; I was one of the people that pulled those stats when I was doing this comstat for the department and I guarantee you if I sit down and typed in the information, say incorrectly to try to get the desired outcome, I promise you that the business at the Ocean Front that would come across as the most dangerous and crime ridden would be the Dairy Queen at 17th in Atlantic and everybody knows that's ridiculous. But when you type in an address or you type in a block, anything that happens in that block is going to come up and then I can hit print and hand it to you and then you can look at and go, Oh my gosh, there's 400 calls in Dairy Queen, there's not 400 calls at Dairy Queen, there might not be four calls at Dairy Queen, but you can make it say that. And I'm not saying that anybody's intentionally trying to lead you one way or the other. I'm just saying that the numbers are there. It's pretty easy to explain most of those numbers of way.

Ms. Oliver: Thank you.

Mr. Bourdon: Let me start with Mark De Roche made a statement that in essence his belief is that the dining hall was incompatible with the support center because the dining hall causes crime, that's the logical progression of what he said. Now, Jay and I also heard about the fact that, you know, JCOC doesn't give people a blood test or a breathalyzer before they come in to eat. Neither do any of the restaurants, bars and other establishments rest in any of the commercial up and down 17th Street. JCOC doesn't serve alcohol on his property, doesn't provide drugs and get called police and get anybody out there who has drugs in a heartbeat. So we're blamed for people drinking and taking drugs before they come. We don't serve alcohol. We get blamed for alcohol that people are consuming that they went down the street and

bought, but that's the JCOC problem. Now I'm not here to say that everything that y'all heard today was baloney or wrong and we do as a community need to work together to try to get a handle on issues that exists and Chief Cervera's various security process is something that happy to participate in. But chief Cervera was also right about something else. There's a perception but perception doesn't match reality, to suggest that the JCOC which had 66 calls for service, visits from the police is a better way to put it. And I'll go over that in just a second. There's no anything to speak of, and I'll get to it but that's the problem when what was happening elsewhere in the block there were a lot more serious issues. And to suggest that when the Colony Trailer Park has six times the amount of police visits for all kinds of bad acting and bad problems, we left out the Murphy Trailer Park, which also has a huge number that hadn't been addressed yet, as well as what Johnson just was talking about, this is a problem that exists there that says societal issue problem issue, but the one party that's not causing a problem is the JCOC, now could things, you know, better security better issues, you know, better working with the parties around us, at certainly can be, you know, enhance the center to our east, I've lived here my whole life. There have been people loitering in that parking lot to get picked up to go to work in the morning dropped off in the afternoon, since as long as I can remember and when I first got out of law school live on Norfolk Avenue in the Lands End Apartments and was up and down there all of the time, same was true for the old 711 on the corner, and that's because of there is a need in that area. Drew Langford passed out an article in today's paper about the study that the food bank did of the food insecurity in Virginia Beach's over 44,000 people who are at risk, because they don't have food, it's a really good article. So Tom, I mean, God bless them, you know, one thing we do agree on, he thinks that this SRO is a good thing, but he wants to see the, but the thing he's told Civic Leagues that we have 12, he said there are 1200 calls in three years to the site. It's just not accurate, not true, not even close to being true. Also, Morris and he both said that, Morris told many civic league means that people get bust from HRC to JCOC for dinner completely and utterly false, not doesn't happen, hasn't happened, you know, so that's not accurate. And there are other inaccuracies, but JCOC wants to provide shelter, and also the service that is absolutely, absolutely needed in this area, which is to keep people from becoming homeless. And the gentleman on the board who I think he was responding, Whitney to the issue because he followed Ms. De Roche about somehow blaming the dining facility on crime, that's where his focus was. But our focus, the focus of the group overall is to provide shelter, and to keep people from becoming homeless as Andy and others have said. So, JCOC is absolutely willing, if it weren't for the complications I described it originally to work to move and over to the leader. But we've also spent four years trying to, and we, JCOC brought that to the city over two years ago and we're told no so that's something

that they're more than willing to do, because that'll put 50 SROs there, which will provide even more people who can potentially work in the restaurants and the other places, the Ocean Front, they need them, but those restaurants, a lot of them serve alcohol. Okay, so blaming the JCOC for people, who have alcohol dependency problems, when we don't allow it, don't serve it, etc, etc. They have to go to somebody else's property to get it and the people in the other property are blaming JCOC, because they're the tenants who are selling alcohol, not JCOC or giving them alcohol, which we don't give and we don't have. So it's really, that's kind of disheartening, but I think 99% of the people in this room if we all sit here today and say, you know, move the food pantry and service to Lita and do 50 SROs, but the reality of that is, we hope it can happen. But we all know because the lease expires in five months, that we have no idea whether that will ever be able to happen. And we need to move forward with changing because JCOC can decide, okay, we can spend the money, we have money additional money, we can fix everything up that we have and keep right on operating just the way we've been operating with a shelter there. There's a need the shelters full HRC, but we think and we wanna work with the city, have worked and will continue to work with the city to try to get the best infrastructure, the best system to better serve this community and unfortunately, as I said before, we wish you would all go away but if we can just keep it from, if we can keep it the same as it was 30 years ago, which is what essentially is where JCOC is, then we're still not falling behind, but this is an excellent application and you have Excellent people that are running the JCOC, who have worked diligently for four years, and will continue to work obviously with the city and with the City Council and if there's any way that lead a situation can be resolved, and we can move the food service there, you know, we have committed that we would be more than willing to do so. And the SROs would be 50 instead of 38 and that can all be done by city council doesn't have to come back to you all to do that, does not have to come back here to do that. And they're the ones that have to make this happen, none of us can make it happen. I mean, I can go into a lot of other things, but the simple truth of the matter is, is that until those Trailer Parks are redeveloped, and God only knows how long that's going to take. Until that happens, these problems that exists there are going to continue to exist there, because the problem isn't emanating from a facility that doesn't serve our alcohol, or allow alcohol, drugs, etc. You know, things maybe security be better and more coordinated absolutely, yeah and this new building and new investment with the cameras and everything that we're going to be doing there will make it better. And that doesn't mean it can't be made better before then either, but the JCOC I think everyone has heard all they can, I don't know what else you can hear. They are a wonderful part of the city. They are running the shelter, but they don't serve foods at Witch Duck Road other than if you're in there, and there's a need and

that need and it's just acute. It's acute where we are here, you know, so I'd be happy to answer any questions. But it is a good application; it's not anything as being rapidly rammed down anybody's throat. It's not something that's coming in here at the 11th hour after four years to try to, you know, to do something that nobody knows anything about, you know.

Ms. Oliver: Yes.

Mr. Redmond: Mr. Bourdon, I understand that you're representing this organization pro bono?

Mr. Bourdon: That's correct.

Mr. Redmond: Okay. Lawyers get a bad rep sometimes, you're easy to make fun of sometimes.

Mr. Bourdon: I relish being made fun of, rather than being called names.

Mr. Redmond: Being all that as it may, I want you to know that I appreciate you are doing that and I wish others would follow your example of providing their time, which does not, you know, come without cost for causes that they believe in. So thank you.

Mr. Bourdon: You're welcome. But these folks do more than I could ever even imagine doing.

Ms. Oliver: You have a question?

Mr. Graham: It's more I wanted to initiate, Ron continue the dialogue about a timeframe.

Ms. Oliver: Is this for Mr. Bourdon?

Mr. Graham: For Ron and Mr. Bourdon.

Ms. Oliver: All right.

Mr. Ripley: I guess the concept thinking out loud, would be to approve the application, but delay the approval of the dining facility for a period of time, which would allow your time to investigate and find a facility that's mutually agreeable to nonprofit in the city, something along those lines so.

Mr. Bourdon: It's all one package at this point to we have somewhere to move it so there's no.

Mr. Ripley: Well, you don't have to accept it. We could make the recommendation, right.

Mr. Inman: Let me offer what I was thinking and see if it's the same thing. I don't know, I was saying approve it, conditioned the application, conditioned on securing another site for the dining facility within two years. [Crosstalk]

Mr. Ripley: I don't want to take away their rights. We're really having a discussion.

Ms. Oliver: Yeah, we might have to close this. So thank you very much.

Mr. Weiner: If this gets approved, the fundings way off. I mean it could be two years before the first shovel goes in the ground and even just item 12, that's SRO, correct. That's our facility. I mean, what's the timeframe?

Mr. Bourdon: Yeah, we've been trying to get to this point for four years. The simple reality is, is that we're going to have to reopen the shelter, that's gonna be the reality very soon, okay?

Mr. Weiner: Any idea, just throw it out there timeframe year?

Mr. Bourdon: Once we have an approved plan, then we can I think it might, my client think it'll be very quickly able to raise the funds, it's just getting to the point where we have an approved plan. But your two year timeframe to break ground I would not suggest is inaccurate, it may be that long but that's, you know, that we've already been four, and more delay is that clock never get started?

Ms. Oliver: Yes.

Mr. Wall: So you find that recommended group home conditions as the written acceptable?

Mr. Bourdon: Well, we have concerns about the two year condition absolutely; we also have faith in working with the city and the vision for system city wide that has a chance to work. Okay, and there is nothing perfect and anything that we're doing today, there's no perfection here. And there's no ability to find perfection. But you're really the people that were with JCOC are people who are of the highest character and quality and are trying to do, you know, something good for the city and the some of that, it was better today than I expected to be, I'll just leave it at that. You know, I appreciate the tone was not, some of the things that are in emails and other things that we have seen over the course of the last number of months, so I'll try to leave on a positive note.

Mr. Alcaraz: Eddie in the informal that chief had mentioned supporting, like crafting security and safety plan, can we change that to an extensive security and safety plan?

Mr. Bourdon: We have no issue with that. Todd asked the previous police chief and said we're more than willing to that. We're also more than willing to. I mean, my memories, I'm getting old. I don't think we even asked for 9 o'clock down the floors for dinner. So, you know, we don't have any issue and I've said that I've said that to Morris and Mr. De Roche and others, you want to, you know, put that 8 o'clock. So, you know, everybody's clearly done, but at 7:30 most of the time, is it. No, no, you've raised the point. You raised a very good point and it's something we had discussed previously, and we don't have any issue with that. I mean, basically is from, you

know, 5:30 to 7:30, you know, as way it works, the services at six but some people get there at, you know, a little early and that's why we're moving into the back.

Ms. Oliver: I got a question.

Mr. Bourdon: Sure.

Mr. Alcaraz: I'd just like to follow up with that. I got a lot of calls Eddie so and the opposition was about safety, so most of the comments I got that your clients not cooperating with the neighbors so can it be a co-produced safety plan?

Mr. Bourdon: Absolutely. I mean, there's no reason other than being defensive because of being accused wrongly, of being the cause of crime. That's what causes some of the folks who've been doing this a long time to rightfully feel a little indignant. They aren't causing any crime. They're not causing drug addiction, they're not causing alcoholism, and you know, that in any way, shape or form. You know, it's the people who have the weakness and the problem; we have to try to help them, feeding them does not do anything to hurt them. And if they're not fed, then they're more likely to commit a crime to get the alcohol or the drugs or the food. To stand up here and suggest that JCOC is the cause of crime in that area is perception and not reality. It is perception and not reality.

Mr. Inman: Deal with the perception, okay, and meet with the neighbor.

Mr. Bourdon: I agree. I've already said that. We are more than, the chief and his folks and you know we can obviously get together and try to work on and the statement that was made about that the one lady made about when they brought the tower, that's 100% correct, 100% correct. All it took was for that tower to be up over there and all the, you know, vermin scattered away in front of Dollar General, you know, and what have you and the 253 calls apparently at Food Lion for that shopping center and I'm going to 385 at Colony Park and we had 66 for basically I mean I didn't get through all that but you can all look at the list, there's nothing there. We have all these women, children, young children, girl scouts boy scouts serving every night, and they don't have any issues. There's no fear, there's no crime. It isn't JCOC; it's folks with issues that some have shelter, no two ways about it, not those who don't have shelter, you know, the officer Johnson told you what happened with colleague and I'll extend up here and bad mouth anybody's property but it's just wrong to suggest that the feeding at JCOC is a crime causing land use. There's no one like that, I think back that up anyway. But we'll be happy to work on a security, you know, system with the chief and with anybody in the police department, no reason at all, we wouldn't want to do that. We all benefited the area, rises up.

Ms. Oliver: Mr. Bourdon I have a question about the JCOC specifically, and it was one I meant to ask probably at 3:30, but I didn't get there. The JCOC understands it does, the Soup Kitchen. It does dining facility.

Mr. Bourdon: I know it took me three weeks to stop saying that. I apologize for interrupting you.

Ms. Oliver: But is there a true food pantry in the JCOC where people actually go and get groceries to take back to their house to prepare food, is there?

Mr. Bourdon: It also in the package.

Ms. Oliver: It gets a little muddy in the application and so I wanted to know that specifically. So there is besides just people, families or individuals coming in to get a meal. Now when they eat the meal, you know what, let me ask something, Todd, do you mind coming up here real quick for me, please? I just want to specifically ask you something.

Mr. Bourdon: You also have. You have, it's even highlighted, yes, I know, I killed a couple of trees. But yes, you have a real breakdown of all of the different [Crosstalk] [04:24:57].

Ms. Oliver: I didn't remember where that piece of paper. Did you just give it to me today?

Mr. Todd: So the answer that real quickly, we do it three days a week, Tuesday, Thursday and Saturday. People from the community come in to the food pantry to get groceries and then we also do food boxes Tuesday, Wednesday and Thursday, separate program.

Ms. Oliver: I have seen that, okay and your dining hall.

Mr. Todd: Here is the dining hall at 5 o'clock the doors open, okay. When I first got the JCOC, we would have a line outside because we didn't open the doors until about 5:55. It was actually one of the first conversations Andy and I had about addressing that. I made the change to open the door at 5 o'clock, 5 o'clock. Everybody can come in. We have security there. Everybody come in, dinner serve at 6. Usually finished around 6:30, clean up can take to 7-7:30, sometimes 8 depends on what served, doors are locked. And then we finished.

Ms. Oliver: Is besides them eating in the dining room, do they have hot meals? Do you provide hot meals that they walk in and take out and eat somewhere else?

Mr. Todd: Absolutely not.

Ms. Oliver: Okay.

Mr. Todd: And I want to make some good because I've been sitting, when people leave, no we don't follow them to see if they go the Food Lion or going there, but our security person does come outside and go to the front to make sure there's been a couple of planning commissioners have witnessed it themselves because they've come to the meal recently and make sure that we get people off for properties. I have reached out too because I didn't know who owned the shopping center. I did go to Dollar General on several occasions and spoke to the manager to find out who owned it, who managed it, she did put me in contact with somebody I said, let's try to work together. Whoever the guy was, I guess it wasn't, the person that spoke today, but he said he owned the towing company and he had a brother that own the land. So I don't know. So he and I talked, I try to come up with a resolution of where we could work together. He didn't want to do it. I'm all for collaboration, that's what makes things work. Everything in our program is collaboration. We do a food pantry; we have people come in from the community to help us do that. We do a dinner; people come in to help us do that. We collaborate with the City of Virginia Beach to provide emergency shelter, day support services want a shelter, everything we do is collaboration. So we're not going to sit up here and say we don't want to work with anybody, that hasn't been our history.

Ms. Oliver: All right. Thank you very much.

Mr. Todd: All right. Any other questions? I'm ready.

Ms. Oliver: We are good. Thank you very, very much. Appreciate it. I'm think we'll close the hearing now. We will close the hearing now and open it up to the commissioners for discussion.

Mr. Alcaraz: May I ask our planning director a question?

Ms. Oliver: You certainly can.

Mr. Alcaraz: All right, Bobby, can you tell me where we are right now with the existing use permit for the dining hall? Where is it? What conditions are, what's the time limit if any, can you just give us real quick?

Mr. Tajan: So the existing conditional use permit addresses the existing buildings on the property and allows them to perform the eating program in the dining hall with no limitation. So it was a modification of a, one or two modifications of a conditional use permit. So it's been a long standing, original conditional use permit dealt with the emergency housing that they provided, and then it was modified to allow for the feeding and dining facility.

Mr. Alcaraz: So there have been a lot of improvements across the street, lot of planning for big projects across the street. We've had use permit in front of council 89, 92, 93, 95, 2000 and it's never been brought up to either relocate it? Or would you know that?

Mr. Tajan: Well as any had mentioned and Deputy city manager Williams note there have been previous discussions, and I believe Mr. Bourdon has also discussed it about potential other locations for some of this. I'm not saying that that has not happened, but as you can tell, there hasn't been enough to push it over the line.

Mr. Alcaraz: So four years they've been working and they're still not to a place where they can relocate?

Mr. Tajan: To be honest, I believe they've been working prior to the four years as well.

Mr. Alcaraz: Okay.

Ms. Oliver: Yes.

Mr. Graham: Dee I have a question. So the new CUP for the group home, for the dining hall, that will be reevaluated at two years from the date of CO?

Mr. Tajan: Correct, yes sir.

Mr. Graham: And is that a point where if there's still issues that can be revoked.

Mr. Tajan: So it has a sunset on it, which means it would automatically go away in two years and they would have to reapply for it. The key is for that is to provide us with the opportunity to provide baseline data for right now and baseline for the future for in the public hearing for the bodies to make their decision on whether they have maintained or have not maintained what they were promised.

Mr. Graham: So it's sundown, I mean, so automatic two years from CO, they've got to reapply for CUP.

Mr. Tajan: That is how the condition is written.

Mr. Horsley: Conditional use permit for the group home shall expire two years from the date of certificate of occupancy.

Ms. Oliver: The group home or the?

Mr. Tajan: It does not include this; it is not for the single room occupancy which is the really multifamily use. It is for the modification of the conditional use permit which is the one that provides them the opportunity to do the dining facility that's opened.

Mr. Tajan: The dining facility is covered under that existing.

Mr. Graham: Under the group home CUP, got it.

Ms. Oliver: But they don't, but they would not lose the CUP for the group home?

Mr. Tajan: That is correct, that is a separate conditional use permit for the single room occupancy multifamily use.

Ms. Oliver: Oh, yeah, I'm sorry.

Mr. Redmond: Unless you want to take some time to read it.

Ms. Oliver: Mr. Redmond.

Mr. Redmond: I think we're getting way too wrapped up in what is probably a simpler application than yours. They have the right to provide the dining services that they provide today and listening to these people, I cannot envision a scenario no matter what we conjure up, wherein they will give that up. They have every right to serve this population today. I've heard a ton of commitment from these folks out here that they're going to continue to provide that fundamental element to this most needy of the populations. And the idea that they were going to get in a position where they lose that right I think is inconceivable. As Mr. Lankford said, what they're trying to do is add the single room occupancy use, this notion somehow that this organization is going to be boxed in to not providing that which they do today, it's fantasy. Now, city council can revoke that conditional use permit that day ain't ever come, that day ain't ever come, and so can they add the single room occupancy or can they not? That's just as simple as this is; they have facilities today, that is in disrepair. So they have to have a new facility and as part of that new facility, they're going to have greater facility, they're going to have greater security, it set farther back from the road and there are a number of different things in their walls in the like that frankly allow greater segmentation of this property and the uses that exist upon it today, then occur right now. So this idea that well, if we build in a delayed and we can bla, bla, bla all this, I mean, I just don't see how that makes any sense. Because if they don't have the ability to improve what they do, they're going to keep doing what they do the way it exists today. I have no doubt that that is an improvement based on what they do today, but they're just not going to walk away from the population that they serve. They're not going to be boxed into them. Now with regard to some of these other issues, Mr. Bourdon and some others are absolutely right. I think they've been unfairly picked on the notion that somehow they're causing all these problems in that, there's a 37 acre trailer park and it ain't the prettiest trailer park I've ever been in, that's where most of the problems in this quarter coming from. So that's just reality, with regard to the development in this quarter, we are today building the sports facility have already built a big convention facility. There are improvements going on, redevelopment going on within this

neck of the woods all the time. Today with this facility in its current state of disrepair already in place, the idea that this is a barrier somehow is flatly contradicted by facts on the ground. There is a facility under construction across the street and there's a lot of momentum in that district. We have whole staff people dedicated to energizing the ViBe district. So, I mean, the idea that we're going to hold them up in terms of the planning necessary to add the SRO element and hope somehow that they'll fall on their sword for this dining hall element, I think is just fantasy land. Admirably, they have expressed I don't know how many times here today, their willingness to look at relocating that facility because it makes sense for their purposes, because they can get more rooms in there as a SRO facility, but they're not going to give up those uses. So a delay does nothing, Mr. Friedman said earlier, those conversations are going to continue no matter what we do, no matter what the city council does, they're still going to have those conversations and that's a good thing. The idea that they should stop their fundraising for these things is just; it just doesn't make any sense to me. So we've gotten all of these various things about all these populations and it really is a simpler thing to me, they will keep doing the feeding program, there's too much in need, and there's whatever 75 people there and they're not walking away from that, so it seems to me this makes a lot of sense, improving the facility and recognizing that that program is going to be there in one way, shape or form unless it's possible to move it someplace else. And they're open to that if it can be done because it suits our purposes. So it seems to me our job is to pass judgment on this application. You know, I mean, it's going to be an easy vote, but you ought to pass judgment on this application because 95% of policy of all this stuff is in city council's lab but was when we got here, and it's still going to be that way and they're not sorted out. So I think we just have to pass judgment on this application one way or another based on what we've heard over the course of the last several months. So that strikes me as the most responsible thing to do. Thanks. Sorry to be so long.

Ms. Oliver: Yeah, Ron.

Mr. Ripley: Yeah, I think the application got to be approved too but I think that I do think that the sequencing of construction of the dining facility I think, from the way I see it, I would eventually guess that, you said, that is that they're not going to give up, they gotta have the dining facility, cannot do without that. So that, so dining facility is probably going to sit out there while the SRO is under construction to finish, torn down and then build the, I would think it would be building both at the same time that they would tear down if we keep the dining facility in place, build the facility behind it and tear down the dining facility. It's got to have that dining facility, can't miss on that.

Mr. Redmond: That's right, and they're not gonna miss it.

Mr. Ripley: So if we satisfy the community better and you can work something out and told the development of the actual new dining facility in the back, go ahead and build the SRO, hold it or told them the modification of the conditional use permit for that part of the application for a period of time, two years. Then we give you opportunity to work through, hopefully some sort of satisfactory arrangement within the community to hopefully relocate. If not, you built the facility. We give everybody time to work through it.

Mr. Redmond: And why don't they have time to work through it today? They're working through it to the greatest extent possible. They're meeting today, they're pursuing sites, I don't understand how we provide time in any way, times marching on trust me man, and I had hair one day. But, the idea that I mean, Mr. Friedman is having these meetings with the JCOC, with the Lita, with the Lita from all of the interested parties, he's pacing, so he's gonna have something to say, but I don't know how that drives them any more time than what they're doing already today. If it's possible, it's in their interest to do it. It's not possible, it's not possible. So I just don't, I just don't understand how that should be done. Mr. Bourdon, you are pacing and I want to invite you to come up and because we're all just, we're speculating on stuff that.

Ms. Oliver: Let me ask one question, please with the planning director. This is a two-part application, am I correct?

Mr. Tajan: That's correct.

Ms. Oliver: Okay, I just want to make sure that we're all paying attention to that while we're sitting up here. That it is two parts, two votes.

Ms. Wilson: Unless if you demand the question, right now, it's one vote.

Ms. Oliver: Items number 12 and 13.

Ms. Wilson: But you have to divide the question, we haven't divided it.

Ms. Oliver: We haven't gotten there yet.

Ms. Wilson: We have been here for long time.

Ms. Oliver: I know, I just want to kind of remind everybody that. Yes sir.

Mr. Bourdon: I'm not gonna get involved in any of that. I just want the way to understand. You're correct in part I'm not sure I follow all the logic, but what will happen is the dining solely will remain while the new building is being built, but that includes the new dining facilities.

Mr. Redmond: I understand.

Ms. Oliver: Mr. Graham, I know you have something to say.

Mr. Graham: I will say that I think there were a lot of residents and owners, landowners that came out today and, you know, they live there; they deal with this every day and I do think they need to be recognized for what they're dealing with, they're the property owners next door with the shopping center. So with that being said, it does bring some comfort that the dining hall, it expires in two years from CO, they've got to be on, you know, things got to work out for the dining hall, as well as you know, hopefully finding another site. And right now, under the current CUP that dining hall will continue to be there in the perpetuity. And, you know, if the ultimate goal here is to see the dining hall somewhere else, I think we have to approve it.

Mr. Inman: This JCOC is a shining star and a continuum of care in this community. The overwhelming support it's received over the years that is evident today by a myriad of organizations throughout the city and so impressive. I think we all here know it's essential to provide for the citizens that are getting the services, we need that in a city, we need more than we've got and so we need to help make this happen, but we need to recognize as Whitney said, the concerns of property owners that are adjacent, I think we've heard a commitment from Eddie I think from Todd that there's going to be a collaborative effort with the neighboring property owners to address the security and the safety and I would even add like the decorum to the extent as possible. That has caused them to be concerned and be here today and this brand new facility will be such an improvement to the quarter that I don't think it will detract from other development and leaving it like it is, I think, might, but with the improvement that they're proposing, it's a very fine looking facility architecturally I think. I think it's not going to be a detraction from property ownership. What will be is if the, if there is bad conduct emanating in any way from this facility, we can deal with that and it's not then as Whitney pointed out that permit for that dining halls is going to be gone. But I don't see why it can't be dealt successfully.

Ms. Oliver: David.

Mr. Weiner: I came in here today thinking one thing and now I am completely changed a little bit. But I do feel like the JCOC is getting a bad rep. There's a lot of crime around there and even if the Trailer Park is redeveloped, it's not going to take away from crime from everywhere else around that as being said. As Mike said, I believe how the JCOC has been rebuilt and the elevations of it looks really good and it's gonna fall in line with the way that the corridor is going to be looking. So I mean, it's going to look a lot better in the shopping center. I just don't feel like they're getting a, they're not getting a good rep here, but Mr. Ripley said something a name form about we could add maybe the safety and security plan to the conditions and that

would be possible and the 8 o'clock change time, but know that I like to two years of the soup kitchen, and that's I'm willing to support it.

Ms. Oliver: Yes Jack.

Mr. Wall: I think that there are certainly you know, societal social issues with homelessness, you know, probably felt by those that are in a close proximity to it. But the dining facilities they currently are continue into perpetuity, you know, so the facilities that proposed are certainly betterments to the property, to the community that are proposed. I mean, I'm actually a little concerned about condition number two on the group home conditions that there's now going to be a two year expiration on the conditional use permit but...

Ms. Oliver: Not on the group home.

Mr. Wall: No, on the group home, that's what it says, not on the SROs. So I support you know, both the SRO and the group home application.

Ms. Oliver: Anybody else.

Mr. Horsley: I support the SRO also and a group home and I look at these numbers in the dining facility, I mean, if you don't serve me or to the people staying in these rooms, that's over half of the number that normally dine in and I did look at Mr. Bourdon's 77 meals at dinner, so you're probably not talking about that minimal people coming in there, I mean if you will increase your number of rooms also, so let's hope we don't have that minimal people, if we do, we got them more problem than we think we've got, so I will support an application and we put the two year timeframe and if it says people more but I still think I don't think they go bust these people from the single rooms over to the other facility for dining, I think they're gonna still be dining at where they're staying, am I correct in that, so we're still gonna have some type of dining facilities there and if you don't feed 50 single room occupants, you know, it's not going to take that much more to feed the other, so when you really think about it, that's what I've been thinking. You know how much more facilities going to take to feed the 77 people than it is the 50 some people that are gonna be living there, so I don't know whether we were fighting something that we shouldn't be fighting or not, but still I think the city is got a good effort going to remove this other dining facility and probably those people that go to the old dining facility may be some of the potential troublemakers that were going to be there anyway, I don't know if they were troublemakers. So I must support the application. I think it's a good thing. I think that people are doing an excellent job of providing a service to individuals who own hard luck for whatever reason. Some of them just don't want to do things but some of them are on really hard luck and I feel sorry for those people. I think it's excellent.

Ms. Oliver: We put a lot of time and thought into this. We've had a lot of phone calls and lot of conversations about this application more than I can remember in my short six years, unlike Mr. Ripley in 19, but there are lot of players in this and I don't think anybody in this room, I don't think there's one person in this room that is not compassionate to the needs of people that are underprivileged at all. And I know that each one of us sitting here are blessed, and we are quite aware of how fortunate we are. And we commend the JCOC and the HRC for the amount of work they do, and everybody sitting here and individually how much work that they do on their own private time. We've got a lot of things going on 17th Street and it's been a street as long as I can remember, since my grandfather was here that since the fuel feed left, it's been a hard road, it's, I mean, just in developing, just all the way around, and it has taken a long time for it to get the attention that it's getting and thank goodness it is because it's great. There are a lot of people that have held on to a lot of property that's valuable, that they want to develop it and that they should have the opportunity to do so. And so, Planning Commission, you know, we do the comprehensive planning and when the Mr. Branch was here, and he did, he showed us this, this is what we strive to achieve. We really do, we sit up here and we plan the future of our city and we strive for it to be a shining star with all the citizens being productive in it. So you have that component on 17th Street. You have a lot of, you have the JCOC on it, that is striving to take care of a population that is at a hard need and they're doing an enormous amount of work. And then we also, when we look at applications just like recently, a few hours ago, we were looking at the short term rentals. We were looking at the good neighbor policy. And I know that there's been a lot of conversation that when it leaves our property, it's, you know, we don't have the problem on our property, but when it walks off, once it gets on the city street, it's our responsibility, what happens, what happens on your piece of property, how it affects me, how it affects you, all those things are important and that's what makes us good neighbors and a good neighbor policy in a city is extremely important. And we strive for that and it is the intent I would say for all of us to sit up here is that that we are good neighbors with the JCOC and in fact that they are good neighbors with the people that do business around them and with the neighborhoods that surround them. I would love to see, you know, really the dining soup kitchen component.

Mr. Redmond: Use the phrase, you won't know that.

Ms. Oliver: The dining hall, because the dining hall is two different things. There's the dining hall for the residents, and then there's the dining hall for the people that don't live there, there will be.

Mr. Redmond: No.

Ms. Oliver: Okay, it will feed the...it's okay

Ms. Oliver: My point is, Mr. Williams is working so diligently as Mr. Friedman to see in a short term in a matter of five months, whether or not that that can be moved to Lita, which would be a fabulous facility for this to go through, which would allow the JCOC to expand their SRO.

Mr. Bourdon: Absolutely.

Ms. Oliver: Which would be perfect.

Mr. Bourdon: And there will be no dining facility if that were to be able to happen. Now where's the people in the SROs, they can prepare their own meals.

Ms. Oliver: Okay, great. The way it's written is a little, see they did know that either, so it's not just me. But all that being said, you know, there's a lot of pieces to this puzzle and you want everybody to be successful and I want, you know, the gentleman that owns the shopping center to be successful, and I want the people that live behind the JCOC to do well and sleep well and not have problems in their neighborhoods. And I want all the people that are hungry on the street and the young man and the gentleman that's feeding the young, the young people to be able to have that opportunity to do it. I think there is a great way that we can all work together to make that happen. I just would allow would like to see more time. But I understand that with this application, there is the condition that it gives it two years and therefore if the JCOC comes back and it's not, we're back in this situation again. Then we'll revisit that. In the meantime, I really would like to see that that they would aggressively look at Lita and if that is the case, and they do get it, Eddie in six months, would it be possible for them to go ahead and would they be agreeable to go ahead and moving it? I am just looking for confirmation because there's been a lot of conversation. So I'm just being very...

Mr. Bourdon: Because we wouldn't build a new one. We rather get 50 units.

Ms. Oliver: I am just making sure, we are clear. It's been a long and that we add a condition that they add the security component to it.

Mr. Alcaraz: Madam Chair, I will make the motion.

Mr. Redmond: Thank you, second.

Mr. Ripley: So I had the opportunity to meet with opposition, a lot of calls. I met with the applicant. I was actually there and I got a tour, I walk the site, there are some comments about being disrepair, I got my own visual, I didn't see anything and Mr. Friedman kind of confirmed that, the current CUP is there, it's going to be there

unless something happens with what we're going to do today. So having said that, I look at it as a humanitarian effort, but I'm going to go ahead and recommend approval with the condition of a police safety, security plan approved by police with I guess a co-sponsor between the neighbors and the applicant.

Mr. Redmond: Second.

Mr. Inman: Was 12 and 13?

Mr. Ripley: 12 and 13, yes.

Mr. Redmond: I second it.

Mr. Tajan: Provide words to the condition staff worked on one over the last few hours. The applicant shall coordinate with the Virginia Beach Police Department on the creation and implementation with safety and security plan, said plan shall address not only the Judeo Christian Outreach Center property, but shall also consider properties in the vicinity. The plan must be accepted by the Virginia Beach Police Department prior to the issuance of the certificate of occupancy for the building. Thank you.

Ms. Oliver: Thank you, and we're going to change the time 8 o'clock instead of 9?

Mr. Tajan: Yes and we'll add the security plan to both conditional use permits, adjusting the time 8 o'clock for the modification of the conditional use permit.

Mr. Horsley: I just want to clarify one thing and I didn't have much but gone straight. You said if we move the kitchen, there'll be no kitchen where people prepare their own food, I didn't understand that that way. I thought that there was a dining facility for the residents.

Mr. Bourdon: There is not. But we would not have a separate one.

Mr. Horsley: That's good. I understand that. I didn't understand that before.

Ms. Oliver: Okay.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda items number 12 and 13 has been approved with conditions as added and amended.

Mr. Bourdon: Thank you, you'll have a very Merry Christmas, Happy New Year.

Ms. Oliver: Thank you. If there isn't any other, hold on, we are not adjourned. If there is no other business, oh we have got elected officers. Well, because they're not here. We haven't closed the hearing please. Excuse us, thank you. We have a couple of, we have just a little more a minute of business. Mr. Jack Wall.

	AYE 9	NAY 0	ABS 0	ABSENT 2
ALCARAZ	AYE			
BARNES				ABSENT
GRAHAM	AYE			
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
WALL	AYE			
WEINER	AYE			

CONDITIONS

Conditional Use Permit (Single Room Occupancy Facility)

1. No more than 50 Single Room Occupancy units shall be on site.
2. Site layout, improvements, and plantings shall be substantially as shown on the conceptual master plan and planting plan titled, “JUDEO-CHRISTIAN OUTREACH CENTER CAMPUS DEVELOPMENT” dated March 8, 2019, as prepared by WPL. Said drawings have been exhibited to the City Council and are on file in the Department of Planning.
3. The architectural design, colors, and materials for the proposed building shall be substantially as shown on the architectural elevations titled “JUDEO-CHRISTIAN OUTREACH CENTER” dated August 26, 2019, by TS 3 Architects. Said drawings have been exhibited to the City Council and are on file in the Department of Planning.
4. All landscaping shall be maintained in good health. Any landscaping that fails to grow or is determined to be in poor health shall be replaced with a type and quantity of plantings that is similar to and meets the same intent as the plants shown on the Planting Layout referenced in Condition #1. Any replacement plantings shall be approved by the Development Services Center.
5. All mechanical equipment shall be screened year-round either architecturally or by landscaping or fencing such that it is not visible from the public right-of-way.
6. The applicant shall make all necessary standard right-of-way improvements with the development of this site. Improvements may include but are not limited to pavement widening, curb & gutter, and a new sidewalk. The new sidewalk shall be constructed with a minimum width of eight feet, or as otherwise approved by the Planning Department, to ensure compliance with the Resort Area Strategic Action Plan’s recommendations with regard to pedestrian

connectivity. Additional adjustments and requirements for right-of-way improvements may be applied as part of the final site plan review.

7. All signage on the site shall comply with the requirements of Sections 211, 212, 213, 214, 216 and 905 of the City Zoning Ordinance. A separate sign permit shall be obtained from the Zoning Division prior to the installation of any signage.

8. The applicant shall implement a van shuttle program to transport Staff and volunteers from a satellite parking facility located at 401 West Lane to the subject property when necessary.

Modifications of Conditions (Group Home)

1. All the conditions associated with the Conditional Use Permit and Modifications of Conditions associated with the Group Home, dated, October 1989, February 1992, October 1993, October 1995 and April 2000, shall be deleted and replaced with the conditions below.

2. This Conditional Use Permit for the Group Home shall expire two years from the date of the Certificate of Occupancy.

3. Patrons awaiting food service shall be accommodated and served inside the building.

4. All food served to the public shall cease by 9:00 p.m.

5. A lighting plan shall be submitted during the site plan review process to ensure proper safety and security on the site. All lighting shall be directed away from the nearby residentially zoned property.

6. Site layout, improvements, and plantings shall be substantially as shown on the conceptual master plan and planting plan titled, "JUDEO-CHRISTIAN OUTREACH CENTER CAMPUS DEVELOPMENT" dated March 8, 2019, as prepared by WPL. Said drawings have been exhibited to the City Council and are on file in the Department of Planning.

7. The architectural design, colors, and materials for the proposed building shall be substantially as shown on the architectural elevations titled "JUDEO-CHRISTIAN OUTREACH CENTER" dated August 26, 2019, by TS 3 Architects. Said drawings have been exhibited to the City Council and are on file in the Department of Planning.

8. All landscaping shall be maintained in good health. Any landscaping that fails to grow or is determined to be in poor health shall be replaced with a type and quantity of plantings that is similar to and meets the same intent as the plants shown on the Planting Layout referenced in Condition #1. Any replacement plantings shall be approved by the Development Services Center.

9. All mechanical equipment shall be screened year-round either architecturally or by landscaping or fencing such that it is not visible from the public right-of-way.

10. The applicant shall make all necessary standard right-of-way improvements with the development of this site. Improvements may include but are not limited to pavement widening, curb & gutter, and a new sidewalk. The new sidewalk shall be constructed with a minimum width of eight feet, or as otherwise approved by the Planning Department, to ensure compliance with the Resort Area Strategic Action Plan's recommendations with regard to pedestrian connectivity. Additional adjustments and requirements for right-of-way improvements may be applied as part of the final site plan review.

11. All signage on the site shall comply with the requirements of Sections 211, 212, 213, 214, 216 and 905 of the City Zoning Ordinance. A separate sign permit shall be obtained from the Zoning Division prior to the installation of any signage.

12. The applicant shall implement a van shuttle program to transport Staff and volunteers from a satellite parking facility located at 401 West Lane to the subject property when necessary.

**Items #19, 20, & 21
HH VB2, LLC
Conditional Use Permit (Short-Term Rental)
400 & 402 23rd Street, 3216 Arctic Avenue
COUNCIL DISTRICT – BEACH**

December 11, 2019

RECOMMENDED FOR DENIAL

Ms. Oliver: Thank you. And I would like to thank all the applicants that have come down today that had a matter on the consent agenda for today's hearing, and these items will be scheduled for hearing on the city council's agenda, and I thank you for your attendance today. So in an effort to be a bit more efficient today, I'm going to request that we reorder the agenda to be heard in this order, items number nine, ten, eleven, fourteen, nineteen, twenty, twenty one twelve and thirteen, Mr. Tajan.

Ms. Sandloop: By recorded out of 9-0, agenda item number fourteen has been approved. Our next agenda item to address is 19, 20 and 21, which is HH VB2 LLC. An application for conditional use permit short term rental on property located at 400 and 402 33rd Street and 3216 Arctic Avenue, located in the Beach District.

Mr. Bourdon: Madam Chair, members of the Commission, Eddie Bourdon Virginia Beach attorney representing HH VB2, LLC on these three companion applications. The two principles of HH VB2 LLC are Brian Horan and Matt Harding. Brian, is here today in attendance, I provided you all in your informal briefing a handout with a lot of information about this property. Mr. Kemp gently correct some of the things that were said in his briefing, but when this was previously scheduled, we had a well let me back up. First of all, if you look at the before and after pictures of what these guys have done with this property just says they're doing with a bunch of property bought on the south side of 17th Street just west of Pacific Avenue. They're doing a lot of really good things in the resort and helping to not only reshape it, but refurbish it make it look nicer and they've done a great job with this piece of property. The property had nine units and had 10 parking spaces. In 2018, as a part of cleaning up the property, we came in to modify that non-conforming use by putting a second unit in the house up front and eliminating one in the apartment building behind, all of which was done with the blessing of planning commission City Council, subsequently completing those renovations. My clients have had three short term rentals operating on the property and have operated extremely successfully. I've given you in the package. They are getting the highest rating you could expect. There are all kinds of, if you look through the information I provided endorsements how great the experience these folks have had who've come down here. Almost the same importance of the city taxes that have been paid with these

three short term rentals, gave you that as well. And these are the only three units in this nine unit building that will have short term rental city council approves these, what makes us you know, different is that we initially had a parking lease agreement with the beach tower, and if those of you who've been around as long or longer and I have, I was shocked to find out that all these parking lots were required for that building. I've been going that building for, you know, 35 years, and I've never parked anywhere other than the lot right behind it. And these other lots didn't even know they were for their parking. So we had and they've been, you know, they've been providing parking agreements to others like Smart Mouth which Kevin preached on. So we had at least five spaces very close by and then came back with what Kevin went over with you all, which is basically what would have been the presentation previously. But having heard that the OR district which is where the most of their parking, I think all of their parking is, allows for shared parking, perfect situation, we're residential their office, if we need any parking, other tenants and our other six units, you know, frankly some of them live and work at the beach don't even have a car but there is no shortage of parking for our units during the day. There may be on the weekend. There may be at night if people have guests over that's where the shared parking agreement that is allowed under the OR district. And so we have a shared parking lease, which allows us to use five spaces that will be undoubtedly empty. After 5:15 I believe it is and until 8:15 in the morning, and on weekends and holidays, and I would defy anybody to go out and look at the beach and then the owners of the property absolutely agree, parking lots empty during the time we would need these parking spaces. So it's a shared parking lease that we're paying for, to these parking spaces from them that would be used in the evenings and weekends holidays, which is really the only time that we might have a need for them. Obviously, there's on street parking, but we're not shirking our responsibility to provide parking. We can put signage on the five spaces that they're for the use of these short term rentals and to me it makes absolute perfect sense. This is also a unique part of the city, which we've all looked at sea pines area. And it fits this is not a single family residential area, it's an eclectic mix as Mr. Frankenfield use to describe it. We provide you with nine letters of support from surrounding property owners for this application. The most important thing I think that says it is the ratings from the people who have come and used these short term rentals. They're just highly, highly impressed and make very positive comments across the board. But I don't know what else that we could do to make the situation better than what we have done. And, like I said, the folks at the Beach Tower, they are willing to give us the lease for the five spaces, 24/7, 365 because they're not used, that's the reality. So we're doing shared parking, which is what the our district, you know, it's a part of the our district because to try to keep us from building, we need parking, but we don't want to put more parking than we

have to have if we can, if we can share use, that's what this is, is all about. I don't believe we have any opposition to this.

Ms. Oliver: Yes.

Mr. Graham: Mr. Bourdon the lease say, it's a month-month lease, 30 day termination.

Mr. Bourdon: I gave you a copy of it, thanks for reminding me, I forgot to mention I gave you that too.

Mr. Graham: So I think, you know, at some point, you know, something may happen with the building and the parking may go way.

Mr. Bourdon: And that's why that's in there, someday they may redevelop that property. We would have to find parking where we would no longer be able to short term rental until we found appropriate parking that either the zoning administrator approved of because as this thing evolves will know a lot more than we know today in terms of what our city council is going to want to do with this, or we'd have to come back to the process, so we had to stop using and come back to the process. We totally understand that that is a circumstance.

Ms. Oliver: Anybody else? Thank you. Any other speakers?

Ms. Sandloop: No, ma'am.

Ms. Oliver: Okay, close the hearing and open it up amongst the commissioners. Mr. Wiener.

Mr. Wiener: I have a question for Mr. Kemp. What's been brought up now by the applicant's representative, would this be approved to meet all the ordinances?

Mr. Kemp: Well, I was reminded about the shared parking I misspoke in the informal that shared parking was submitted to us last week, I believe and staff looked at it. We did not approve it based on the time differences, staff believes that short term rental is a use that would need available parking 24/7, so we did not approve that, we looked at it and did not approve it. Correct

Ms. Oliver: Anybody else, we've worked on this for so long, for two years and the one thing about it is without a doubt, the parking available for the short term rentals and being that it's not sufficient, I have a problem with that and staff is pretty good about making sure that everything is above and beyond the short term rentals and I'm just sort of having an issue with the fact that they can't meet the parking requirements and that's the one requirement which we monitor them all.

Mr. Bourdon: I have no quarrel with the position that staff is taking because none of us know how this is all going to wind up. But I would just simply, I didn't say because I don't

want to get ahead of things that's what shared parking is for, is residential use parking in commercial and office lots I mean it's a conflict in what OR district says that's all, I just want to because I think it helps for the council to hear all of this. I'm not trying to argue with anybody, but the OR districts of shared parking, shared parking is so you do have hopefully a lot of use of the parking so it's not just used during the day and sit empty or used during the night and then because I've got another one it's the other way around that's going to be coming in a couple of months, you know in the same area where the office use, you know, wants to use residential parking in a residential apartments next to them. So I'm just wondering on the record, I'm truly not trying to be argumentative, but that's the conflict.

Mr. Weiner: Mr. Bourdon, I want to say something. From that ordinance perspective and this staff comes to us and says what they say, you know, we worked on this long enough and just like lady was up here before, you know, it meets the ordinance and it doesn't meet the ordinance, I mean, we have no, you know what I mean?

Mr. Bourdon: I do, again, I can tell you. I've had no quarrel whatsoever, you know, with the recommendation because it's all new. And we all know, we all know there's tweaking that's going to need to be done on this ordinance. I mean, maybe this isn't one of the tweaks, I'm not saying it is, there isn't, but I just want to make sure that it's all on the record. I'm not here to try to, you know, to twist anybody's arms. It just, it says shared parking and that's what's shared parking is and when I come back in a month or two with the, the reverse situation where the office is going to ask to use parking in a residential, I didn't want it to go on set.

Ms. Oliver: And the building looks really nice. They did a great job with it, thank you. Yes, Mr. Inman.

Mr. Inman: I hear what everybody's saying. I really think that they have met the requirements on the parking but not really our call under the ordinance. It's not our call. It says it has to be the plan that means reviewed by the zoning administrator, not us. So it doesn't matter what we think about the parking apparently. So I think they did a pretty good job of figuring out alternative and I certainly agree with Mr. Bourdon that parking lot is about 80% empty 90% of the time.

Mr. Ripley: And that parking is used for office use.

Ms. Oliver: All right, we have a motion.

Mr. Alacaraz: I appreciate what the staffs done. I think they've done the due diligence and I know we're going to have quite a few of these and some of them are going to be approved, some of them aren't, I've got to recommend denial of it. I am going with the staff's recommendations.

Ms. Oliver: Do we have a second?

Mr. Weiner: I second.

Ms. Cartwright: The vote is open.

Ms. Sandloop: By recorded vote of 8-1, agenda items 19, 20 and 21 have been denied.

	AYE 8	NAY 1	ABS 0	ABSENT 2
ALCARAZ	AYE			
BARNES				ABSENT
GRAHAM	AYE			
HORSLEY		NAY		
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. Approval of this Conditional Use Permit is contingent upon obtaining a Board of Zoning Appeals (BZA) variance for the deficiency of available off-street parking for the Short-Term Rental use or providing the appropriate number of off-street parking spaces as required by City Zoning Ordinance Section 241.2 and approved by the Zoning Administrator.
2. The following conditions apply to each individual unit requesting a Short-Term Rental Conditional Use Permit. A separate Conditional Use Permit and modification is needed for any additional units on the site wishing to operate as a Short-Term Rental.
3. Short-Term Rentals shall only occur in the unit(s) approved by City Council.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of the Conditional Use Permit will be administrative and performed by the Department of Planning and Community Development; however, the Department of Planning and Community Development shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short-Term Rental, where it has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.

5. No events with more than fifty (50) people present, shall be held absent a special event permit. Events with more than fifty (50) people are limited to no more than three (3) events in a calendar year. No more than one hundred (100) people shall be present at any event held on the property.

6. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator, or agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short-Term Rental within thirty (30) minutes. Physical response to the site of the Short-Term Rental is not required.

7. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements "a" through "c" below. This information must be submitted to the Department of Planning and Community Development for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.

a) A completed Department of Planning and Community Development Short-Term Rental registration form;

b) Copies of the Commissioner of Revenue's office receipt of registration; and

c) Proof of liability insurance applicable to the rental activity of at least one million dollars.

8. To the extent permitted by state law, each Short-Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.

9. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.

10. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.

11. Accessory structures shall not be used or occupied as Short-Term Rental.

12. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short-Term Rental.

13. The Short-Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.

14. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000.00) underwritten by insurers acceptable to the City.

15. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
16. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be three (3) individuals per bedroom.
17. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors shall be installed in each Short-Term Rental.