

Virginia Beach Planning Commission

Public Hearing

January 8, 2020

Ms. Oliver: Good afternoon. I'd like to call the order the January 8th, 2020. Happy New Year all, public meeting of the Virginia Beach Planning Commission, my name is Dee Oliver and I serve as the chairman of the Commission and before we get started, I have asked commissioner Inman to lead us in prayer and this will be followed by the pledge with Commissioner Horsley.

Mr. Inman: Heavenly Father, we come to you today, thanking you for your guidance and wisdom. As we begin this hearing today, guide our hearts and our minds in the spirit of fairness, right thought and speaking. 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 great city. As trusted servants, we seek blessings on our deliberations and our efforts here today. Amen.

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

Ms. Oliver: Thank you, Commissioner Inman, and Commissioner Horsley. I have asked Commissioner Redmond to introduce the members of the Planning Commission.

Mr. Redmond: Thank you Madam Chair. I'll start on this side over here which, if you're sitting out here would be your left side. Alone over there is Kay Wilson. She is a deputy city attorney who is in-charge of planning matters which keeps us out of trouble, which we appreciate. We have a couple of vacant seats at present on the commission which are awaiting city council appointment and approval and when those two appointments were made will tell you who would normally fill those two seats. George Alcaraz is seated next door, he is a contractor and a business owner and he represents the Beach District. To George's left is Jack Wall, Jack is a civil engineer and he represents the Rose Hall District. Next to George is Don Horsley. Don Horsley is a farmer, a hokey and a longtime member of this commission. In the middle is Dee Oliver. She is our Chairwoman and she is a funeral director. She serves At-Large. I should have mentioned Mr. Horsley serves At-Large as well. Seated next to Dee is our Vice Chairman David Wiener. David represents the Kempsville District and he is a commercial salesman. Mr. Inman, here to my right is an attorney and he's also serves At-Large. My name is Dave Redmond. I'm a commercial real estate broker and I represent the Bayside District. To my left is Whitney Graham. Whitney is a land developer and he

represents the Lynnhaven District. Next to Whitney moving further down to my left Steve Barnes, Steve Barnes is a farmer. He represents the Princess Anne District. And next to Steve is Bobby Tajan. Bobby is the planning director and he directs a very fine and professional staff and we look forward to hearing him introduce some of his staff for your benefit, Mr. Tajan.

Mr. Tajan: Thank you, Mr. Inman. To my left, we have clerking today Dalina Cartwright and Pam Sandloop, we have our planning staff along also, Bill Landfair, Hoa Dao, zoning administrator Kevin Kemp, Marchelle Coleman, Aubrey Trebilcock, Ashby Moss, Will Miller, Jonathan Sanders and Antoinette Folks, planners or portions of our zoning staff here today. Thank you, Madam Chair.

Ms. Oliver: Thank you. And our first order of business is the explanation of the rule and our City clerk will give those to us now.

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 this public hearing, 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 believes are unopposed and which have a favorable staff recommendation, and then 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 are in the form of a recommendation to the Virginia Beach City Council. Final decision to approve or disapprove an application will be made by the City Council. The Commission thanks you for your attendance and we hope that your experience here today leaves you feeling that you have been heard and treated fairly. Thank you.

**Item #1
Village Church
Modification of Conditions (Religious Use)
4013 Indian River Road**

January 8, 2020

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you sir.

Mr. Weiner: Thank you Madam Chair. We have 19 items on the consent agenda today. First item is item one Village Church, an application for modification of conditions for religious use on 4013 Indian River Road, Princess Anne Districts. Do we have a representative for this item, please come forward. State your name for the record, please?

Mr. Warmly: Yes. Good afternoon, Madam Chairman and Commissioner. My name is Ralph Warmly, trustee with Village Church and we do agree with our recommendation.

Mr. Weiner: Great. Thank you, sir. Does anybody have any opposition with this being placed on the consent agenda? Hearing none, Mr. Barnes has been asked to read this into the record, please.

Mr. Barnes: Thank you sir. This proposal proposed modification to extend the use of a mobile unit for five additional years and to construct a handicap ramp is acceptable; however, a permanent structure should be pursued by the church's space needs. The church is still fundraising for additional improvements to the main church building which includes new classrooms, the fellowship halls, additional office space and library, staff has recommended a condition to limit the extension for keeping the mobile unit site for five years. There are six conditions with this application that the staff has recommended.

Mr. Weiner: Thank you. Is there any opposition to this being placed on the consent agenda? Okay, the next items on the consent agenda are for short term rental. The planning commission places the following applications for the great conditional use permit for short term rental and a consent agenda as these applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications and there's no known opposition for the following items 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26. That being said, I move for approval on the consent agenda items 1, 2, 5, 6, 7, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, and 26.

Mr. Redmond: Madam Chair?

Ms. Oliver: Yes sir.

Mr. Redmond: I'm going to support the all of these on consent. However, I would note that with regard to a specific B-2 agenda item number five of Town Center Associates 12, LLC, I will be abstaining. I'm a commercial real estate broker with Divaris Real Estate, Inc. Divaris Real

Estate, Inc. leases and manages the Town Center and various principles of the company where I work, our principals in Town Center Associates. I don't believe very frankly that that affects me in any way. I've never earned a nickel from the Town Center, but for purposes of appearance, I nonetheless tend not to vote on these matters. So I will abstain in this case. Ms. Wilson, does that satisfy your legal requirements?

Ms. Wilson: Yes sir.

Mr. Redmond: Okay. Thank you.

Mr. Horsley: I second.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, five with Commissioner Redmond abstaining from agenda item five, six, seven, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26 have been approved by consent.

Ms. Oliver: Okay, thank you. And I'd like to thank all the applicants today who had a matter on the consent agenda at this hearing and these items will be scheduled for hearing at the City Council agenda. And so if you don't have any further business, if you were on the consent agenda, this would be a great time for you to leave. We'll give everybody a second to leave. All right. Thank you. The next order of business will be to address the remaining matters on our agenda. And with our City Clerk, please call the first item.

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

CONDITIONS

All conditions of the Conditional Use Permit for a Religious Use dated September 23, 2003, as modified in 2005 and 2011, are null and void and are replaced with the following.

1. The site shall be in substantial conformance with the concept layout exhibit on page 5 of this report which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.

2. The mobile unit shall not be moved from its current location.
3. The foundation skirt shall be repaired or replaced around the perimeter of the mobile unit within 60 days of the approval by City Council.
4. The row of shrubs shall be maintained between the mobile unit and the northwestern property line as depicted in the concept layout exhibit on page 5 of this report.
5. The mobile unit shall be limited to a five year time frame from the date of City Council action. After such time, the mobile unit must be removed from the property.
6. The applicant/owner shall resubdivide the property and vacate all internal lot lines. Said resubdivision plat must be submitted for approval and recordation by the Planning Department.

Item #2
Red Head Realty
Conditional Use Permit (Noncommercial Marina)
GPIN 2410716099

January 8, 2020

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you sir. Next is item number two, Red Head Realty, an application for conditional use permit for non-commercial Marina in the Princess Anne District, do we have a representative?

Mr. Megge: Madam Chair, commissioners, I'd like to thank you for your time and serve the city, and we greatly appreciate you are placing our application on the consent agenda. Thank you.

Mr. Weiner: Is there any opposition to this being placed on the consent agenda? Hearing none, Mr. Barnes gets to do this one.

Mr. Barnes: Yes sir. Thank you. This is a modification or a reconstruction of dilapidated boathouse; it has been in this location for probably 100 years. So they use it as hunting and fishing clubs and have only for that and have for years. And there's no environmental impact that has been seen. So the staff recommends approval of this. I think there are three recommended conditions on this also.

Ms. Wilson: Yes sir.

Mr. Redmond: Okay. Thank you.

Mr. Horsley: I second.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, five with Commissioner Redmond abstaining from agenda item five, six, seven, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26 have been approved by consent.

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

CONDITIONS

1. Permits shall be secured from all applicable regulatory agencies through the Joint Permit Application (JPA) process prior to any development or construction on the property.
2. The covered boat house shall be substantially constructed as depicted on the plan entitled “Proposed Boat House Plan, Parcel A, Red Head Realty Corp.”, prepared by Gaddy Engineering Services, LLC, dated July 8, 2019 or as modified by the JPA Permit.
3. No commercial use of the boat house/marina shall be permitted.

Item #3
Bishard Family Real Estate, LLC
Subdivision Variance (Section 4.1(j) of the Subdivision Regulations)
Northeast corner of Gatewood Avenue & Paris Street

(GPIN 2407017508)

January 8, 2020

RECOMMENDED FOR APPROVAL

Ms. Oliver: Okay, thank you. And I'd like to thank all the applicants today who had a matter on the consent agenda at this hearing and these items will be scheduled for hearing at the City Council agenda. And so if you don't have any further business, if you were on the consent agenda, this would be a great time for you to leave. We'll give everybody a second to leave. All right. Thank you. The next order of business will be to address the remaining matters on our agenda. And with our City Clerk, please call the first item.

Ms. Sandloop: Thank you Madam Chair. The first item to be heard is agenda item number 3, in which we do have two speakers for today. It is Bishard Family Real Estate LLC, an application for a subdivision variants section 4.1 (j) of the subdivision regulations on property located on the northeast corner of Gatewood Avenue in Paris Street located in the Beach District.

Mr. Bourdon: Thank you Madam Chair for the record Eddie Bourdon, Virginia Beach Attorney representing the applicants, Mr. Steve Bishard is here, along with Josh Motto and some of his folks on his team. The property that's a subject of this application as a part of a subdivision that was recorded in this Princess Anne County in 1949, before there was a zoning ordinance and before there was a subdivision ordinance. That subdivision was developed a few years later but still close to 70 years ago. The properties are in this subdivision zoned R-5D, the homes in the subdivision, some are quite old. Others are newer; it's just those redevelopment that's been taking place. Frankly, the area is very benefited by redevelopment. There are quite a number of duplexes in the subdivision, again in zoned R-5D. My clients who've been doing a lot of excellent work in the city redeveloping areas that are very much in need of redevelopment acquired this piece of property with the intent to develop by right exactly what is before you today. The right-of-ways are all improved and have been for half a century. The Gatewood Avenue right-of-way is a 60 foot wide right-of-way and Paris Street is a 50 foot wide right-of-way, meeting all city current requirements for residential streets and exceeding it as far as Gatewood is concerned, these roads are dead ends. Paris street goes East West, about six lots in each direction and Gatewood ends here. There is no, you heard this morning, no

likelihood conceivable foreseeable of any roadway improvements that would necessitate any right-of-way in addition of what exists today. I have been doing this kind of work for 35 plus years. I suspect Mr. Inman has had a similar experience to what I'm going to describe. The City of Virginia Beach anytime somebody in an existing neighborhood that was created a long time ago, if there is anything that is "substandard" to what is required today, when you submit a resubmission plat, they come back with the standard, you know, we want you to give us additional right-of-way and they get it probably 60 to 70% of the time. Because people say, I don't need it, no problem. I'll give you the right-of-way. However, there are a number of circumstances when that's not the case and I've represented many people over the years look, it's okay to ask for it, but we aren't putting the need for it, Supreme Court of the United States is very clear, you know, that you can't require me to give you land when I don't create the need for it. The Dolan Tygart case and others very clear, that's what happened here. We have a by right subdivision and again, I've never, ever been up here asking for this variance before because it's never, ever been required before. So here we have lots on existing public streets improved, been there for decades and we're being told, guess what, we want this little curve on the corner that we're not going to use for anything. We're not going to improve it, but we want to give it to you. We want you to give it to us. Well, we'll be happy to give it to you. We'll be happy to give you a reservation and once a plats recorded to create this legal subdivision will be happy to give it to you, no you have to get a variance because our ordinance that has been ignored for years because similar things have happened in the city like just like we're doing never been here before then recorded plat every time, so we here once for first time ever, because someone is saying that even though we don't on the Supreme Court decisions, we don't have a right for you to take it from you, excuse me, they can take it from you, we don't have the right to make you give it to us. We want you to give it to us. So that's the bottom line here, but we're going along with the program with this subdivision variance request. Okay, but these are illegal lots that meet all the dimensional requirements, but when you tell us we got to give you that little corner, which we don't have a problem with, then you all of a sudden you lose a lot, again Dolan versus city of Tygart, 512 US Supreme Court, Page 374, 1994 Supreme Court case. It will not stand scrutiny. So that's the bottom line here. This neighborhood is developing; redeveloping will continue to redevelop that's what we want to see exactly what we need to see in this neighborhood. So that's the long short of it, that's why we're here. We are now being told, well, discretion has been used in the past, recognizing what the law says, but we don't feel like we can do that under the way our ordinance has been written all these years, so we're going to try to get the ordinance revised so that we have that discretion. Well, I don't think that's the right way to run the railroad, but it is what it is. We're here

asking for a variance because they're saying they can't approve it any other way. And so then we get into this, you know, does it fit the character of the neighborhood, the character of the neighborhood is going to change. It is already changing. Those of you been out there and wrote around, you'll see its changing and for the most part, that's a good thing. So I hate to be so confrontational, but this is really not an application that ought to be here and I think that's the long in a short of it, but we are here. And we would ask the Commission; the hardship is that we're being told, you don't get what you are legally entitled to that meets all the dimensional requirements, because we want not that we need. We want this little 21 feet from the corner. Well, the city wants to buy a lot for the 21 feet, that's, you know, that's their prerogative. I don't think they want to buy a lot for that 21 feet. I will be happy to answer any questions.

Ms. Oliver: Thank you.

Mr. Bourdon: Thanks.

Ms. Sandloop: Madam Chair we have two speakers, Courtney Milts. She would approach the podium and state your name for the record.

Ms. Oliver: Welcome.

Ms. Milts: Hi, my name is Courtney. And I thank the council and I understand what this gentleman is saying and we, as a neighborhood, a lot of us did not know about the R-5 zoning back there and we're neighborhood of, you know, third acre lots and the kids have places to run. And people come back there because they want a yard. They don't want to see their neighbor right close. You know, we have people who've been there 40-50 years. And, you know, there's a neighbor right across the street. She's been there 40 years, and she cries every time she backs out of her driveway, who's gonna speak up for her?

Ms. Oliver: Sorry, take your time.

Ms. Milts: I understand construction is going to happen, but be considerate of what's around. Take in the little guy, take in the people who have lived back there for generations, I know two families by doing this petition, you know, they have three generations, both of them back there and, you know, it's not all about this. It's like, if they had just said we'll just build two homes, because that would be good for the neighborhood and be cohesive and have continuity and we considered our neighbors. We then just come in there and does everything and just we thought about the other person. What is wrong with that? But, I just see things going around-around the city, that they're not very cute. They are the cohesiveness, the continuity, the thoughtfulness of our neighbor, you know, there's a subdivision right

across the street on London Bridge and these old folks bless their hearts, they had to sell their acreage right next door. Now they have a house, their driveway, and this big, ugly brown fence, and then houses built right up on top of them. And I know they had to sell the property and I know construction is allowed, I get that but think about what's around you. What is wrong about thinking about your neighbor? I don't understand. It's not all about this. It's not all about money. We're people. We live in this neighborhood. I walk my dog in this neighborhood.

Ms. Oliver: Ms. Milts, thank you. I hate to cut you off, but unfortunately we allow three minutes per person.

Ms. Milts: Right. Just think about also the water runoff in these ditches they're building in front of these new homes where the water sits after a week of walk up, the storm. Scum is still there. You're talking about mosquitoes; you are talking about more spray. Chesapeake Watershed.

Ms. Oliver: Thank you.

Ms. Sandloop: Gerald Fowler.

Ms. Oliver: Welcome.

Mr. Fowler: Good afternoon. I own the duplex just next to this property.

Ms. Oliver: Mr. Fowler, I'm going to interrupt you one second. Would you mind stating your name for the record?

Mr. Fowler: Gerald Fowler.

Ms. Oliver: Thank you.

Mr. Fowler: I own the duplex just next to the property. The thing that comes to my mind is there is development going on in that community, but normally what's been happening; they've been buying two properties, tearing them down and building one house there. I thought there was a drive on to decrease the density, there is about four or five lots from this lot that you're considering today, to the fence for the air station, I mean, it's right on top of it. And for years, they've been tearing places down and decrease the density, this would triple it and so that seems awful strange to me. If you look through neighborhoods, you see all the big lots and then you see one with three houses but something don't seem right. That's all I want to say.

Ms. Oliver: Thank you. Does anybody have any questions for Mr. Fowler? Thank you very much. Mr. Bourdon?

Mr. Bourdon: Thank you Madam Chair. I want to let the commission know that Steve Bishard has made multiple outreach efforts to the young lady, I'm sorry I didn't get her last name, I don't want to call her Courtney, was not able to get any type of a response, more than willing to sit down with her and, you know, the folks in the neighborhood you have an elevation of a two story structure that would go on this, these two lots that is set back and that's the single family one but you have also the shared, the required setback from gateway, excuse me Gatewood Avenue sorry is 18 feet. This is at 24 feet. So it's further off if you built, you can build one house all at 18 feet. We've got the distance between this 10,000 square foot lot in the house on the interior lot that's 5,000 square feet is over 30 feet. So this is not trying to squeeze three structures. It's doing a detached basically a duplex and meets all the requirements and exceeds the requirements as far as setbacks concern. So it's not something that is out of character with the duplexes that are in the neighborhood at all. Again, it's a two story, the folks that she referred to on London Bridge Road, we had the pleasure of representing them, and the development that went around their house and it's exactly what they wanted to take place. So again, it's just; it's interesting how things just get pulled out of the sky. The houses, the older homes in this neighborhood, the overwhelming majority of those that are still there were built before there was any stormwater management ordinance whatsoever. There really hasn't been a flooding resilience I think it's a better word, moving forward problem with this neighborhood, but with this redevelopment, there will be stormwater management that will have to be provided and we cannot discharge any more water than it has been discharged from the property as it's currently developed. And so there's not. Their city and the engineers will not permit given the current environment especially, it will be scrutinized to the nth degree there won't be any additional stormwater to cause any problems in the public right-of-way. We've provided you with the subdivision plat and with the elevation for the structure to be built on the corner lot, which is the only issue here as well as on the interior lot, so, I'd be happy to answer any questions any of you may have, but we believe that and Mr. Bishard is more than willing to meet and talk to folks, I don't know what the concern if you put the map of the composite map of someone to cross the street, what it would be, see there, these are not large, wide lots. In fact, the houses are pretty close in here. So I'm really not sure what the concern is, when I graduated from law school, one of my high school buddies rented a duplex at the end of actually, I think was the end of Wall Street, which is I think one up but you know, this area has had duplexes in it going back and that was in the early 80s. So I realized it's a bit of a hodgepodge, if you will, somewhat transitional in nature, but that's what needs to, that's what's going to happen is we're going to have areas like this that are redeveloping, and that's a betterment for everybody concerned, and

including the people who own property. I am happy to answer any questions any of you may have.

Ms. Oliver: Anybody have any questions.

Mr. Alcaraz: I do, I'll start off but if you could just hold tight I'm gonna ask, when the lots were created 70 years ago, the zoning was, I guess, shown what it was at that time? So if they're oversized lots and they are zoned R-5D or whatever, who created and how did that become or we've got R-5 but we've got oversized lots?

Mr. Tajan: Little bit of history, these are the zoning didn't exist, this would have been in, would have been greater if these were platted at that point in time, greater Princess Anne County where the actual City of Virginia Beach was just the Oceanfront. So they were developed under the county's regulations. When they got annexed into the city zoning was applied to it, eventually it became R-5D which can't be single family and duplex development. So the pattern was probably created many years prior before we put the zoning on it versus the zoning creating the lot pattern.

Mr. Alcaraz: So the R-5 which signifies 5,000 square feet per lot was assigned to those lots, not taking account that they were oversized lots. So the development in the future would be for 5,000 square foot minimum?

Mr. Tajan: That would be what we would permit. Yes, that is correct.

Mr. Alcaraz: And then my other question in the informal, your staff had said that the traffic control requirement for the radius wouldn't be required or would be used?

Mr. Tajan: Correct. During our review of the process, the subdivision regulations state that when there is a subdivision proposed for a corner lot like this, a corner radius is required. The waiver procedure for that is through the subdivision variances Mr. Bourdon had noted and we were told by traffic engineering during the review that they did not need the corner radius.

Mr. Alcaraz: So the applicant required, no or has offered, I heard a reservation is that still allowed with the city ordinance for reservation?

Mr. Tajan: The ordinance is currently requires a dedication. If it comes through in this, through the approval process of getting a subdivision variance, if the applicant wants to like do a reservation or not, we would still accept that is.

Mr. Alcaraz: Okay.

Mr. Bourdon: I would just add, we've agreed to provide a reservation, we have agreed to sign an agreement that once the plat is recorded, for 50 cents, whatever we'll give them the 21 square feet, yeah, and Mr. Tajan is absolutely correct. The zoning was applied

to the property when we actually got the zoning being the Princess Anne County; City of Virginia Beach wants the merger to reflect what was there. Now again, it's always had duplexes and it's always had housing on larger, you know, combinations of lots which is not unusual for a lot of neighborhoods in Virginia Beach that have redeveloped over the course of time. So that's all absolutely correct and it isn't an aversion, even though it's not needed. They're not gonna be road improvements here, these are dead end streets, they're not going to be anywhere so there's not going to be any improvement to these streets, not gonna be any widening of the streets. It would be the same as it's been for 70 years and worked out fine for 70 years, they haven't needed it, but my class not here to get into a fight. We will provide it to you, but there should be, there has been in the past discretion and I'm not arguing who was right or who was wrong, but discussions have been exercised in situations like this have always been resolved in the past with either a reservation or we know we don't need it, we're not going to need it, but they're following the letter of what's in the ordinance and that's probably what needs to be looked at.

Ms. Oliver: Mr. Redmond.

Mr. Redmond: Don't go away, Mr. Bourdon because you may weigh in here if you like. So but I just want to clarify because we've had a lot of going on this morning and today. As I understand this, the design standards set a requirement, we do not need nor intend to use as I want to, is that correct? That what I heard this morning today?

Mr. Tajan: Based on our view uniformly, the reservation or dedication is required for subdivisions on corner lots, so that is the uniform rule but standard, but through our review, there's currently no intent to utilize or expand on that utilizing that radius that is correct.

Mr. Bourdon.: The ordinance is based on new subdivisions; I mean that's why it's there. So it's totally understandable that's there but there's nothing in the actual verbiage not the way it has been previously discretion has been used and again, I'm not here to argue that you know that anyone is wrong but in the past discretion has always been my experience anyway used to recognize it, yeah, we asked for but this is not a new subdivision. I mean, it's a subdivision of this little property, but as it pertains to the roads, the roads are there, they're developed; they've been there for, you know, 50 plus years. So that's why, this is bit of a.

Ms. Oliver: Does anybody have any more questions for Mr. Bourdon? Thank you. Hearing now is closed and we're going to open it up amongst the commissioners. Anybody want to go first? Mr. Redmond.

Mr. Redmond: And the reason I asked that is because that kind of puts this application I think you view it in a different light when you realize, I mean, I really do view this as

something that's it's a problem with the ordinance, the ordinance, it's quite possible that sometimes, you know, the ordinances and zonings are inappropriate to various applications when we see them. And I view this, a technicality isn't even the right word, doesn't even apply. We don't intend to avail ourselves of it, as Mr. Bourdon says, it's for new subdivisions, really. And for sure, this neighborhood will, you know, will incur more redevelopment. This strikes me as appropriate redevelopment, what the applicant has proposed, seems to me as a way to address it and instead of one lot having 5,000 feet is going to have 4979 or something like that it's a difference without a distinction. And so it seems to me that it's an appropriate resolution to an instance where the ordinance itself is not really appropriate to the land use pattern that we're seeing. There are less attractive, less palatable ways to develop this and lots of other properties. I do think the product that they're proposing will be the freshest, nicest looking product, you know, within eyesight of this. One of the photos we saw had a house with siding and a bunch of green, you know, moss growing on the side of it. Well, this is going to be a brand new, modern, attractive place, you know, built in a way that really fits into this land pattern, so sorry to go on so long and I know that there are folks who are upset about this I think perhaps somewhat unduly it seems to me an appropriate way to approach this. Thank you.

Mr. Weiner: I did ride through the neighborhood yesterday, just wanted to because usually when we get an application for denial, we don't get a chance to go there. I like to go and look at it to see what it is and I did notice turning off of not Potter's Road but London Bridge, the first three houses that you see are actually larger than what's being proposed now. So there are different types of houses in there. There are very small duplexes, but I always have to look back in the aging housing stock that we have in the city and yet somebody wants to come in and, tear down houses and build brand new ones. I kind of want to go that direction. I like that a lot. So I'm going to be supporting it.

Mr. Graham: Madam Chair, I'll be supporting it as well. I completely agree. I think that when you have a developer that's coming into a neighborhood and they're going to build new homes, I think it's that, you know, for the homeowners that live in that neighborhood. I mean, I think it's a good thing. I think these are very attractive elevations that they've submitted. I think it's going to benefit the neighborhood, and we're talking about a dedication that is 21 square feet. I mean, it's teeny, but what it's doing is it's preventing redevelopment. So anyway, I'll be supporting it.

Ms. Oliver: George?

Mr. Alcaraz: Yes, there are just a few things I would like to appreciate what he said and with the 15,000 square feet that they have as the owner developer, or whatever interest they

may have, I mean, and then you go through the development phase, you go through the process and then you're told to 21 square feet on a corner is going to be needed. It's a harsh word, but I take it as a taking and I don't really like that word, but I didn't want it to go that far, but it kind of seems to go that route. However, I don't know if it's an option with the city if they can do reservation. If it's ever needed, then it's there and then they have it but then it qualifies them for the three lots to do the semi attached in a single family. So therefore, I'd like to make a motion to approve it.

Mr. Redmond: Second.

Ms. Cartwright: The vote is open.

Ms. Oliver: Hold on.

Mr. Inman: I need to take note that make a disclosure that I am in the board of directors or advisory board Town Bank from Virginia Beach, and Town Bank listed as a potential lender on this project as an advisory board member, I have no decision making power were the loan made or not made and have no financial interest in the outcome, and I will be voting on that matter.

Mr. Graham: I too need to disclose that I am on the Town leadership advisory board, do not have any kind of financial gain in this project and I will be voting.

Mr. Tajan: Madam Chair I clarify to align with Mr. Alcaraz's motion to approve, I believe that there should be a condition that addresses that there should be an easement or reservation provided for the 21 square feet and not the dedication as the one condition.

Ms. Oliver: Okay, great thank you. So you want us to remake the motion or we just add that?

Mr. Tajan: I believe this motion included that when he's...

Ms. Oliver: Okay.

Mr. Tajan: Read through it, when he discussed it.

Ms. Oliver: All right.

Ms. Sandloop: The vote is open. By the recorded vote of 9-0, agenda item number three has been approved with conditions as amended. Madam Chair our next item of business is item number 4, Franklin Johnston Group Management & Development, LLC, which is an application for conditional rezoning I-1 light industrial district to conditional A-36 Apartment District on property located at 4545 South Boulevard located in the Roosevelt District. Ms. Oliver: Okay, thank you. And I'd like to thank

	AYE 9	NAY 0	ABS 0	ABSENT 0
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WALL	AYE			
WEINER	AYE			

Item #4

**Franklin Johnston Group Management & Development, LLC
Conditional Rezoning (I-1 Light Industrial District to Conditional A-36 Apartment District)
4545 South Boulevard**

January 8, 2020

RECOMMENDED FOR APPROVAL

Ms. Sandloop: The vote is open. By the recorded vote of 9-0, agenda item number three has been approved with conditions as amended. Madam Chair our next item of business is item number 4, Franklin Johnston Group Management & Development, LLC, which is an application for conditional rezoning I-1 light industrial district to conditional A-36 Apartment District on property located at 4545 South Boulevard located in the Roosevelt District.

Mr. Beaman: Madam Chair, members of the Commission for the record, my name is Rob Beaman, I'm a local land use attorney with the law firm Troutman Sanders here today on behalf of the applicant. It came to our attention during the informal session that there was a letter of opposition that was submitted to the planning department. I think there were two main issues that were discussed in that letter, one of which is stormwater and the other of which is traffic. With respect to traffic, I believe Mr. Lowman covered that in the informal that this right-of-way is well below current capacity and will remain below capacity when this development is completed. Additionally with respect to stormwater, as Mr. Redmond noted this will be the first time that this project has been submitted to a stormwater review by the city in the state and as a result of this project, the stormwater runoff will be reduced by about 20%, which is what I understand from our engineer. So, I think we're going to actually make both of these conditions better and with that, I respectfully request your approval this project. Thank you very much.

Ms. Oliver: Thank you.

Ms. Sandloop: We have one speaker today. Chris Tipil.

Ms. Oliver: Welcome.

Mr. Tipil: My name is Chris Tipil and I'm here as a property manager and the owner's representative of 4525 South Boulevard, the South port building and 4455 South Boulevard, the Prison Plaza building. We are opposed to the zoning change for several reasons, but the two major ones are flooding. There are already existing flooding issues directly on South Boulevard by the property in question, in front of 4560 South Boulevard, the South Gate Center even with a moderate rain, it already

floods becomes impassible. There are times where cars have to cut through the parking lot of 4560 just to get through that street. It was moderately flooded yesterday during the rain that we had. And second was the traffic on South Boulevard where South Boulevard meets Independence, it is right turn only. There are many times during the day we have to wait several light cycles just to get on Independence Boulevard. The other option if you want to make a left on Independence was either cut through the Independence Business Center, or Edwin Drive again several light cycles and many times during the day, especially during rush hour are needed to exit. There are days where it's four and five light cycles during rush hour. You have to wait for the light to get out of there. But our main concern is the flooding in the area. It has been a problem for many, many years. We don't see this project or this change in zoning, making it any better. It can only make it worse. Thank you.

Ms. Oliver: Thank you. You would like to speak on that in a little more depth.

Mr. Beaman: Yes, man. Just one more thing to add on the stormwater, we will also be installing curb and guttering along South Boulevard which should also help ameliorate the any flooding issues within the right-of-way. Thank you.

Ms. Oliver: Great, thank you. Does anybody have any questions? Thank you very much.

Ms. Beaman: Thank you.

Ms. Oliver: Any more speakers?

Ms. Sandloop: No.

Ms. Oliver: We are gonna close the hearing now and just open it up amongst the commissioners. Anybody have anything? Yes.

Mr. Wall: I'll say few things. Yeah, I'm in favor of the project. It's expected that the flooding will be looked at and scrutinized very, very closely with the Development Services Center. So it's, you know, I feel that that will be addressed and that it will not be at least a minimum exacerbated by the new development. As for the traffic, I'm sure that you will generate additional traffic, you know, but it was fairly well addressed by traffic engineering in the informal and that, I think South Boulevard was the collector and with connecting to the major primary roadways and being at Independence, you know, adjacent to it and then the right onto 264. So I can't see where it's not going to generate more traffic, I mean that's certainly will be the case. And it's expected that the drainage will be addressed. So I'm in favor of the project.

Ms. Oliver: Great, yes.

Mr. Redmond: I agree with Jack. I mean, the stormwater is, I mean, there's opinions and there's facts and when you add stormwater control facilities to properties that don't have them, flooding gets better. And with regard to traffic, you have to go there, South Boulevard is not busy by any kind of standard. If you travel up and down South Boulevard, there just aren't a lot of cars on it. And I do, I have no doubt that at peak travel times at 4:45 or 5:15, you might wait more than one light cycle, you will at any intersection in the city because it's 5 o'clock. That's just the way the world works. So I don't really find that to be, I don't find that to be something that really animates me on this. This is a really attractive building. It's a very appropriate use, I think for this piece of property. It is no, you know, it's not the prom queen today and in its place, I think is going to be a very attractive, very high quality residence for people who are probably going to enjoy the amenities that they have including the YMCA, and the park and the proximity to Town Center and all of the things at this part of the city offer so I think it has a benefit and I look forward to supporting it and so I do agree with Mr. Wall, thank you.

Ms. Oliver: Thank you. Yes.

Mr. Graham: I agree as well and I will be supporting it. This is a property that is very, very visible from the interstate when you're coming into Virginia Beach. And I think this is a great, great reuse of this property, it's going to be attractive. It's going to provide, you know, people that can shop at Town Center. People that hopefully, you know, work in the Town Center will have a place to live, you know, potentially could work at the office building across the street, but I think this is a great reuse. I think it's very attractive and I'll be supporting it.

Ms. Oliver: Great, anybody else? Can I have a motion?

Mr. Wall: Madam Chair, I would make a motion that we approve agenda item number four.

Mr. Redmond: I second.

Ms. Oliver: All right.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda item number 4 has been approved. Our next item of business is agenda item number eight, 7-Eleven Incorporated, an application for a conditional use permit automobile service station on property located at 2205 Princess Anne Road located in the Princess Anne District.

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PROFFERS

The following are proffers submitted by the applicant as part of a Conditional Zoning Agreement (CZA). The applicant, consistent with Section 107(h) of the City Zoning Ordinance, has voluntarily submitted these proffers in an attempt to “offset identified problems to the extent that the proposed rezoning is acceptable,” (§107(h)(1)). Should this application be approved, the proffers will be recorded at the Circuit Court and serve as conditions restricting the use of the property as proposed with this change of zoning.

Proffer 1:

When developed, the Property shall be developed in substantial conformity with the conceptual site plan entitled “SOUTH BLVD SITE – Conceptual Layout”, dated October 24, 2019, and prepared by Timmons Group (the “Concept Plan”), a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning.

Proffer 2:

The quality of architectural design and materials of the multifamily residential buildings constructed on the Property, when developed, shall be in substantial conformity with the exhibit prepared by Cox, Kliever & Company, P.C., entitled “South Blvd.”, and dated October 25, 2019 (the “Elevations”), a copy of which is on file with the Department of Planning and has been exhibit to the Virginia Beach City Council.

Proffer 3:

Landscaping installed on the Property, when developed, shall be in substantial conformity with that shown on the exhibit prepared by Timmons Group, entitled “SOUTH BLVD SITE –

Conceptual Landscape Plan”, and dated October 24, 2019 (the “Landscape Plan”), a copy of which is on file with the Department of Planning and has been exhibit to the Virginia Beach City Council. The exact species of the various types of landscaping shall be determined at final site plan review.

Proffer 4:

The number of multifamily residential units located on the Property, when developed, shall not exceed a total of one hundred sixty (160).

Proffer 5:

The community identification sign shall be a monument-style sign not exceeding eight (8) feet in height and the design and the materials used for the sign will be compatible with the building materials and Elevations submitted with this application.

Proffer 6:

The community clubhouse for this development shall be located substantially where shown on the “Concept Plan”. The community clubhouse will be a two-story building and the design and building materials will be compatible with the building materials and design of the building Elevations submitted with this application. The final elevations of the community clubhouse will be subject to approval of the Planning Director.

Proffer 7:

Further conditions lawfully imposed by applicable development ordinances may be required by the Grantee during detailed site plan and/or subdivision review and administration of applicable City Codes by all cognizant City agencies and departments to meet all applicable City Code requirements.

Staff Comments: Staff has reviewed the Proffers listed above and finds them acceptable. The City Attorney’s Office has reviewed the agreement and found it to be legally sufficient and in acceptable legal form.

**Item #5
Town Center Associates 12, LLC
Conditional Use Permit (Indoor Recreation Facility)
4621 Columbus Street**

January 8, 2020

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you Mr. Barnes. The next item is item number Five, Town Center Associates, an application for a conditional use permit for an indoor recreation facility and property located at 4621 Columbia Street, Lynnhaven District.

Mr. Willard: Good afternoon Madam and commissioners, I work with Armada Hoffler representing us please, I appreciate you guys for taking us on the consent one.

Mr. Weiner: All the conditions acceptable?

Mr. Willard: Yes.

Mr. Weiner: Alright, thank you. Is there any opposition for this being placed on the consent agenda? Hearing none, Mr. Graham has been asked to read this in the record please.

Mr. Graham: This request is for a conditional use permit for an indoor recreation facility and the former Dick's Sporting Goods building at Town Center. The applicants propose uses include the state of the art entertainment, recreation, interactive sports activities, zoning ordinance allows an indoor recreation facility of 7,500 square feet or less as a matter of right. As the size of the proposed facility is approximately 84,000 square feet a conditional use permit is required. The proposed facility will include bowling lanes, arcade areas, laser tag, electric go karts, mini golf, and an overhead suspended ropes course, bumper cars and escape room. Staff finds the proposed conditional use permit requests for an indoor recreation facility acceptable. The use is consistent with the comprehensive plans, vision for the Pembroke strategic growth area, which includes recommendations for a high density mix of urban uses. Staff finds recommends approval this application.

Mr. Weiner: Thank you. Is there any opposition to this being placed on the consent agenda? Okay, the next items on the consent agenda are for short term rental. The planning commission places the following applications for the great conditional use permit for short term rental and a consent agenda as these applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications and there's no known opposition for the following items 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26. That being said, I move for approval on the consent agenda items 1, 2, 5, 6, 7, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, and 26.

Mr. Redmond: Madam Chair?

Ms. Oliver: Yes sir.

Mr. Redmond: I'm going to support the all of these on consent. However, I would note that with regard to a specific B-2 agenda item number five of Town Center Associates 12, LLC, I will be abstaining. I'm a commercial real estate broker with Divaris Real Estate, Inc. Divaris Real Estate, Inc. leases and manages the Town Center and various principles of the company where I work, our principals in Town Center Associates. I don't believe very frankly that that affects me in any way. I've never earned a nickel from the Town Center, but for purposes of appearance, I nonetheless tend not to vote on these matters. So I will abstain in this case. Ms. Wilson, does that satisfy your legal requirements?

Ms. Wilson: Yes sir.

Mr. Redmond: Okay. Thank you.

Mr. Horsley: I second.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, five with Commissioner Redmond abstaining from agenda item five, six, seven, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26 have been approved by consent.

Ms. Oliver: Okay, thank you. And I'd like to thank all the applicants today who had a matter on the consent agenda at this hearing and these items will be scheduled for hearing at the City Council agenda. And so if you don't have any further business, if you were on the consent agenda, this would be a great time for you to leave. We'll give everybody a second to leave. All right. Thank you. The next order of business will be to address the remaining matters on our agenda. And with our City Clerk, please call the first item.

	AYE 9	NAY 0	ABS 0	ABSENT 0
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BARNES	AYE			
GRAHAM	AYE			
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND			ABS	
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. The applicant shall obtain all necessary permits and inspections from the Department of Planning and Community Development Permit and Inspections Division, the Health Department, and the Fire Department. The applicant shall obtain a Certificate of Occupancy from the Building Official's Office prior to commencing operation.
2. The maximum number of individuals within the facility shall not exceed the maximum number as determined by the Fire Marshal.
3. All exterior building signage shall comply with the requirements of the City Zoning Ordinance, unless authorized by the Board of Zoning Appeals.

Item #6
Ferguson Wedding Company, LLC
Conditional Use Permit (Assembly Use)
2105 W. Great Neck Road

January 8, 2020

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you sir. Next is item six, Ferguson Wedding Company and application for conditional use permit for assembly use 2105 West Great Neck road in Lynnhaven District. Please state your name for the record.

Ms. Carter: Yeah, Amberly Carter.

Mr. Weiner: All the conditions acceptable?

Ms. Carter: Yeah.

Mr. Weiner: Thank you, ma'am. Is there any opposition to this being placed on a consent agenda? Hearing none, Mr. Graham has been asked to read this one also.

Mr. Graham: The applicant is proposing to operate a banquet hall within a 3000 square foot unit and one of the existing buildings on the site. For the zoning ordinance, the banquet hall is considered an assembly use and is allowed in the B2 zoning district with a conditional use permit. And as such, the applicant is requesting a conditional use permit to operate the business. The applicant will host charter meetings, professional social gatherings, company training, renewals, weddings, birthdays, fundraisers and charity events. Staff recommends approval.

Mr. Weiner: Thank you sir. The next item is item number seven, James P. Wootten. An application for modifications of conditions, a property located on 1732 Lovetts Road, Lynnhaven District. Welcome.

Mr. Weiner: Thank you. Is there any opposition to this being placed on the consent agenda? Okay, the next items on the consent agenda are for short term rental. The planning commission places the following applications for the great conditional use permit for short term rental and a consent agenda as these applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications and there's no known opposition for the following items 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26. That being said, I move for approval on the consent agenda items 1, 2, 5, 6, 7, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, and 26.

Mr. Redmond: Madam Chair?

Ms. Oliver: Yes sir.

Mr. Redmond: I'm going to support the all of these on consent. However, I would note that with regard to a specific B-2 agenda item number five of Town Center Associates 12, LLC, I will be abstaining. I'm a commercial real estate broker with Divaris Real Estate, Inc. Divaris Real Estate, Inc. leases and manages the Town Center and various principles of the company where I work, our principals in Town Center Associates. I don't believe very frankly that that affects me in any way. I've never earned a nickel from the Town Center, but for purposes of appearance, I nonetheless tend not to vote on these matters. So I will abstain in this case. Ms. Wilson, does that satisfy your legal requirements?

Ms. Wilson: Yes sir.

Mr. Redmond: Okay. Thank you.

Mr. Horsley: I second.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, five with Commissioner Redmond abstaining from agenda item five, six, seven, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26 have been approved by consent.

Ms. Oliver: Okay, thank you. And I'd like to thank all the applicants today who had a matter on the consent agenda at this hearing and these items will be scheduled for hearing at the City Council agenda. And so if you don't have any further business, if you were on the consent agenda, this would be a great time for you to leave. We'll give everybody a second to leave. All right. Thank you. The next order of business will be to address the remaining matters on our agenda. And with our City Clerk, please call the first item.

	AYE 9	NAY 0	ABS 0	ABSENT 0
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WEINER	AYE			

CONDITIONS

1. A business license for the Assembly Use 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. The applicant shall obtain all necessary permits and inspections from the Planning Department/Permits and Inspections Division. The applicant shall secure a Certificate of Occupancy from the Building Official's Office for use of the existing building as an Assembly Use.
3. The maximum number of individuals within the facility shall not exceed 150 or the maximum number as required by applicable building codes, noted on the Certificate of Occupancy and posted by the Fire Marshal.
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.
5. 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.
6. Any outdoor storage of materials associated with the Assembly Use shall be prohibited.
7. All trash receptacles shall be emptied regularly so as not to overflow, and litter and debris shall not be allowed to accumulate.
8. Consistent with the requirements for a Special Event, for each event exceeding 250 people, the applicant shall obtain a Special Event Permit and shall notify the Police Department, the Fire Prevention Bureau, the Health Department and Emergency Medical Services of the event's time, size, and scope of activities.
9. No amplification of music or use of speakers shall be permitted except within the main enclosed building.
10. Subject to Section 221 (k) of the Zoning Ordinance, an annual review based on the date of City Council approval shall be performed by the Planning Director of the Assembly Use Conditional Use Permit. This use may be allowed to remain on the site subject to a determination by the Planning Director that the presence of the use is not detrimental to the public health, safety, and welfare. Furthermore, this use, as conditioned herein, shall

not cause public inconvenience, annoyance, disturbance, or be incompatible with other uses in the vicinity or otherwise interfere with the reasonable use and enjoyment of neighboring properties by reason of excessive noise, traffic, or overflow parking.

Item #7
James P. Wootten
Modification of Conditions
1732 Lovetts Pond

January 8, 2020

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you sir. The next item is item number seven, James P. Wootten. An application for modifications of conditions, a property located on 1732 Lovetts Road, Lynnhaven District. Welcome.

Mr. Simon: Good afternoon, Madam Chair, members of the Commission, Robert Simon for the record, Waterfront Consulting here to represent this application. We thank you for your time and consideration and we agree with all the condition.

Mr. Simon: Thank you.

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

Mr. Inman: Thank you, Mr. Weiner. This is an application for a modification of conditions for community boat dock. It's located on private property and of course the peers that are into Broad Bay, adjacent to the property at 1732 Lovetts Pond Lane. The applicants proposing to expand the existing pier on the property and will be used by the applicant and the adjacent neighbor to accommodate additional watercraft owned by the two property owners. It's not anticipated it will have any negative impact on the neighborhood. The applicant has submitted a joint permit application and the request is currently under consideration by Virginia Marine Resources Commission, core of engineers. The conditions are that the boat dock revisions and extensions will be substantially constructed and as depicted on a plan submitted with the application by the applicant and there will be also no commercial use of the dock. Having heard these recommendations, the staff approved, we agreed and put on the consent agenda.

Mr. Weiner: Thank you. Is there any opposition to this being placed on the consent agenda? Okay, the next items on the consent agenda are for short term rental. The planning commission places the following applications for the great conditional use permit for short term rental and a consent agenda as these applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications and there's no known opposition for the following items 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26. That being said, I move for approval on the consent agenda items 1, 2, 5, 6, 7, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, and 26.

Mr. Redmond: Madam Chair?

Ms. Oliver: Yes sir.

Mr. Redmond: I'm going to support the all of these on consent. However, I would note that with regard to a specific B-2 agenda item number five of Town Center Associates 12, LLC, I will be abstaining. I'm a commercial real estate broker with Divaris Real Estate, Inc. Divaris Real Estate, Inc. leases and manages the Town Center and various principles of the company where I work, our principals in Town Center Associates. I don't believe very frankly that that affects me in any way. I've never earned a nickel from the Town Center, but for purposes of appearance, I nonetheless tend not to vote on these matters. So I will abstain in this case. Ms. Wilson, does that satisfy your legal requirements?

Ms. Wilson: Yes sir.

Mr. Redmond: Okay. Thank you.

Mr. Horsley: I second.

Mr. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, five with Commissioner Redmond abstaining from agenda item five, six, seven, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26 have been approved by consent.

Ms. Oliver: Okay, thank you. And I'd like to thank all the applicants today who had a matter on the consent agenda at this hearing and these items will be scheduled for hearing at the City Council agenda. And so if you don't have any further business, if you were on the consent agenda, this would be a great time for you to leave. We'll give everybody a second to leave. All right. Thank you. The next order of business will be to address the remaining matters on our agenda. And with our City Clerk, please call the first item.

	AYE 9	NAY 0	ABS 0	ABSENT 0
ALCARAZ	AYE			
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HORSLEY	AYE			
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CONDITIONS

1. Permits shall be secured from the appropriate regulatory agencies through the Joint Permit Application (JPA) process prior to any development or construction of the pier extensions and boatlifts.
2. The boat dock revisions and extensions shall be substantially constructed as depicted on the plan entitled “Proposed Pier Additions, Boat Lifts and Float Relocation at 1732 Lovetts Pond Lane”, prepared by Waterfront Consulting, Inc., dated August 9, 2018 or as modified by the JPA Permit.
3. No commercial use of the dock shall be permitted.

**Item #8
7-Eleven, Inc.
Conditional Use Permit (Automobile Service Station)
2205 Princess Anne Road**

January 8, 2020

RECOMMENDED FOR APPROVAL

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda item number 4 has been approved. Our next item of business is agenda item number eight, 7-Eleven Incorporated, an application for a conditional use permit automobile service station on property located at 2205 Princess Anne Road located in the Princess Anne District.

Mr. Beaman: Madam Chair for the record again, Rob Beaman, a local land use attorney with law firm Troutman Sanders. One of the things that Mr. Landfair mentioned during the informal session this morning that's particularly important with this application is a proposed deviation in the setback along Veterinary Way, if we could go to the site plan just real quick. I'm going to explain a little bit about that. Sir, is there a color site plan? Yeah, there we go. There are a couple of unique circumstances that affect this property that are generating our need for that deviation first, approximately 20% of the front of the site has been taken as part of the expansion of Princess Anne Road, just relatively recently over the last couple of months. Additionally, the top of the site and the bottom of the site as you're viewing it here, but subject to 35 foot setbacks due to the fact they we're surrounded on three sides by rights-of-way and third, there is a 10 foot telephone easement running along the entirety of the back of the site. So for that reason, the building envelope where the building is located is very tight and so we'd like to request that just the bottom corner encroach, it's actually 11-feet within the set back to a 24-foot setback. As Mr. Landfair stated, this is a small cul-de-sac Veterinary Way that serves only our property in the property behind us and across the street is just forest. So with that, I thank you for your consideration and will stand by for any questions you might have.

Ms. Oliver: Great. Thank you very much. Do we have any speakers?

Ms. Sandloop: No, ma'am.

Ms. Oliver: All right. Anybody have any questions? The commission has any comments, yes Mr. Inman.

Mr. Inman: I move we approve the application.

Ms. Oliver: All right.

Mr. Tajan: Madam Chair to note the item was heard as the applicant has provided they are requesting deviation to the required setbacks, which is different than what the conditions that are providing. So if the commission is planning on moving forward with approval, including the deviation, I do recommend that we edit condition number one to after the date of the site plan to state when actually, well I will just read it, when the property is developed, it will be in substantial conformance with the submitted exhibit, exhibit entitled concept plan prepared by Blakeway dated August 29th, 2018. The setback deviation is noted on the plan. Set plan has been exhibited to the City of Virginia Beach, City Council is on file the Department of Planning and also condition to strike condition number 7.

Mr. Horsley: In moving for approval, I would adopt the verbiage that Mr. Tajan just stated for condition number one, and condition number seven was be delivered.

Ms. Oliver: Okay.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda item number eight has been approved with conditions as amended.

Ms. Oliver: Thank you.

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WEINER	AYE			

CONDITIONS

1. When the property is developed, it shall be in substantial conformance with the submitted exhibit entitled, "CONCEPT PLAN," prepared by Blakeway, dated 8/29/18, with the exception that all buildings shall comply with the setback requirements of the Zoning Ordinance. Said Plan has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
2. The exterior of the proposed building, fuel canopy, and dumpster enclosure shall substantially adhere in appearance, size and materials to the elevations entitled, "REVIEW BOARD ELEVATIONS," prepared by Presmont Construction Services, which has been exhibited to the Virginia Beach City Council and is on file in the Virginia Beach Department of Planning and Community Development.
3. The freestanding sign shall be monument style with a brick base and substantially adhere in appearance, size and materials to the submitted freestanding sign exhibit entitled, "Monument Sign", prepared by Harbinger, which has been exhibited to the Virginia Beach City Council and is on file in the Virginia Beach Department of Planning and Community Development.
4. Signage for the site shall be limited to:
 - a. Directional signs.
 - b. One (1) monument-style freestanding sign, no more than eight (8) feet in height, set on a brick base and two (2) building and/or canopy signs.
 - c. No striping shall be permitted on the fuel canopy.
 - d. There shall be no other signs, neon signs, or neon accents installed on any wall area of the building, on the windows and/or doors, canopy, light poles or any other portion of the site.
5. At the time of site plan review, a Landscape Plan that reflects the plant material depicted on the submitted Concept Plan, along with all applicable requirements of the Zoning Ordinance, shall be submitted for review to the Development Services Center and shall obtain an approval prior to the issuance of a building permit.
6. At the time of site plan review, a Photometric Plan shall be submitted for review and shall contain foot-candle lighting readings for all areas of the site including the perimeter. Said plan shall also specify light fixture height, light fixture type, proposed shielding, and light dimming capabilities.
7. The proposed building must meet all applicable setback requirements or obtain approval of necessary variances from the Board of Zoning Appeals.
8. All light fixtures on the site shall be no taller than 18 feet in height.

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

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

11. All vacuums and air pumps shall be screened from the right-of-way with a wall and plant material of a size and species acceptable to the Development Service Center's Landscape Architect, all of which shall be depicted on the Landscape Plan.

**Item #9
 Barnes & Noble
 Alternative Compliance
 4485 Virginia Beach Boulevard**

January 8, 2020

WITHDRAWN

Ms. Oliver: Thank you very much. The next order of business is to address those items to be deferred or withdrawn. Do we have any items to be withdrawn?

Mr. Tajan: Madam Chair, it's my understanding that item number nine, I'm sorry, item number nine has been received correspondence requesting withdrawal for that application.

Ms. Oliver: Great. Thank you. Is there any opposition to this item being withdrawn on the agenda today? Heard none, may I have a motion to withdraw item number nine please.

Mr. Wiener: Madam Chair I move we will withdraw item number nine?

Ms. Oliver: I have a second?

Mr. Horsley: Second.

Ms. Sandloop: The vote is open. By the recorded vote of 9-0, agenda item number nine has been withdrawn.

Ms. Oliver: And do we have any items on the agenda today to be deferred? We have none, which is great. The next order of business will address those that have been placed on the consent agenda and our vice chair. Commissioner Wiener will handle that portion of this agenda today. Thank you.

	AYE 9	NAY 0	ABS 0	ABSENT 0
ALCARAZ	AYE			
BARNES	AYE			
GRAHAM	AYE			
HORSLEY	AYE			

INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
WALL	AYE			
WEINER	AYE			

Item #10

City of Virginia Beach

An ordinance to amend sections 233.1, 901, and 2003 pertaining to eating and drinking establishments in the B4-K Historic Kempsville zoning district.

January 8, 2020

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Next is Item #10 An ordinance to amend sections 233.1, 901, and 2003 pertaining to eating and drinking establishments in the B4-K Historic Kempsville zoning District. Is there any opposition to this being placed on the consent agenda? Mr. Tajan is going to describe this to us.

Mr. Tajan: Thank you Mr. Weiner. This text amendment is a proposal to add what essentially boils down to restaurant facilities with drive through facilities in the B4-K zoning district which is our historic Kempsville area. The original master plan for Kempsville was adopted in 2006 which did call for a mix of uses but did limited non pedestrian oriented uses on the site. More recently in 2014 we did a text amendment to address some market conditions to allow for drive through facilities for pharmacies. Dealing with current market conditions and current development factors we are proposing to expand the drive through facilities to be allowed for restaurants noting the following performance and development standards. The key ones are there the proposed drive through facility shall not be located between the building and the right of way unless it is screened from view with a category 1 landscaping buffer noting that we do have one amendment from the staff report noting that the drive through facility shall not utilize exterior speakers that are audible at the property line we added additional words that adjacent to residential uses. So, we wanted to make sure we clarified that. And also, another key factor is that it is restricted to one lane and that they cannot operate between midnight and 5:00am. This proposed text amendment is sponsored by Councilwoman Abbott and staff does recommend approval.

Mr. Weiner: Thank you sir.

Mr. Weiner: Thank you. Is there any opposition to this being placed on the consent agenda? Okay, the next items on the consent agenda are for short term rental. The planning commission places the following applications for the great conditional use permit for short term rental and a consent agenda as these applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications and there's no known opposition for the following items 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26. That being said, I move for approval on the consent agenda items 1, 2, 5, 6, 7, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, and 26.

Mr. Redmond: Madam Chair?

Ms. Oliver: Yes sir.

Mr. Redmond: I'm going to support the all of these on consent. However, I would note that with regard to a specific B-2 agenda item number five of Town Center Associates 12, LLC, I will be abstaining. I'm a commercial real estate broker with Divaris Real Estate, Inc. Divaris Real Estate, Inc. leases and manages the Town Center and various principles of the company where I work, our principals in Town Center Associates. I don't believe very frankly that that affects me in any way. I've never earned a nickel from the Town Center, but for purposes of appearance, I nonetheless tend not to vote on these matters. So I will abstain in this case. Ms. Wilson, does that satisfy your legal requirements?

Ms. Wilson: Yes sir.

Mr. Redmond: Okay. Thank you.

Mr. Horsley: I second.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, five with Commissioner Redmond abstaining from agenda item five, six, seven, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26 have been approved by consent.

Ms. Oliver: Okay, thank you. And I'd like to thank all the applicants today who had a matter on the consent agenda at this hearing and these items will be scheduled for hearing at the City Council agenda. And so if you don't have any further business, if you were on the consent agenda, this would be a great time for you to leave. We'll give everybody a second to leave. All right. Thank you. The next order of business will be to address the remaining matters on our agenda. And with our City Clerk, please call the first item.

	AYE 9	NAY 0	ABS 0	ABSENT 0
ALCARAZ	AYE			
BARNES	AYE			
GRAHAM	AYE			
HORSLEY	AYE			
INMAN	AYE			

OLIVER	AYE			
REDMOND	AYE			
WALL	AYE			
WEINER	AYE			

Item #11

City of Virginia Beach

An ordinance to amend section 111 of the city Zoning Ordinance pertaining to definitions and add section 209.7 pertaining to student worker housing.

January 8, 2020

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you, sir. The next is item number 11 which is a City of Virginia Beach an ordinance to amend section 111 of the City Zoning Ordinance pertaining definitions to add sections 209.7 or pertaining to Student Worker Housing. Mr. Kemp.

Mr. Kemp: Thank you, Commissioner. This is a proposed amendment to our ordinance which will make it easier for property owners in the city to provide appropriate and safe housing for students participating in the J-1 visa work travel program, just to give you a brief background, this is a program where over 110,000 students from countries all over the world come to this country for the summer to work, they pay a fee for the program, but they do have to pay their way and find their own housing once here. At the oceanfront alone, we had 1,100 students last year, and it's estimated that their, you know, their service to the community contributes 8-\$9 million a year to our economy. So it's a very valuable service and the one we take seriously and we would like to make it easier for them to find housing, the specifics of the ordinance so that we are going to add a definition of family, which includes not more than eight of the student workers can live in one house before that was limited to four people. And it does reference back to the Virginia maintenance code which does protect against overcrowding. So it does have to meet all those applicable codes. Staff brings this ordinance forward it is sponsored by Councilman Tower. Thank you.

Mr. Weiner: Thank you. Is there any opposition to this being placed on the consent agenda? Okay, the next items on the consent agenda are for short term rental. The planning commission places the following applications for the great conditional use permit for short term rental and a consent agenda as these applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications and there's no known opposition for the following items 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26. That being said, I move for approval on the consent agenda items 1, 2, 5, 6, 7, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, and 26.

Mr. Redmond: Madam Chair?

Ms. Oliver: Yes sir.

Mr. Redmond: I'm going to support the all of these on consent. However, I would note that with regard to a specific B-2 agenda item number five of Town Center Associates 12, LLC, I will be abstaining. I'm a commercial real estate broker with Divaris Real Estate, Inc. Divaris Real Estate, Inc. leases and manages the Town Center and various principles of the company

where I work, our principals in Town Center Associates. I don't believe very frankly that that affects me in any way. I've never earned a nickel from the Town Center, but for purposes of appearance, I nonetheless tend not to vote on these matters. So I will abstain in this case. Ms. Wilson, does that satisfy your legal requirements?

Ms. Wilson: Yes sir.

Mr. Redmond: Okay. Thank you.

Mr. Horsley: I second.

Mr. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, five with Commissioner Redmond abstaining from agenda item five, six, seven, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26 have been approved by consent.

Ms. Oliver: Okay, thank you. And I'd like to thank all the applicants today who had a matter on the consent agenda at this hearing and these items will be scheduled for hearing at the City Council agenda. And so if you don't have any further business, if you were on the consent agenda, this would be a great time for you to leave. We'll give everybody a second to leave. All right. Thank you. The next order of business will be to address the remaining matters on our agenda. And with our City Clerk, please call the first item.

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

Item #12
Kelly M. Allen
Conditional Use Permit (Short-Term Rental)
4215 Macarthur Road

January 8, 2020

RECOMMENDED FOR APPROVAL

Ms. Sandloop: Our next item of business is agenda item number 12, Kelly M. Allen, which is an application for conditional use permit short term rental on property located at 4215 MacArthur Road located in the Rose Hall District.

Ms. Oliver: Hi, Ms. Allen. You will state your name for the record place.

Ms. Allen: Kelly M. Allen.

Ms. Oliver: Okay.

Ms. Allen: This is a two bedroom, one bath, townhome. Our plan is, we have been using it as a short term rental, managing it through an Airbnb. We are managing it ourselves. So far what the city has brought to us as far as conditions, we are more than in compliance and we would continue to do so as individual couple managing this property, we have a lot of stake in the community. We live about 10 minutes away. And my husband has a flexible work schedule. He's available pretty much anytime a day. And we make that information available both to the temporary visitors as well as the neighbors in our community.

Ms. Oliver: How long have you been renting this?

Ms. Allen: Relatively new for us. We purchased the property in late July, I believe of last year. We filed the paperwork with the city and have been renting it out since I believe August or September.

Ms. Oliver: Anybody have any questions? Yes.

Mr. Inman: Are you aware of any complaints from any?

Ms. Allen: We are not and we have contacted several of the neighbors, we gave them a business card with our contact information and we've not heard any complaints. We've had nothing but very positive responses from our guests. We do go and check on the property regularly between guests. We've also installed a ring doorbell with a video camera to make sure that we can maintain security. You know, the view of the street so that we know who is coming and going. And yeah in fact, we did not even

realize that it would be contested today. The city told us that there were no complaints as of the last email.

Ms. Oliver: Great, thank you. Anybody have any questions? Okay. Thank you very much.

Ms. Sandloop: We have one speaker today. Paula Schneider.

Ms. Oliver: Welcome.

Ms. Schneider: Paula Schneider. This is my first public hearing. I haven't got a clue what I'm doing. But I wanted to make sure that I came, I am opposed to short term rental. We live in a very congested, tight, almost crime free community. We know our neighbors; we get along with each other. We help each other. Many of us and I'm sorry that nobody approached me; I live right across the street. I never got a card, nobody talked to me, and the neighbors I've talked to do not want short term rentals in there. We don't know how it's going to affect our neighborhood. I've been there for six years; I've seen no crime except at this address although I don't know that the new owners were there then. But how is this going to down the road affect my property values. We have lots of rentals in there. What happens when everybody wants to start doing a short term rental? We don't need it in our neighborhood. Its fine the way it is. We'd like to know who our neighbors are. When you open this up to short term rentals, we got a variety of people coming in, and we don't want it, we want to be connected with each other. And this is not the area to put a short term rental. So we're opposed to it. I also worry about the landlord responsibility, do they vet renters and what is my recourse if there start to be problems with this short term rental? What's my recourse? Do you people just do this and then it's left up to the neighborhood? I mean, I don't know how it works. So, I am opposed and I am speaking on behalf of several of the neighbors there that we do not want short term rentals.

Ms. Oliver: We will help you with this a little bit. There is a number that is provided, I think it's 311. So if you have a complaint or problem, you call that number and then it is registered with the city so that they have a record of issues with this particular address.

Ms. Schneider: So if you approve this, we have a right as the neighbors to come, do we have to come back and ask you to remove the short term rental? I mean, is that an option that?

Ms. Oliver: They only have it for five years, then they have to come back for before but prior to that if they are legitimate complaints then the city will look into it. City staff will go in and look at it and follow up on what's going on with their renters. And the people that own it, when they do get a complaint, they have to address it within

30 minutes, so they have to be there. So when she said to you that they are in close proximity to their piece of property, they have to show up immediately to address the situation.

Ms. Schneider: Okay, well, I see absolutely no benefit whatsoever to put short term rentals in our community or tight congested community, but I can see a lot of detriment coming from this.

Mr. Weiner: Ms. Schneider just to let you know where we came from. We worked on this for two years to try and come up with an ordinance like this, okay. What you have to think about another aspect is if we didn't come up with this ordinance, they could do this and just keep doing it with nothing. So that's why we've come up with an ordinance.

Ms. Schneider: Keep doing what?

Mr. Weiner: Short term rentals, they could keep using, we didn't come up with an ordinance of short term rentals, they could have just kept doing it and everybody in the City of Virginia Beach can do it. So we're trying to regulate it with conditional use permits. Okay.

Ms. Schneider: So it is conditional?

Mr. Weiner: Yeah.

Ms. Schneider: So it's kind of like a probationary period.

Ms. Oliver: So you have the benefit of being in front of us to let us know and you have the ability to file a complaint with the city that the city will be able to keep records up. And then that way, we're able to track them. Prior to this ordinance, you wouldn't have this platform and recourse.

Ms. Schneider: So what you're telling me is that you have more control doing it this way as opposed to a landlord just bringing in people.

Ms. Oliver: Exactly. So we have more control over your neighbors that will do the Airbnb, then you do or the person buying your house and you just happen to not like the neighbors and they're there for 20 years.

Ms. Schneider: Right. We love our neighbors.

Ms. Oliver: Well, you know, I was using as an example. So, we're all working on this together as hard as we possibly can.

Ms. Schneider: Okay, but our fears and I say,ours, because I'm not the only one. I've been there for six years. Many of these people been there longer than me, but the fears are that all of a sudden because we do have quite a few rentals in that area that all of a sudden all the rentals now want to be short term. And like I said, we know our neighbors, we work with each other, and we help each other. And we don't want to lose that. We like the character of our neighbor, our neighborhood. We don't want to lose it.

Ms. Oliver: Yes, Mr. Horsley.

Mr. Horsley: They said they've been doing this since back in the early fall. Have you had any complaints? I mean, anything?

Ms. Schneider: Well, we had the drug selling and robbery and those people ended up leaving I don't know that they were the owners then. And I'm saying right after that rehab started. So I don't know at what point that them, I guess the new owners bought the property, whether those people that were doing the crimes in the house, whether they bought it from whoever had it before, so I cannot address that. I don't know. But since then, most of it's just been, it's been vacant, because I think it's been rehabbed. And right now, there is a gentleman, a military service guy living there, and I've had no problems with him. He's been there a couple of, I don't know of few weeks. So no problem there, but that doesn't mean that there isn't going to be.

Mr. Horsley: Well that's why you do have a recourse, being this way, you can notify to 311 or notify the planning department that you got a complaint. And these people here, they don't want to have complaints, because if they get complaints and then they can come back here and they lose their permit and then they are going to be able to do it so. So you have more recourse now like they said before than you had before. So hopefully that what they have done will help clean up what the problems you had earlier with the drugs and whatever.

Ms. Schneider: Well, like I said, I've been there six years, that's the only crime I ever seen in our neighborhood.

Mr. Horsley: Is others come about, you just stay aware and be diligent.

Ms. Schneider: I would like to ask you, you know, don't turn every rental there to a short term rental, please. We don't need Airbnb in this congested little neighborhood. There's not even a place to park, you know, so we don't need any more.

Ms. Oliver: Well, they do have a parking requirement. So they have to meet that, they have to park on property.

Ms. Schneider: Well, I mean, each town home has room.

Ms. Oliver: Right, but they have to follow that.

Ms. Schneider: Okay, well, I feel a little bit better. Thank you, sir. But like I said, I still don't see any benefit to it, but as long as it doesn't affect anything else, and our neighbors, you know, we have our same neighborhood, I'm not trying to stop anybody from earning money, but I'm concerned about where I live. So thank you so much.

Mr. Horsley: Thank you.

Ms. Oliver: Thank you. Would you like to come up? Yes, go right ahead, and maybe you can speak to a couple of our concerns.

Ms. Allen: Thank you. First of all, just as a little bit more information about me and my husband, I'm a special education teacher at the school that is literally right next to that neighborhood. We are very, very vested in that community. We're very familiar with what goes on there. We did purchase the property after what she was referring to. We knew we were purchasing it as a rehabbed unit. Since that time, our goal is to make that a family friendly, beautiful property for people to enjoy. We installed like I mentioned before, we did install the ring doorbell because we do want to make sure that anyone who comes to that residence is there for the right reasons and are there supposed to be and that they leave when they're supposed to. We have also; the regulations for in the home, while people are using that rental are actually stricter than what the city requires. We have requested that our guests have no parties with groups larger than what would be renting the property. We've also asked that noise be kept at a minimum after 9 pm rather than 10 pm to respect the fact that it is a family community. We also like I said, we do make our contact information very available and we do want to know, we want to know if there is any concerns from our neighbors because it matters to us that community matters to us and as you guys know, each individual rental has to be approved by you. So I hope that you'll see that this is something personal for us. It's one property we are not a big company. We're not looking to buy out the community and turn it into something it's not we are one couple wanting one property for something that we can do for the community and ourselves. Thank you.

Ms. Oliver: Anybody have any questions? If you have the opportunity, probably reach out and speak to her a little bit and let her have the opportunity to know you.

Ms. Allen: Absolutely.

Ms. Oliver: That'd be great. Thank you. I think we're good. We'll close this on the commissioners. Anybody have anything? Okay. Make a motion.

Mr. Weiner: I move approval.

Ms. Oliver: Okay, do we have a second?

Mr. Wall: I second.

Ms. Sandloop: The vote is open. By the recorded vote of 9-0, agenda item number 12 has been approved. Okay, our next item of business is agenda item number 13, John Bradley Gribble. An application for a conditional use permit short term rental on property located at 512 9th Street located in the Beach District, if the applicant or the applicant's representative, thank you.

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

CONDITIONS

1. The following conditions shall only apply to the dwelling addressed as 4215 Macarthur Road and the Short Term Rental use shall only occur in the principal structure.
2. The approval of 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 events 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, 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.
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. A 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 #13
John Bradley Gribble
Conditional Use Permit (Short-Term Rental)
512 9th Street

January 8, 2020

RECOMMENDED FOR APPROVAL

Ms. Sandloop: The vote is open. By the recorded vote of 9-0, agenda item number 12 has been approved. Okay, our next item of business is agenda item number 13, John Bradley Gribble. An application for a conditional use permit short term rental on property located at 512 9th Street located in the Beach District, if the applicant or the applicant's representative, thank you.

Ms. Oliver: Hello, good morning. Good afternoon. If you will state your name for the record please?

Mr. Gribble: Afternoon. Sure. It's John Bradley Gribble. Just a little background on it, we've owned the house for about 10 years. My wife and I, we lived in it for eight years. About two and a half years ago, we had to move to Maryland because of work. We went the traditional route when we moved out of the house, right into it to a doctor and her boyfriend, had them interviewed and met our neighbors, everything went pretty well. Two years later, for 18 months, they pretty much ruined the house with animals and not telling us when there was a dripping installation and caused major damage \$20,000 worth of work to the house. So they got out, we knew we had to do something a little bit different. We were stopping in and checking on them, but you know, obviously we weren't invading their privacy going inside and beating on them. So we went to Airbnb route. The property after we rehabbed it, we met with all of our neighbors told them what we were doing. We lived there for eight years was very involved in the area was the lake cleanup captain. And so anyways, before we left though, the person who owns the house next door to us, we have them as our property manager, because we live four and a half hours away. We don't want to, you know if something comes up that needs to be addressed, so we do have a property manager out there. So far, we've rented the house for six months, it's been going pretty well, had no complaints from any of the people renting really nothing from the neighbors that we were made aware of, and spoke with one of my neighbors today who's here to speak as well. Parking is a big problem at the beach. Our house, we widen our driveway in order to allow for the three spots at this place, but the challenge is that the street is not a permit parking at the Oceanfront; all the other places are permit parking, ours isn't for some reason. And then as the our neighborhood has been completely demolished, all the old houses have been taken

down and they're building multifamily duplexes, you know, you name it, they're building it more condensed as we saw earlier, which you know, makes the neighborhood look better, but it doesn't address the street parking. So one of the things we're really I mean our house abide by the regulations for the three cars. Something that we spoke with my neighbor about today is we're going to have a camera outside so that we can help self police. If a fourth car parks behind the other cars or does something goofy, they shouldn't have to deal with that, we can monitor that or if there's a problem, they can talk to our property manager who, you know, they're aware of that we have the property manager. But the big issue is our street is not permitted and it's turning into quite the cluster down there. So I know this is in the form for that. We probably need to go down another route for that.

Ms. Oliver: Right. Thank you. Anybody have any comments. Thank you very much.

Ms. Sandloop: We have one speaker, Stanley Vane.

Ms. Oliver: Welcome.

Mr. Vane: My name is Stanley Vane, I live at 513 and I own 515 9th Street. I have no problem with the rentals that are going on, they are okay. But sometimes, okay, they have the proper parking and then you get two places, sometimes people that park there will sublease the room, you know, and then they park, there's a picture I don't know. I mean, maybe I don't know where to go with this, but from where my house is all the way down 9th Street, it's no parking on the pavement. And then the other side you have a curb. Okay, it turns into the Mekong Delta when it rains I've been raking that and taking care of that and cutting the grass as well as my neighbor who lives in condominiums next to me for 18 years. Now you're having people park there for weeks, 10 days at a time, and you have the grass growing up to the chastity of their house other half of their car, you know, so when the property manager of Shadow Lawn cuts the grass, he can't get around it and I cut it, I get out there and I rake it, you know, there are times, I've learned what I need to do now, call at 311 but there are times that a fire truck cannot get down that road because of the parking on the side. When you pull into the road make right hand turn to go to these Airbnbs, there's like a 17 foot stretch the term. Now they're parking on people's front yards, on the side yards there. And I actually talked to a fireman. It was making a around, okay, and he said his hooking ladder could get in there, but a regular fire truck couldn't. And you know, it's just a mess. You know, the problem now we got cameras, I have got cameras. So when the people from Chicago pull out throw beer cans in front of your yard, throw few beer bottles on my daggon' on flowers and break the glass up then I just kicked him to the side of the yard. We can see it and I know Star and Bradley. I mean, it's the best neighborhood Shadow Lawn. I mean, we have a place where there was one house that they ended up

putting four houses in, and maybe there's some illegal stuff going on in there as far as how they rent and what they do. And these people park their cars and you call the city, there is no, to my understanding, there's no time limit of how long a parked car can park in a place. You know, usually it's abandoned and it can sit there 10 days and then, you know, front of my house is all nice and done, I got trees 10 feet off the access, you know, I cut the front, cut the whole side of that road sometimes, you know, when Butch can't do it for his condos, the grass grows high, hey, I'm cutting the grass, you can ask any one of my neighbors you can ask them, you know, but that parking is just, you know, out of control, you know, and I've talked to the manager, she's awesome. She screens good. You know, she makes sure it has people, I have no complaints at all about what's going on, you know, when people I even let people parks in my place. You know when they're having parties or something or there's extra people, I have a four spot parking spot, you know, I'm like hey you rent Brad's, please park here, it's safe. But I mean, if we could get I don't know where to get over if we could get that parking taken care of. And there are times that you cannot get a fire truck down the street because of that. It's no parking on the pavement. So if somebody is on the pavement for two inches of their car, you know what it's doing is undermining the new road, they just put on there and it's all crumpling] you know, and I rake it, you know, storms come, I think they just did a lake or drainage where the lake goes to Lake Holly and that's my only problem with the neighborhood, we've got one, two, three, almost four of these rentals, okay, then you have a place where there was one house, and they built four units. And they turn around and allow two parking spaces for those four units. It was a new complex to be sharpened. You know, maybe I don't know how many years ago, okay, and it's just okay. So you have the two places, and they put these special signs up for people that own the houses. And now the city is going to take them down, you know, so it's like here's buy a house, and this is your special parking space. So parking is really, really an issue and now that we got the cameras and called 311 or call the police or I know what to do, you know, if that's the case down the road.

Ms. Oliver: Mr. Vane, the parking, I'd like to sort of dial back to the applicant here, do you have a problem with parking with him specifically?

Mr. Vane: I don't have a problem parking with him. But there are times that these rentals will have more parking, I mean, there are three places, they might have five people. Okay, you have a place where you could park three cars straight in and then they'll put the fourth car behind it.

Ms. Oliver: No, well, we don't get that so we're not okay with that, but what I do want to know is, the applicant, are you next door to him? Are you the other half? You're across the street. Okay, that's all right. But do you, his tenants or his short term rental

people, are they not parking appropriately? Or is this just a general problem for the area?

Mr. Vane: I have seen it happen and then I talked to the manager, they say just call me. You know, and I just let it go, you know, and I thought, you know, and now I know what to do. But I mean, when they have three spots and then they sublet the rooms that they're renting and then two other people park, they park on the side of the road there for long periods of time, you know, they don't park, I mean, they are parking on the street.

Ms. Oliver: From his place?

Mr. Vane: Across the street. I mean, where it says no parking on pavement, you know, because everybody parks in the dirt.

Ms. Oliver: okay, now Mr. Inman.

Mr. Inman: Are you saying that his short term rental tenants are subletting?

Mr. Vane: I have seen that on the street.

Mr. Inman: This applicant, Mr. Gribble, see we're focused right now on Mr. Gribble's place and we understand there's other problems, right know, we have.

Mr. Vane: {Crosstalk} I mean, okay, I mean, but...

Mr. Weiner: You had a right. There are other problems or other issues on the road with any other parking, call 311

Mr. Vane: How do we call that number.

Mr. Weiner: Because if there are cars are sitting on the road longer than certain time, I'm sure there's a zoning.

Mr. Vane: It has 2 cars parking on the curbside

Mr. Weiner: If there are cars on the road longer than a certain period of time, isn't there?

Mr. Tajan: If it's public right-of-way, people can park in public right-of-way, but still allowed for parking as long as they have proper tags.

Mr. Vane: Okay, so when the grass grows on...

Ms. Oliver: They shouldn't be parking somewhere where there's grass growing up underneath the car.

Mr. Vane: Well, it's there. And, you know, I mean, they park right up against the whole side there. I mean, I can take pictures and bring them to you, if you want, you know.

Ms. Oliver: Well that probably Mr. Vane, I guess what we're trying to do here is we're trying to separate the applicant, Mr. Gribble because that's what we're here to hear right now.

Mr. Vane: Where do I take this to?

Ms. Oliver: The other you can take to. Just give us one second to find the solution for you and we can do that.

Mr. Tajan: So there are two things that I'm hearing as well. So there was something brought up about the residential potential Permitting Parking Program, which has a process to go through which is handled through our Parking Management, which is through the SGA office, we can discuss that that does take a lot of legwork and a lot of agreement with the entire neighborhood to handle. But that is in Planning's per view as well. So know that we are aware and there's concern however, it doesn't fix the issue with the short term rentals because if there is a residential Parking Permit Program, we prohibit the allowance of guest passes when there's a short term rental in use so that they are not parking on the street. They are parking in their parking spaces that they have showed us. So it wouldn't be permitted. so the key is that's that becomes, if there's a littering and trespassing other enforcement now.

Mr. Vane: Right now and then they, you know, they pull out there and they're from Chicago and throwing the beer cans in the yard, So now we got the cameras. So I can call at 311 number.

Ms. Oliver: You can call that number and you can always.

Mr. Vane: If somebody is parked where a fire truck can't come down my street.

Ms. Oliver: That fire trucks can make a phone call. You don't need to worry about that. If the fire truck can't get through the street, I mean.

Mr. Vane: Well, I mean, my concern would be, okay, I mean, I've been medically retired for 12 years and old people in the end of the street, it's a dead end, you know, and it's like, they can't get through it. They couldn't get through there. The 500 block of 9th street.

Ms. Oliver: No, no, yeah it's all right, Mr. Vane, we've got a pointer and so.

Mr. Vane: You know, I mean, when you come down and you turn down that way, they are like hey it's city right-of-way, and now these people are parking like right up next to the poor woman's front yard, they sit there for weeks at a time, days at a time,

you have people that don't even live in the neighborhood that are parking there, man send them down on the 9th Street and they don't pay.

Ms. Oliver: Well, I think you've gotten the planning department attention on the parking on the street and I'm sure that they will take a look at that.

Mr. Vane: The Planning Department I mean, you guys allow 4 houses be put up for one is, and maybe there's some of you like will stop going on, don't even allow for their trash can.

Ms. Oliver: But I would advise you going forward today to use the 311 number, if you have any issues with any of the short term rentals, and if you have anything bigger than that, I would call the police department.

Mr. Vane: Okay. But then what will I do when, can you have at least come down there and monitor that road?

Mr. Weiner: You will have to discuss that with them.

Mr. Tajan: So I'll be honest with you. From a city perspective, the use of our police officers time to deal with parking issues is probably not the most efficient. There are no parking on pavement signs as you noted previously, out here which is required and one likely because they want access for fire trucks, there are parking issues, but we've kind of appointed people on how to park at that point. We've told them to park that way, then that's how it is, if there is a violation, there are other departments not Planning in particular to deal with this that there are parking issues, we can see if Parking Enforcement and property maintenance can go out and take a look. There are other issues of vehicles, inoperable vehicles or other vehicles that are sitting out there.

Mr. Vane: if I take my tape measure when I know the fire truck can't get through there, who do I call?

Ms. Oliver: 311. Yes, sir. You can do that and then we appreciate it.

Mr. Vane: Then I'll call the police or whatever?

Ms. Oliver: Start with 311 and we'll work that way.

Mr. Tajan: What they'll do is they'll direct you to the right.

Ms. Oliver: Thank you. Yes come on.

Mr. Gribble: Just kind of wrap things up there, obviously parking is a challenge. We have the spots where we advertise that only three vehicles if somebody brings a friend over

there's obviously if they park incorrectly, we're going to be on top, they are going forward, our property manager is always available. Which you can always give them a call, the subletting issue, I just want to go on record we vet all of our people I find it hard to believe there's subletted because they're already coming in with five or six people, there's only five or six places to sleep. But we'll monitor that since that is a concern.

Ms. Oliver: Thank you. All right. No more speakers. Thank you. So we will close this hearing and open it up amongst the commissioners. Yes Commissioner Redmond.

Mr. Redmond: Madam Chair, I move approval of the application.

Mr. Weiner: I second.

Ms. Oliver: Right.

Ms. Sandloop: The vote is open. By the recorded vote of 9-0, agenda item number 13 has been approved. Our next item of business is agenda item number 20 Tara Ryan, application for conditional use permit short term rental on property located at 933 Pacific Avenue unit B located in the Beach District.

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

CONDITIONS

1. The approval of 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 Renal, where the Short-Term Renal has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.

2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. Accessory structures shall not be used or occupied as Short-Term Rental.
9. 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.
10. A Short Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.
11. 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.
12. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
13. 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.

14. 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 #14
Zackary Nelson
Conditional Use Permit (Short-Term Rental)
2916 Dante Place**

January 8, 2020

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you. Is there any opposition to this being placed on the consent agenda? Okay, the next items on the consent agenda are for short term rental. The planning commission places the following applications for the great conditional use permit for short term rental and a consent agenda as these applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications and there's no known opposition for the following items 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26. That being said, I move for approval on the consent agenda items 1, 2, 5, 6, 7, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, and 26.

Mr. Redmond: Madam Chair?

Ms. Oliver: Yes sir.

Mr. Redmond: I'm going to support the all of these on consent. However, I would note that with regard to a specific B-2 agenda item number five of Town Center Associates 12, LLC, I will be abstaining. I'm a commercial real estate broker with Divaris Real Estate, Inc. Divaris Real Estate, Inc. leases and manages the Town Center and various principles of the company where I work, our principals in Town Center Associates. I don't believe very frankly that that affects me in any way. I've never earned a nickel from the Town Center, but for purposes of appearance, I nonetheless tend not to vote on these matters. So I will abstain in this case. Ms. Wilson, does that satisfy your legal requirements?

Ms. Wilson: Yes sir.

Mr. Redmond: Okay. Thank you.

Mr. Horsley: I second.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, five with Commissioner Redmond abstaining from agenda item five, six, seven, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26 have been approved by consent.

Ms. Oliver: Okay, thank you. And I'd like to thank all the applicants today who had a matter on the consent agenda at this hearing and these items will be scheduled for hearing at the City Council agenda. And so if you don't have any further business, if you were on the consent agenda, this would be a great time for you to leave. We'll give everybody a second to leave. All right. Thank you. The next order of business will be to address the remaining matters on our agenda. And with our City Clerk, please call the first item.

Mr. Alcaraz: I've gone back and I appreciate the keen eye you had. I usually catch these things, but I just got to know because I wasn't here in the two year term, you putting this thing together, Mr. Tajan on the off street parking is that what it is called, required one per bedroom?

Mr. Tajan: Correct.

Mr. Alcaraz: So, did we make a mistake on 14?

Mr. Tajan: No, so during the presentations to City Council, and as you know, I was not here as well during those two years. I had a different short term. But my understanding is as it was presented and discussed the city council during that timeframe that particular instance of actual parking where the driveway exists, and some of its in the right-of-way was specifically talked about by city council and direction was provided to address that. Mr. Kemp is that correct?

Mr. Kemp: Yeah, it was discussed that there should be flexibility when reviewing these in that case where it hangs over into the right of way, and it's not blocking a sidewalk and there's really no danger where essentially that property is functioning as their property even though it's in the city right of way, you know, that's more than reasonable to use that to accommodate parking. It was the flexibility was the discussion, yes.

Mr. Alcaraz: Okay. Thank you.

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

CONDITIONS

1. The Short Term Rental shall only occur in the principal structure addressed as 2916 Dante Place.
2. As depicted on the Parking Plan titled “Physical Survey of Lot 24, Block P, Subdivision of Princess Anne Plaza, Section Twenty-Five B (Magic Hollow, P.U.D),” dated November 18, 1974 and approved by the Zoning Administrator on 11-20-2019, a minimum of four (4) on-site parking spaces must be available to the Short Term Rental occupants of 2916 Dante Place and be maintained all-weather surfaces.
3. 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.
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, 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.
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. The 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 #15
Willynne E. Simmons
Conditional Use Permit (Short-Term Rental)
1804 Baltic Avenue, Unit B

January 8, 2020

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you. Is there any opposition to this being placed on the consent agenda? Okay, the next items on the consent agenda are for short term rental. The planning commission places the following applications for the great conditional use permit for short term rental and a consent agenda as these applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications and there's no known opposition for the following items 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26. That being said, I move for approval on the consent agenda items 1, 2, 5, 6, 7, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, and 26.

Mr. Redmond: Madam Chair?

Ms. Oliver: Yes sir.

Mr. Redmond: I'm going to support the all of these on consent. However, I would note that with regard to a specific B-2 agenda item number five of Town Center Associates 12, LLC, I will be abstaining. I'm a commercial real estate broker with Divaris Real Estate, Inc. Divaris Real Estate, Inc. leases and manages the Town Center and various principles of the company where I work, our principals in Town Center Associates. I don't believe very frankly that that affects me in any way. I've never earned a nickel from the Town Center, but for purposes of appearance, I nonetheless tend not to vote on these matters. So I will abstain in this case. Ms. Wilson, does that satisfy your legal requirements?

Ms. Wilson: Yes sir.

Mr. Redmond: Okay. Thank you.

Mr. Horsley: I second.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, five with Commissioner Redmond abstaining from agenda item five, six, seven, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26 have been approved by consent.

Ms. Oliver: Okay, thank you. And I'd like to thank all the applicants today who had a matter on the consent agenda at this hearing and these items will be scheduled for hearing at the City Council agenda. And so if you don't have any further business, if you were on the consent agenda, this would be a great time for you to leave. We'll give everybody a second to leave. All right. Thank you. The next order of business will be to address the remaining matters on our agenda. And with our City Clerk, please call the first item.

	AYE 9	NAY 0	ABS 0	ABSENT 0
ALCARAZ	AYE			
BARNES	AYE			
GRAHAM	AYE			
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
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 1804B 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 approved Parking Plan photographs submitted by Willyenne E. Simmons to the Department of Planning and Community Development on 11-18-2019 for 1804 Baltic Avenue, Unit B, all three (3) required on-site parking spaces must be available to the occupants of the Short Term Rental and be maintained with an all-weather surface.
4. An appropriate stormwater 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 parking plan photographs submitted by the applicant with the Conditional Use Permit application. 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
Souad Belmadani
Conditional Use Permit (Short-Term Rental)
1804 Baltic Avenue, Unit C

January 8, 2020

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you. Is there any opposition to this being placed on the consent agenda? Okay, the next items on the consent agenda are for short term rental. The planning commission places the following applications for the great conditional use permit for short term rental and a consent agenda as these applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications and there's no known opposition for the following items 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26. That being said, I move for approval on the consent agenda items 1, 2, 5, 6, 7, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, and 26.

Mr. Redmond: Madam Chair?

Ms. Oliver: Yes sir.

Mr. Redmond: I'm going to support the all of these on consent. However, I would note that with regard to a specific B-2 agenda item number five of Town Center Associates 12, LLC, I will be abstaining. I'm a commercial real estate broker with Divaris Real Estate, Inc. Divaris Real Estate, Inc. leases and manages the Town Center and various principles of the company where I work, our principals in Town Center Associates. I don't believe very frankly that that affects me in any way. I've never earned a nickel from the Town Center, but for purposes of appearance, I nonetheless tend not to vote on these matters. So I will abstain in this case. Ms. Wilson, does that satisfy your legal requirements?

Ms. Wilson: Yes sir.

Mr. Redmond: Okay. Thank you.

Mr. Horsley: I second.

Mr. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, five with Commissioner Redmond abstaining from agenda item five, six, seven, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26 have been approved by consent.

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	AYE 9	NAY 0	ABS 0	ABSENT 0
ALCARAZ	AYE			
BARNES	AYE			
GRAHAM	AYE			
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
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 1804C Baltic Ave.
2. The garage spaceli 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 “Parking Plan for 1804 Baltic Av, Unit C,” dated November 14, 2019 and created by Souad Belmadani, a minimum of three (3) on-site parking spaces must be available to the occupants of the Short Term Rental and be maintained with an all-weather surface.
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 parking plan located on page 4 of the submitted Conditional Use Permit application. 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 #17
Elizabeth Anne Gregory
Conditional Use Permit (Short-Term Rental)
635 South Atlantic Avenue

January 8, 2020

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you. Is there any opposition to this being placed on the consent agenda? Okay, the next items on the consent agenda are for short term rental. The planning commission places the following applications for the great conditional use permit for short term rental and a consent agenda as these applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications and there's no known opposition for the following items 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26. That being said, I move for approval on the consent agenda items 1, 2, 5, 6, 7, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, and 26.

Mr. Redmond: Madam Chair?

Ms. Oliver: Yes sir.

Mr. Redmond: I'm going to support the all of these on consent. However, I would note that with regard to a specific B-2 agenda item number five of Town Center Associates 12, LLC, I will be abstaining. I'm a commercial real estate broker with Divaris Real Estate, Inc. Divaris Real Estate, Inc. leases and manages the Town Center and various principles of the company where I work, our principals in Town Center Associates. I don't believe very frankly that that affects me in any way. I've never earned a nickel from the Town Center, but for purposes of appearance, I nonetheless tend not to vote on these matters. So I will abstain in this case. Ms. Wilson, does that satisfy your legal requirements?

Ms. Wilson: Yes sir.

Mr. Redmond: Okay. Thank you.

Mr. Horsley: I second.

Mr. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, five with Commissioner Redmond abstaining from agenda item five, six, seven, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26 have been approved by consent.

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

CONDITIONS

1. The approval of 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 Renal, where the Short-Term Renal has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
2. No events with more than fifty (50) people present, shall be held absent a special events 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.
3. 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 Renal within thirty (30) minutes. Physical response to the site of the Short-Term Renal is not required.
4. 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 Renal 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.
5. To the extent permitted by state law, each Short-Term Renal must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
6. 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.

7. 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.
8. Accessory structures shall not be used or occupied as Short-Term Rental.
9. 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.
10. A Short Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.
11. 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.
12. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
13. 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.
14. 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
Troy Perry & Leslie Spasser
Conditional Use Permit (Short-Term Rental)
396 58th Street**

January 8, 2020

RECOMMENDED FOR APPROVAL – CONSENT

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Ms. Oliver: Yes sir.

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Ms. Wilson: Yes sir.

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Mr. Horsley: I second.

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ALCARAZ	AYE			
BARNES	AYE			
GRAHAM	AYE			
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. The garage must remain open and available to provide two parking spaces.
2. The approval of 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 Renal, where the Short Term Renal has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
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 - c) Proof of liability insurance.
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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 #19
Coastal Accommodations, LLC
Conditional Use Permit (Short-Term Rental)
636 16th Street

January 8, 2020

RECOMMENDED FOR APPROVAL – CONSENT

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Ms. Oliver: Yes sir.

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Ms. Wilson: Yes sir.

Mr. Redmond: Okay. Thank you.

Mr. Horsley: I second.

Mr. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, five with Commissioner Redmond abstaining from agenda item five, six, seven, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26 have been approved by consent.

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ALCARAZ	AYE			
BARNES	AYE			
GRAHAM	AYE			
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. 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.
2. The garage must remain open to allow one parking space.
3. The approval of 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 Renal, 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 events 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 Renal 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.
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 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.
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 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 #20
Tara Ryan
Conditional Use Permit (Short-Term Rental)
933 Pacific Avenue, Unit B**

January 8, 2020

RECOMMENDED FOR APPROVAL

Ms. Sandloop: The vote is open. By the recorded vote of 9-0, agenda item number 13 has been approved. Our next item of business is agenda item number 20 Tara Ryan, application for conditional use permit short term rental on property located at 933 Pacific Avenue unit B located in the Beach District.

Ms. Oliver: Welcome.

Ms. Ryan: Hi, I am Tara Ryan. I think that the reason I'm here is because of the parking, the second parking spot. We're a small 600 square foot unit at the Oceanfront area in a complex specific place condominium so everyone has one parking spot assigned to them. And we note with Airbnb for anyone who's coming to stay with us, we let them know that there's only one parking spot. It's such a small space that it's mostly families and my husband and I have three children and we just came back from Christmas vacation. So we know how it is important to have a little bit more space and a kitchen and everything. So it's primarily families. We've had it in operation since March of 2018. We have another unit that has been in operation since, it's been in February. No, I'm sorry, March 2019 is the two bedroom because we're grandfathered into the one bedroom. Anyway, we have those two units and with the two bedrooms that we're talking about today, we've had one person ask about a second parking spot over the whole year of rentals, and we offered to just split the payment with them to be in the 9th Street garage because it's right next to us. But we also have options if our other unit had parking available or if that garage was full, we have you know, they could park at the First Street, you know, it's just such a small space that we haven't run into people needing two parking spots. I guess. That's where we are at.

Mr. Weiner: And talking to staff I know they discussed this with you about two bedrooms, two parking spots, right. Have you looked at any offsite parking anywhere besides your other rental because you can't use the other rental as a parking place?

Ms. Ryan: Well we hadn't looked at the Ninth Street garage, but I wasn't aware that that was something we could, like we can pay for a spot there because we're okay with doing that. I just, I didn't even know that the zoning person didn't approve this today. This is the first time I'm hearing of it sitting here.

Ms. Weiner: Kevin can I ask quick question, is that okay that 9th street parking garage if she came back with an approval for that parking spot in there, it would be okay?

Mr. Kemp: Yes, absolutely. Kay, you can correct me if I'm wrong, but we can condition, condition to that effect where, you know, should that happen.

Ms. Wilson: She needs to produce a lease from the 9th street garage for one parking space for this short term rental.

Mr. Kemp: So it can be approved with that condition and we could move forward.

Mr. Weiner: So what we're probably gonna have to do, what we're really gonna have to do, because I'm sure you don't want to deny this because we, like I said before, we spent two years coming up with this plan, and we really need to follow it. So if we could defer this and you could go get that lease from the parking garage, bring that back to staff, and it will probably be fine right through.

Ms. Ryan: Do I have to come to another Planning Commission?

Mr. Tajan: As Mr. Kemp had noted more than likely for efficiency, you may want to add an additional condition that it has to be provided before they can operate legally.

Mr. Weiner: Okay, so they don't have to have it right now. We don't have to defer this, we can approve it with that condition.

Mr. Tajan: Right. And we will hold it from going to city council until that's acquired.

Ms. Oliver: Okay.

Ms. Wilson: We were just not sent it up until we get the lease.

Mr. Weiner: So you do understand what that means?

Ms. Ryan: So do I turn it into Kevin?

Mr. Kemp: Not the Kevin you're looking for but He works for me. So I will speak with you after we wrap up here. I'll touch base with you.

Ms. Ryan: Yes, that's not a problem at all. More than happy to do that. Perfect.

Ms. Oliver: Yes.

Mr. Wall: One thing is that to know that's a recommendation from the staff. So that wasn't like a, that was just a recommendation.

Ms. Ryan: We're very new to this, I'm stay at home mom and this helps me not go back to work so.

Ms. Oliver: Good. Thank you. All right, close this and open it up.

Mr. Alcaraz: I'll make a motion that we approve it with the condition that they get a lease for parking and that would be prior to city council action.

Mr. Weiner: Second.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda item number 20 has been approved with conditions as amended. And our last item of business is agenda item number 27. CEBT Properties LLC, an application for conditional use permit short term rentals on property located at 400A 27th Street located in the Beach District.

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

CONDITIONS

1. A Board of Zoning Appeals variance must be obtained for the deficiency in on-site parking prior to the CUP becoming active.
2. 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.
3. The approval of 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.
4. No events with more than fifty (50) people present, shall be held absent a special events 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 #21
Michael Matthews
Conditional Use Permit (Short-Term Rental)
425 Lakewood Circle**

January 8, 2020

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you. Is there any opposition to this being placed on the consent agenda? Okay, the next items on the consent agenda are for short term rental. The planning commission places the following applications for the great conditional use permit for short term rental and a consent agenda as these applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications and there's no known opposition for the following items 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26. That being said, I move for approval on the consent agenda items 1, 2, 5, 6, 7, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, and 26.

Mr. Redmond: Madam Chair?

Ms. Oliver: Yes sir.

Mr. Redmond: I'm going to support the all of these on consent. However, I would note that with regard to a specific B-2 agenda item number five of Town Center Associates 12, LLC, I will be abstaining. I'm a commercial real estate broker with Divaris Real Estate, Inc. Divaris Real Estate, Inc. leases and manages the Town Center and various principles of the company where I work, our principals in Town Center Associates. I don't believe very frankly that that affects me in any way. I've never earned a nickel from the Town Center, but for purposes of appearance, I nonetheless tend not to vote on these matters. So I will abstain in this case. Ms. Wilson, does that satisfy your legal requirements?

Ms. Wilson: Yes sir.

Mr. Redmond: Okay. Thank you.

Mr. Horsley: I second.

Mr. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, five with Commissioner Redmond abstaining from agenda item five, six, seven, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26 have been approved by consent.

Ms. Oliver: Okay, thank you. And I'd like to thank all the applicants today who had a matter on the consent agenda at this hearing and these items will be scheduled for hearing at the City Council agenda. And so if you don't have any further business, if you were on the consent agenda, this would be a great time for you to leave. We'll give everybody a second to leave. All right. Thank you. The next order of business will be to address the remaining matters on our agenda. And with our City Clerk, please call the first item

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

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 425 Lakewood Circle and the Short Term Rental use shall only occur in the principal structure.
2. 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.
3. 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.
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, 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.
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. The 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 #22
Lawrence W. Kliewer & Bruce E. Pensyl
Conditional Use Permit (Short-Term Rental)
4005 Atlantic Avenue, Unit 203

January 8, 2020

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you. Is there any opposition to this being placed on the consent agenda? Okay, the next items on the consent agenda are for short term rental. The planning commission places the following applications for the great conditional use permit for short term rental and a consent agenda as these applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications and there's no known opposition for the following items 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26. That being said, I move for approval on the consent agenda items 1, 2, 5, 6, 7, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, and 26.

Mr. Redmond: Madam Chair?

Ms. Oliver: Yes sir.

Mr. Redmond: I'm going to support the all of these on consent. However, I would note that with regard to a specific B-2 agenda item number five of Town Center Associates 12, LLC, I will be abstaining. I'm a commercial real estate broker with Divaris Real Estate, Inc. Divaris Real Estate, Inc. leases and manages the Town Center and various principles of the company where I work, our principals in Town Center Associates. I don't believe very frankly that that affects me in any way. I've never earned a nickel from the Town Center, but for purposes of appearance, I nonetheless tend not to vote on these matters. So I will abstain in this case. Ms. Wilson, does that satisfy your legal requirements?

Ms. Wilson: Yes sir.

Mr. Redmond: Okay. Thank you.

Mr. Horsley: I second.

Mr. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, five with Commissioner Redmond abstaining from agenda item five, six, seven, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26 have been approved by consent.

Ms. Oliver: Okay, thank you. And I'd like to thank all the applicants today who had a matter on the consent agenda at this hearing and these items will be scheduled for hearing at the City Council agenda. And so if you don't have any further business, if you were on the consent agenda, this would be a great time for you to leave. We'll give everybody a second to leave. All right. Thank you. The next order of business will be to address the remaining matters on our agenda. And with our City Clerk, please call the first item.

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

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 4005 Atlantic Avenue, Unit 203.
2. As depicted on the Parking Plan titled “4005 Atlantic Ave. Unit 203 - Designated Parking Space #33,” submitted by Lawrence Kliewer to the Planning and Community Development Department and approved by the Zoning Administrator on 11-19-2019, a minimum of one (1) off-street parking space must be made available to the Short Term Rental occupants of Unit 203 and be a maintained all-weather surface.
3. 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.
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, 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 owner/operator contact information;
 - 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.
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. The 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 #23
Linda Urgo
Conditional Use Permit (Short-Term Rental)
4005 Atlantic Avenue, Unit 107**

January 8, 2020

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you. Is there any opposition to this being placed on the consent agenda? Okay, the next items on the consent agenda are for short term rental. The planning commission places the following applications for the great conditional use permit for short term rental and a consent agenda as these applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications and there's no known opposition for the following items 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26. That being said, I move for approval on the consent agenda items 1, 2, 5, 6, 7, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, and 26.

Mr. Redmond: Madam Chair?

Ms. Oliver: Yes sir.

Mr. Redmond: I'm going to support the all of these on consent. However, I would note that with regard to a specific B-2 agenda item number five of Town Center Associates 12, LLC, I will be abstaining. I'm a commercial real estate broker with Divaris Real Estate, Inc. Divaris Real Estate, Inc. leases and manages the Town Center and various principles of the company where I work, our principals in Town Center Associates. I don't believe very frankly that that affects me in any way. I've never earned a nickel from the Town Center, but for purposes of appearance, I nonetheless tend not to vote on these matters. So I will abstain in this case. Ms. Wilson, does that satisfy your legal requirements?

Ms. Wilson: Yes sir.

Mr. Redmond: Okay. Thank you.

Mr. Horsley: I second.

Mr. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, five with Commissioner Redmond abstaining from agenda item five, six, seven, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26 have been approved by consent.

Ms. Oliver: Okay, thank you. And I'd like to thank all the applicants today who had a matter on the consent agenda at this hearing and these items will be scheduled for hearing at the City Council agenda. And so if you don't have any further business, if you were on the consent agenda, this would be a great time for you to leave. We'll give everybody a second to leave. All right. Thank you. The next order of business will be to address the remaining matters on our agenda. And with our City Clerk, please call the first item.

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

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 4005 Atlantic Avenue, Unit 107.
2. As depicted on the Parking Plan titled “Oceans II Parking Lot Space Assignments,” dated May 2019 and submitted by Linda Urgo to the Planning and Community Development Department, a minimum of one (1) on-site parking space must be a maintained all-weather surface and be made available to the Short Term Rental occupants of unit 107.
3. 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.
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, 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.
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. The 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 #24
Robert L. Stephenson, Jr.
Conditional Use Permit (Short-Term Rental)
940 Indian Circle

January 8, 2020

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you. Is there any opposition to this being placed on the consent agenda? Okay, the next items on the consent agenda are for short term rental. The planning commission places the following applications for the great conditional use permit for short term rental and a consent agenda as these applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications and there's no known opposition for the following items 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26. That being said, I move for approval on the consent agenda items 1, 2, 5, 6, 7, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, and 26.

Mr. Redmond: Madam Chair?

Ms. Oliver: Yes sir.

Mr. Redmond: I'm going to support the all of these on consent. However, I would note that with regard to a specific B-2 agenda item number five of Town Center Associates 12, LLC, I will be abstaining. I'm a commercial real estate broker with Divaris Real Estate, Inc. Divaris Real Estate, Inc. leases and manages the Town Center and various principles of the company where I work, our principals in Town Center Associates. I don't believe very frankly that that affects me in any way. I've never earned a nickel from the Town Center, but for purposes of appearance, I nonetheless tend not to vote on these matters. So I will abstain in this case. Ms. Wilson, does that satisfy your legal requirements?

Ms. Wilson: Yes sir.

Mr. Redmond: Okay. Thank you.

Mr. Horsley: I second.

Mr. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, five with Commissioner Redmond abstaining from agenda item five, six, seven, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26 have been approved by consent.

Ms. Oliver: Okay, thank you. And I'd like to thank all the applicants today who had a matter on the consent agenda at this hearing and these items will be scheduled for hearing at the City Council agenda. And so if you don't have any further business, if you were on the consent agenda, this would be a great time for you to leave. We'll give everybody a second to leave. All right. Thank you. The next order of business will be to address the remaining matters on our agenda. And with our City Clerk, please call the first item.

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

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 940 Indian Circle 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.
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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 #25
Robert L. Stephenson, Jr.
Conditional Use Permit (Short-Term Rental)
956 Indian Circle

January 8, 2020

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you. Is there any opposition to this being placed on the consent agenda? Okay, the next items on the consent agenda are for short term rental. The planning commission places the following applications for the great conditional use permit for short term rental and a consent agenda as these applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications and there's no known opposition for the following items 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26. That being said, I move for approval on the consent agenda items 1, 2, 5, 6, 7, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, and 26.

Mr. Redmond: Madam Chair?

Ms. Oliver: Yes sir.

Mr. Redmond: I'm going to support the all of these on consent. However, I would note that with regard to a specific B-2 agenda item number five of Town Center Associates 12, LLC, I will be abstaining. I'm a commercial real estate broker with Divaris Real Estate, Inc. Divaris Real Estate, Inc. leases and manages the Town Center and various principles of the company where I work, our principals in Town Center Associates. I don't believe very frankly that that affects me in any way. I've never earned a nickel from the Town Center, but for purposes of appearance, I nonetheless tend not to vote on these matters. So I will abstain in this case. Ms. Wilson, does that satisfy your legal requirements?

Ms. Wilson: Yes sir.

Mr. Redmond: Okay. Thank you.

Mr. Horsley: I second.

Mr. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, five with Commissioner Redmond abstaining from agenda item five, six, seven, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26 have been approved by consent.

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ALCARAZ	AYE			
BARNES	AYE			
GRAHAM	AYE			
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
WALL	AYE			
WEINER	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 956 Indian Circle 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 #26
Carlin Creative Concepts, LLC
Conditional Use Permit (Short-Term Rental)
947 Fern Ridge Road**

January 8, 2020

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you. Is there any opposition to this being placed on the consent agenda? Okay, the next items on the consent agenda are for short term rental. The planning commission places the following applications for the great conditional use permit for short term rental and a consent agenda as these applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications and there's no known opposition for the following items 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26. That being said, I move for approval on the consent agenda items 1, 2, 5, 6, 7, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, and 26.

Mr. Redmond: Madam Chair?

Ms. Oliver: Yes sir.

Mr. Redmond: I'm going to support the all of these on consent. However, I would note that with regard to a specific B-2 agenda item number five of Town Center Associates 12, LLC, I will be abstaining. I'm a commercial real estate broker with Divaris Real Estate, Inc. Divaris Real Estate, Inc. leases and manages the Town Center and various principles of the company where I work, our principals in Town Center Associates. I don't believe very frankly that that affects me in any way. I've never earned a nickel from the Town Center, but for purposes of appearance, I nonetheless tend not to vote on these matters. So I will abstain in this case. Ms. Wilson, does that satisfy your legal requirements?

Ms. Wilson: Yes sir.

Mr. Redmond: Okay. Thank you.

Mr. Horsley: I second.

Mr. Sandloop: The vote is open. By recorded vote of 9-0, agenda items one, two, five with Commissioner Redmond abstaining from agenda item five, six, seven, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26 have been approved by consent.

Ms. Oliver: Okay, thank you. And I'd like to thank all the applicants today who had a matter on the consent agenda at this hearing and these items will be scheduled for hearing at the City Council agenda. And so if you don't have any further business, if you were on the consent agenda, this would be a great time for you to leave. We'll give everybody a second to leave. All right. Thank you. The next order of business will be to address the remaining matters on our agenda. And with our City Clerk, please call the first item.

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

CONDITIONS

1. The following conditions shall only apply to the dwelling addressed as 947 Fern Ridge Road and the Short Term Rental use shall only occur in the principal structure.
2. The garage space within the unit must remain a minimum clear area 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. The approval of 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.
4. No events with more than fifty (50) people present, shall be held absent a special events 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 #27
CEBT Properties, LLC
Conditional Use Permit (Short-Term Rental)
400A 27th Street

January 8, 2020

RECOMMENDED FOR APPROVAL

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda item number 20 has been approved with conditions as amended. And our last item of business is agenda item number 27. CEBT Properties LLC, an application for conditional use permit short term rentals on property located at 400A 27th Street located in the Beach District.

Mr. Bourdon: Madam Chair, members of the Commission for the record Eddie Bourdon, Virginia Beach attorney representing C&C developments. Mr. Chris Etle is here this afternoon. The last item, try to be brief, try not to hopefully lose anybody. You have petitions, you know, support, 13 signatures. I think it's 11 property owners. So, can we show the plan. We have the plan, there we go the plan. This is an interesting, interesting situation. What we have is a three bedroom, new construction and we have two parking spaces plain and simple and we have a third parking space that we will create which is an extension of the driveway. However, the setback of the dwelling is eight feet from the property rather than nine. My client owns the property next door. My client agrees to put a perpetual easement on the one foot by 18 or 19 feet of the new driveway so that that parking place is legal and in perpetuity forever meets the three parking space requirement. Before I go any further, case 14 on today's agenda and a case that was on last month's agenda over in Centerville, in both of those cases staff recommended approval of the short term rental based on a parking space one of the required like on the case 14 today where half of the parking space plus or minus, not one ninth, but half is in the public right-of-way. In the public right-of-way. It is off, not likely in our lifetime, but at some point that right-of-way may need to be widened. Our parking space with a perpetual easement, one foot on the adjacent property in perpetuity, that my client owns and place there isn't going to go away because the street gets widened. Yet, that's not deemed to be sufficient. I have a hard time understanding how that line gets drawn. So that's the reason for the recommended denials, because that parking space which is all on private property, which will all be in perpetuity again, all but one foot of it is on this piece of property, is it sufficient where as parking spaces that are in the public right-of-way, they're in the driveway portion of the improve right-of-way, but that right-of-way could go away because it could need to be widened. I have a difficult time understanding the line drawing there. The other suggestion that has been made is well; you can take down the existing

wall and move it in a foot. There's a sizable cost to doing so is one can well imagine. The good news is if that were to happen, the one foot overhang would be okay under the old beach guidelines, we wouldn't have to go the Board of Zoning Appeals. We're here because we would like the commission and ultimately City Council to approve this based on the fact that there will clearly be three parking spaces that won't go way under any circumstance and don't really understand clearly why this is somehow inferior to parking spaces that are half in the public right-of-way. Again, the improved portion, the only improvement that they're on is the driveway, but as we all know, our driveways the first 8, 10, 12 feet is public right-of-way, not our property. So that's why we're here. We believe that this is every bit is reasonable, in my view, more reasonable than allowing the parking to be met by driveway in the public right-of-way. Again, having said that also, you know, appreciate Kevin, Will this is a lot of stuff, a lot of line drawing, no one in all the years that you all had to deal with this issue necessarily has thought about or there hasn't been any, you know, there's got to be dialogue about it. I'm not trying to be overly critical at all. I'm just trying to point out, you know, what the parameters of the issue are, so happy to answer any questions.

Mr. Weiner: He owns the house next door?

Mr. Bourdon: He owns the property next door, redeveloped the house next, the property next doors with redevelopment of this property.

Mr. Weiner: Is that going to be sold or is that going to be used as a short term rental?

Mr. Bourdon: Sold, I believe. Sorry short term rental, and I don't mean to cut you off, Mr. Weiner, the one thing I want to make sure everyone understands. Our engineers have absolutely assured us that this will meet all of the impervious surface lot coverage, every zoning requirement, and it was just there's not a situation where this is in any way causing either property to be out of conformance with all regulatory requirements. Sorry.

Mr. Weiner: Okay, this question for staff real quick, question for you. Would explain to me again, if he owns a property next door, and he can't take the driveway a foot over into that property, what's the reasoning?

Mr. Tajan: So it's my understanding that because of the zoning classification offsite parking isn't permitted in a residential district. Again, we're trying, as Mr. Bourdon had noted, we're trying, we're trying our best to find logic as we try to create these and be as consistent as possible as we're trying to figure this out. And that's where it ends up being a use question versus a can the pavement go there. Now, that being said, as Mr. Ettel had noted, and Mr. Bourdon, there is another application for a short term rental going to Council for review and their decision right next door. If

it gets approved and wrapped up together offensively, there's potential for it, not to be considered offset, I don't know, we're in an area where we're not really...

Mr. Weiner: We got to figure out this parking situation with these houses, real quick, I'm gonna throw this out there I mean you have a front yard, can you take the slab into the front yard and make a part of a driveway right there that would can you do that?

Mr. Tajan: Look at the site plan that porch is relatively close to the front property line,

Mr. Weiner: Yea, I'm looking at it right here, it seems like you have room, seems like yeah room from the porch to the curb.

Mr. Tajan: So it's 18 feet to the inside of that garage. So that would be the minimum standard and because we are in the old beach overlay, there are requirements to be built up closer to the street.

Mr. Weiner: Okay.

Ms. Oliver: So Mr. Bourdon. If Mr. Eittle build these in order for them to be a short term rental that's the way I'm understanding it because he's built this one, and it's turned it into a short term rental and you just told us the next one supposed to be a short term rental and the parking is deficient?

Mr. Bourdon: These were already; these were all underway for all this stuff came about. It's a long process to get to the point where you're building these, you know, so that they weren't the approvals and all the permitting was before the short term rental regulations or even, you know, when there's all being debated, it's gone on for two, three years. So the regulations aren't spelled out. In fact, it doesn't mandate the parking; we're interpreting it that way, which I'm not arguing against. So these are brand new regulations. These are not something that's existed in the development process of buying and getting approvals and redeveloping property goes on for years before it ever gets to this stage. The only other alternative would be to get a curb cut off of the opposite street and put a pad behind the unit that could be done. But again, I don't think the better policy is to encourage more curb cuts. I think we're better off to have the driveway and there are driveways, I would bet that there are probably close to 1,000 driveways in the City of Virginia Beach part of which are on other people's property. It's not unusual at all, you know, not necessarily this way, but people have driveways that are off and over the property line. We deal with them and doing real estate closings all the time. So it isn't something that's, I don't know where the negative, what would be negative about it and it is 8/9s of the driveway on this piece of property. We're talking about a very minor.

Ms. Oliver: I think it's our guidelines and what we're using right now according to what short term rental and what's not is parking. It's the only way we're able to take care of it and so when you don't need the parking, just like the lady before you figure out another way to go?

Mr. Bourdon: The lady before has no parking and we also can get another parking, we can get a fourth parking space, but it's not within 500 feet. Okay, so this is a clearly a parking space that is not in a public right-of-way on this piece of property in a way that meets all zoning requirements. And I get exactly what Tajan is suggesting is we need to figure out does it set a precedent that's problematic, because it's, you know, a ninth of a parking space versus a half versus three quarters versus the whole parking space being on another residential property. I get that, but if you're going to say that 1/9 of a parking space with an easement in perpetuity doesn't meet the whatever intent, but a half of a parking space in the public right-of-way, which is also not on the property owners property does and that's the part I have a hard time understanding how we're drawing those lines, that's what I'm asking and I'm, it's rhetorical. I'm not expecting you folks to answer that question, but it's something that needs to be given consideration and thought that we're doing things that are logical and make some defensible precedent for lack of a better way to put it.

Ms. Oliver: Mr. Redmond.

Mr. Redmond: I think I can answer that nonetheless. And that is, we have this process. Ordinance says, got to get a conditional use permit. We're going to look at them each one at a time. You don't have to set a precedent about whether it's one ninth, two ninth, eight ninths, 7.45 ninths. I frankly accept your argument. Now that I've heard, but the truth of the matter is, I mean, I think very frankly, in the end, we're going to regret this process of requiring a conditional use permit, because we're going to have dozens of them every time we come down here. So City Council, nonetheless, that's another story. Nonetheless, it's not setting a precedent, when you have to decide it a new every single time, every single time we're going to have to make a decision. And we're going to have to apply our judgment on each individual case, each individual property, the design of it, its site design, and its architecture, how close the buildings are to one another. It's all in play each time, all over again, we're gonna reinvent the wheel every single time. So I throw that out very frankly, I think what the applicants going to understand out of this and a lot of other people who develop properties for this use are going to understand is, they have to be more be more pression about how they're going to develop these with regard to the topic of parking, I don't know what particular use that little cubbyhole. It's not a garage serves in this building, but, you know, maybe that could have been a garage and this wouldn't have been all that necessary. The all that is it may, it seems to me if this is in fact, a perpetual easement, right, doesn't matter whether it's a short term

rental, or it's sold, it runs with the land that's on the seller when he sells it if he chooses to do so. If not, then the only skin that's coming off someone's back is his own. So in any event, I've been going on too long, that doesn't really matter. There can't be a precedent set if we've got to do it again and again and again and again. That's the answer in my view.

Mr. Bourdon: Let me answer one thing, the reason that the garage is the way the garage is, is exactly what you all spoke about this morning in the informal, surfboards, you know, the little street legal cart that you can go to the beach that's the reason, that's in a nutshell. It wasn't built for a parking space as a garage.

Mr. Redmond: I understand it.

Mr. Bourdon: Okay, sorry.

Mr. Alcaraz: I've gone back and I appreciate the keen eye you had. I usually catch these things, but I just got to know because I wasn't here in the two year term, you putting this thing together, Mr. Tajan on the off street parking is that what it is called, required one per bedroom?

Mr. Tajan: Correct.

Mr. Alcaraz: So, did we make a mistake on 14?

Mr. Tajan: No, so during the presentations to City Council, and as you know, I was not here as well during those two years. I had a different short term. But my understanding is as it was presented and discussed the city council during that timeframe that particular instance of actual parking where the driveway exists, and some of its in the right-of-way was specifically talked about by city council and direction was provided to address that. Mr. Kemp is that correct?

Mr. Kemp: Yeah, it was discussed that there should be flexibility when reviewing these in that case where it hangs over into the right of way, and it's not blocking a sidewalk and there's really no danger where essentially that property is functioning as their property even though it's in the city right of way, you know, that's more than reasonable to use that to accommodate parking. It was the flexibility was the discussion, yes.

Mr. Alcaraz: Okay. Thank you.

Mr. Bourdon: And like Bobby, I didn't participate in any of this stuff either because I will say, because, but I stayed out of it. And I'm not standing up here trying in any way, shape or form to be argumentative or accusatory or anything. I'm just trying to get people to look at things from different perspectives. I appreciate what you know

what Kevin said, I wasn't aware that that was stated, but flexibility, I think is exactly the right term and that's where I think this deserves flexibility. And that's final.

Ms. Oliver: Any more questions. All right. We're gonna close the hearing and open it up amongst the commissioners. Mr. Inman.

Mr. Inman: I agree with what David said about how we have to approach these things, looking at this particular piece of property, you know, Mr. Ertle as council said, he started developing this property, he didn't even in mind what the ordinance was going to say whether it was going to be an ordinance or not being an ordinance so he didn't come up with, he didn't miss out on the garage thing on purpose or anything like that. It is what it is. There it is. So we are going to work with it and is it going to meet the requirements and the only way it doesn't meet the requirements is one foot of parking, which they have solved by getting as Eddie said, it is important, a perpetual easement recorded that runs with the land, runs with this property forever. So this property is always going to have that nine foot wide space for parking unless somebody, is going to have that. So I think it's a good application. I don't see anything wrong with meeting the requirement by a permanent easement. That's important, a lot of people want to have agreements, we got an agreement, get the signed piece of paperwork that doesn't work, it's got to be a permanent easement in this type of case so that we know it's going to be there in perpetuity. So I'm making a motion to approve it.

Ms. Oliver: Hold on one second. Yeah Mr. Weiner.

Mr. Weiner: I don't know this, so I'm asking the question. What happens when they go to sell the property, does that easement go with the property?

Mr. Inman: It runs with the land. Forever

Mr. Weiner: Who actually approves that?

Mr. Inman: Approves it? It's part of the property now.

Mr. Weiner: The property owner owns both property, so he can approve it to himself basically.

Mr. Inman: Exactly.

Ms. Wilson: After the city attorney's office approves it because we're not gonna let it go to record until we approve it.

Mr. Bourdon: Oh, yeah, it's a declaration of easement that encumbers one piece and with the burden of the one foot that's that this lot has right perpetually to use for parking and it benefits this piece of property and it's forever and we certainly have no problem

with the city attorney office review. That happens in real estate on a fairly common basis.

Ms. Oliver: Well, two years. I spent two years doing this. Three. we've spent three, it looks like four coming up and I have to be honest, I'm not real comfortable with this. We kind of tried to set guidelines for where we were and how to keep ourselves in check, but under the circumstances with the easement, but I think that we need to certainly work on this a little bit harder. And in even though each one is new, every time we look at it, it's different. I just don't want to start making exceptions every single time; we've come up to every single thing because now we're just, we just start making things out as we go along and I just don't think that is the right thing to do going forward. Mr. Weiner.

Mr. Weiner: Mr. Bourdon can I ask you a question? The next houses that are coming up, are they in compliance? Are we going to be going through this again?

Mr. Bourdon: You will all approve those, [Crosstalk] this was deferred back in December, you approved the other ones, meet every requirements.

Mr. Weiner: Does the client have any more houses being built that don't are not compliant they're gonna be short term?

Mr. Bourdon: No.

Mr. Weiner: Okay. I'm going to hold you to that.

Ms. Oliver: Because im not... I am just trying to understand. No, no.

Mr. Bourdon: I am not trying to be, I obviously. I think the key word is truly is flexibility.

Ms. Oliver: I understand. I am a great flexible person but if we can dig ourselves into.

Mr. Bourdon: Just be aware, we have spent.

Ms. Oliver: I know, how long we spent.

Mr. Bourdon: I also appreciate that we've been working with staff to look at all the alternatives as well.

Ms. Oliver: I understand.

Mr. Bourdon: We haven't been trying to jam something; if there was another way to fit in, but we would have to go to the board of zoning appeals can get a variance to move the wall out and make the garage bigger.

Ms. Oliver: It's all good. I have just.

Mr. Bourdon: I just didn't want to think we're doing this, you know.

Ms. Oliver: I just want to put it on the record. That's all, okay. We have a motion.

Mr. Inman: I made one.

Ms. Oliver: Okay, we have a second.

Mr. Redmond: Second.

Mr. Tajan: I would recommend as a stated condition as Mr. Inman had noted that a perpetual cross access easement for the parking space is noted on the site plan shall be recorded after review and approval of the city attorney's office.

Mr. Bourdon: Perpetual parking easement, because not cross access, it's just parking.

Mr. Wall: It's not just the easement also; it's also just the general construction of the size of that space. So that it would be done by a team.

Mr. Tajan: And the proposed plan and is noted showing the correct size. So that's why the references to the plan that was provided, tying it up with the easement.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda item number 27 has been approved with conditions as amended.

Ms. Oliver: Okay. I believe, is there any other further business that we have today?

Mr. Weiner: No maam.

Ms. Oliver: If not, on behalf of my fellow commissioners, I'd like to thank everybody for attending today and thank the planning director and his staff for their excellent work and we'll see you next month. We are adjourned.

	AYE 9	NAY 0	ABS 0	ABSENT 0
ALCARAZ	AYE			
BARNES	AYE			
GRAHAM	AYE			
HORSLEY	AYE			
INMAN	AYE			
OLIVER	AYE			
REDMOND	AYE			
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. A parking plan must be approved by the Zoning Administrator showing how parking will be accommodated, including the use of off-site parking spaces.
2. The following conditions apply to the unit on the property requesting this Short Term Rental conditional use permit. A separate conditional use permit and/or modification, as necessary, must be obtained for any additional units on the site wishing to operate as a Short Term Rental.
3. Short Term Rental shall only occur in the principal structure addressed as unit 400A 27th Street.
4. If additional impervious parking area is added on the property, a site plan shall be submitted to the Development Services Center (DSC) and Zoning Administration of the Planning and Community Development Department for review of the stormwater management and maximum allowable impervious cover. Any improvements related to the stormwater management shall be installed, inspected and deemed acceptable by the Permits and Inspections Division of the Planning Department prior to issuance of a conditional use permit and issuance of a Business License/registration for use as a Short Term Rental.
5. As depicted on the floor plan titled, "400 Unit A 27th Street, VB Homes -Builder," prepared by Residential Designs, LTD., and dated June 5, 2018, the first-floor "media room" shall not be used as a bedroom when the home is being used as a Short Term Rental.
6. While this conditional use permit is active, no Residential Parking Permit Program (RPPP) passes shall be issued for the subject dwelling unit.
7. 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 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 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. Notification 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. The Short Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.
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 occupying unit 400A after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be nine (9) individuals (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.