

Virginia Beach Planning Commission

Public Hearing

February 12, 2020

Ms. Oliver: I'd like to call to order the February 12th, 2020 public meeting of the Virginia Beach Planning Commission. My name is Dee Oliver and I am the Chair of the Planning Commission and before we get started, I have asked commissioner Inman to lead us in prayer and Commissioner Horsley to lead us in the Pledge.

Mr. Inman: Dear heavenly Father, we come to you today, thanking you for your guidance and wisdom. As we begin this hearing today, guide our hearts and our minds in the spirit of fairness, right thought and speech. Help us to remember our responsibility to serve our community with great insight, guided by understanding, wisdom, and respect for all. As we make decisions today, help us to promote the common good as we work together for the betterment of our great city. As trusted servants, we seek blessings on our deliberations and on our efforts here today. Amen.

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

Ms. Oliver: Thank you. And Commissioner Alcaraz is going to introduce the members.

Mr. Alcaraz: Thank you, Chairman. On my right is Kay Wilson, our well respected city attorney. My name is George Alcaraz. I'm a local contractor in the Beach District. To my left is Jack Wall, city engineer in the Rose Hall District. And beside him is Dan Horsley, a farmer At-Large. Of course, we have our chairwoman, Dee Oliver At-Large. And next to her is Dave Wiener, who's a commercial sales in the Kempsville District, who is also our Vice Chairman. Next to him is Mike Inman, a real estate Attorney At-Large. And then we have Dave Redmond a commercial real estate in the Bayside District. And then we have Whitney Graham, a land developer in the Lynnhaven District. And then again, farmers Steve Barnes in the Princess Anne District and I want to introduce you our planning director, Bobby Tajan, if he can introduce his staff.

Mr. Tajan: Thank you, Mr. Alcaraz. Clerking today we have Dalina Cartwright and Pam Sandloop and part of the planning department staff we have Carolyn Smith our planning administrator, Kevin Kemp our zoning administrator, Bill Landfair, Marchelle Coleman, Kathy Warren, SGA manager, Debbie Zywna, Hoa Dao, Summer Peebles, Will Miller, and also the city attorney's office, I'm sorry, and I left out Jonathan Sanders also, from the planning. With the city attorney's office, we have Tori Eisenberg and with public works, we have Rick Lowman.

Ms. Oliver: Great. Thank you very much. First order of business today is the explanation of the rules that we use to run our meetings and our City Clerk will explain those to us.

Ms. Sandloop: Thank you Madam Chair. The Virginia Beach Planning Commission takes pride and being fair and courteous to all parties and attendance. It is important that all involved understand how the commission normally conducts its meetings. It is equally important that everyone treat each other and the members of the Commission with respect and civility. The Commission requests that if you have a cell phone please either silence it or turn it off. This is an abbreviated explanation of the rules. The complete set of rules is located in 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. The consent agenda, the second order of business is the consideration of the consent agenda, which are those items that the Planning Commission believe are unopposed and which have favorable staff recommendations. Then the regular agenda, the Commission will then proceed with the remaining items on the agenda. Speakers and support or opposition of an agenda item will have three minutes to speak, unless they are representing a large group such as a civic league or a homeowner's association, in which case they will have 10 minutes. Please note that the actions taken by the Commission today are in the form of a recommendation to the Virginia Beach City Council. The final decision 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**  
**KODU, LLC & Ocean Properties, LLC**  
**Modification of Conditions (Motor Vehicle Sales)**  
**1159 & 1165 Lynnhaven Parkway**

**February 12, 2020**

**RECOMMENDED FOR APPROVAL – CONSENT**

Ms. Oliver: Thank you. The next order of business will be to address those that have been placed on our consent agenda. And the vice chair will handle this portion of the agenda.

Mr. Weiner: Thank you Madam Chair. Today we have 21 items on the consent agenda. The first is item one KODU LLC & Ocean Properties. An application for modification of conditions, a motor vehicle sales 1159, 1165 Lynnhaven Parkway, is the applicant in here today? Okay, is there any opposition to this being placed on the consent agenda? Hearing none, Mr. Wall has been asked to read this into the record.

Mr. Wall: Okay. Thank you. The 1.10-acre site consists of three parcels. The southern parcel owned by KODU LLC is currently developed with the used car lots. The other two parcels owned by Ocean Properties LLC are undeveloped. The proposal is to expand the existing auto sales operation on all three properties. Therefore modification of conditions to the existing conditional use permit for motor vehicle sales is requested. Two separate conditional use permits exist on the properties; however, only one is active for the motor vehicles. And that's on the southern the southern parcel at 1165 Lynnhaven Parkway. This application will supersede all previous city council actions and combine the use into one operation. There's a single vehicular Ingress, egress that will remain along Lynnhaven Parkway, 22 foot common access easement exists along the front of the property adjacent to Lynnhaven Parkway. This easement provides vehicular access between the lots. And the shopping center to the south and the B-2 zone lots to the north. A 20-foot utility easement exists along the back of the property. Due to the existence of these easements, the applicant will not be able to display vehicles in either area encumbered by these vehicles, or encumbered by these easements, nor will parking be permitted in the right-of-way, a condition has been added addressing the vehicle display area permitted on the site. The existing building serves as a sales office for the operation. No changes are proposed to the exterior of this building. Staff recommends approval and there's no opposition. Therefore, we placed this item on the consent agenda.

Mr. Weiner: Thank you. Next is item number five Spence Crossing Properties. An application for conditional rezoning conditional before mixed use with PD-H2 planned unit development overlay to a conditional A-36 PD-H2 plan unit development overlay at the intersections of Princess Anne Road Independence Boulevard. Is there applicant available? Come forward, please. State your name for the record please.

Mr. Baum: Nick Baum with Dragas Associates, LC.

Mr. Weiner: Great, all the conditions acceptable?

Mr. Baum: Yes, sir.

Mr. Weiner: Okay. Thank you.

Mr. Baum: Thank you.

Mr. Weiner: 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 application is, the property is located as you can see on the map up there on the Southwest Corner Princess Anne Road in South Independent Boulevard is 14 and a half acre site. In 2007, City Council rezoned 130 acre site for what was then known as Spence Farm in order to develop a community of single family dwellings, townhouses, apartments, with approximately 26 acres of commercial and office space. The approved plan included nearly 200,000 square feet of retail and office as well as the six-floor hotel with 150 rooms. In 2017, City Council approved a rezoning of approximately half of the original commercial acreage to remove the hotel and reduce the amount of retail and office space. Since that time, and in response to market changes, the applicant now desires to eliminate 14 and a half acres of remaining commercial property and instead construct up to 224 residential units and 16 buildings in the form of multifamily to build buildings both three storey garden flats and two story quad buildings. The residential units will be designed in substantial conformance with existing architectural style and finished materials present in the other neighborhoods within the Spence crossing community. Three storey garden flats will average approximately 1300 square feet, while the two storey quad units will average approximately 1750 square feet in size. Landscape buffers including undulating berms and variable height plantings will surround the residential units and be similar in style to what now exists in the Spence Crossing Community. The Spence Crossing Development continues to mature with, this is a staff evaluation, continues to mature with a mixture of high quality residential choices that includes single family dwellings, townhouses, quadrplexes and apartments. The proposed addition of 224 dwelling units and the elimination of the commercially zoned

property is in the staff's opinion acceptable. The submitted proffered site layout and elevations along with the previously approved design guidelines that remain in effect all provide confidence that the site will be developed in an attractive and logical manner. Significant amenities and plant materials are also proffered to improve livability for residents and provide seamless visual transition with the existing Spence Crossing Community. It's believed to not be a significant impact on schools or transportation matters. Based on these considerations as they have recommended approval and we have placed it on the consent agenda.

Mr. Weiner: Thank you. Okay, is there any opposition this being placed on the consent agenda? Thank you, Madam Chair there are many items on the consent agenda are for short term rental. The planning commission places the following applications for conditional use permit for short term rental on the consent agendas. These applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications therefore there's no opposition to the request and these are items number 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25. That being said, I move for approval on the consent. I am sorry 25 is deferral, thank you. Okay. That being said, I move for approval on a consent agenda items, One, five and six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26.

Ms. Oliver: Yes.

Mr. Inman: I need a make a disclosure that at least one item on the consent agenda shows financing by Town Bank. I serve on the advisory board for Virginia Beach Town Bank, in that capacity I don't make any decisions on loans or merely an advisory position. So I will be voting on these matters.

Ms. Wilson: Those items are 10, 11, 12 and 18.

Ms. Oliver: Yes.

Mr. Graham: Madam Chair, I too need to disclose that I am on a board of Town Bank of the same items and I will be voting today.

Ms. Oliver: Great, yes.

Mr. Weiner: Madam Chair. I need to abstain the item number five Spence Crossing at the corner of Princess Anne Road Independence Boulevard, the developer is my client.

Ms. Oliver: Anyone else? Okay. Make a motion.

Mr. Weiner: I made a motion already.

Ms. Oliver: Do I have a second?

Mr. Graham: I second.

Ms. Oliver: Okay. Thank you.

Ms. Sandloop: The vote is open. By the recorded vote of 9-0, agenda items one, five, six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26 have been approved by consent with Commissioner Wiener abstaining from Agenda Item number five.

Ms. Oliver: Great. Thank you very much. And I would like to thank all the applicants for coming down today who had a matter of them on the consent agenda, and attending the hearing. All these items will be scheduled for hearing with the City Council to be announced. And so if you'd like to take this opportunity to leave before we start our hearings, you are welcome to do so. Thank you again for coming down. The next order of business will address the remaining matters on our agenda. And I would ask the city clerk to call the first item.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>ALCARAZ</b>	<b>AYE</b>			
<b>BARNES</b>	<b>AYE</b>			
<b>GRAHAM</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

## **CONDITIONS**

1. When the property is redeveloped, it shall be in substantial conformance with the exhibit entitled Proposed Site Layout on page 6 of this report, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.

2. No vehicles for sale shall be parked outside of the designated display area, as depicted on the site layout identified in Condition 1 above, including within the 22-foot common easement along Lynnhaven Parkway, within any utility easement or within the right-of-way. No parking of any vehicles shall be permitted within the right-of-way.

3. All vehicles for sale shall be located on a paved surface. No vehicles shall be displayed on raised platforms, earthen berms, landscape islands, or any other structure designated to display a vehicle higher than the elevation of the main parking lot.

4. A Landscape Plan shall be submitted to the Development Services Center of the Planning and Community Development Department for review and approval prior to the issuance of a Certificate of Occupancy.

5. There shall be no storage of tires, merchandise, or debris of any kind outside of the building.

6. No outside storage of vehicles in a state of obvious disrepair shall be permitted on the site.

7. There shall be no auto repair or service on the site.

8. There shall be no outside audio speakers for any purpose.

9. There shall be no signs which contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving devices on the site or on the vehicles. There shall be no signs which are painted, pasted or attached to the windows, utility poles, trees, or fences, or in an unauthorized manner to walls or other signs. There shall be no portable or nonstructural signs, or electronic display signs on the site.

10. There shall be no neon or electronic display signs or accents installed on any wall area of the exterior of the building, in or on the windows, or on the doors. No window signage shall be permitted. A separate sign permit shall be obtained from the Planning Department for the installation of any signage.

11. One monument style freestanding sign with a two-foot brick base shall be allowed on the site. The freestanding sign shall be no taller than eight (8) feet in height measured from the ground to the top of the sign.

**Recommended Conditions**

KODU, LLC & Ocean Properties, LLC Agenda Item 1 Page 4

12. 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  
Justin Miley  
Conditional Use Permit (Residential Kennel)  
3253 Hungarian Road**

**February 12, 2020**

**RECOMMENDED FOR APPROVAL**

Ms. Sandloop: Thank you Madam Chair. Our next item of business is agenda item number two, Justin Miley, which is an application for conditional use permit a residential kennel on property located at 3253 Hungarian Road located in the Princess Anne District. If the applicant or the applicant's representative is present, would you please approach the podium and state your name?

Ms. Oliver: And I just want to remind all our speakers today that to be respectful of our time limit, which is three minutes.

Mr. Miley: Justin Miley.

Ms. Oliver: How are you?

Mr. Miley: Good.

Ms. Oliver: Good. Would you like to tell us a little bit about your application today?

Mr. Miley: Just for 6 hunting dogs I'm moving from Chesapeake to Virginia Beach to my new property, residing for 10 years so I'm just pretty much moving them over to my new house and that's about it.

Ms. Oliver: Alright, quite well, why don't you take a seat and then we'll see who the next speaker is. Thank you.

Ms. Sandloop: We have one speaker Madam Chair, Cary Scott Jr.

Ms. Oliver: Welcome.

Mr. Scott: Hello.

Ms. Oliver: If you'll state your name for the record please.

Mr. Scott: Cary Scott, Jr.

Ms. Oliver: Okay.

Mr. Scott: I'm opposed to this for three main reasons. One being noise, two being safety and three, the health and environmental risks, I own the property to the adjacent to his

to the west. So as far as noise average dog bark is 85 decibels. He's applied for a permit for up to 15 dogs, just to kind of give an idea, a rock concert's 110 decibels, a jackhammer from 50-feet away is 95 decibels, Ocean requires employers to implement a noise conservation program when workers are exposed to anything over 85 decibels, which is the same as average dog bark. Safety, there's 800,000 dog bites per year in the US, children are most frequently bit in the face, neck and head and half of those 800,000 involve children and then health environment. In 1991, the EPA labeled dog feces as a nonpoint source pollutants, which puts in the same category as herbicides, insecticides, old grease and toxic chemicals. The EPA says 15 days worth of waste from 15 dogs will contribute enough pollution to close a beach and all watershed areas within 20 miles of it to swimming and shell fishing. So out there, we're on well water. So I am greatly concerned with how the feces would be handled and how it could impact the quality of our drinking water. Dog feces is also one of the most common carriers of whip worms, hook worms, round worms and even the coronavirus, which we've been hearing a lot about.

Mr. Weiner: Thank you.

Ms. Oliver: Do we have any questions for Mr. Scott?

Mr. Barnes: Yeah, I do.

Ms. Oliver: Yes.

Mr. Barnes: Point out where your house is?

Mr. Scott: Right there, well it's not my house. I just purchased a property with the plan to build a house right there where the word proposed would be, is my property.

Ms. Oliver: Anybody else have any questions for Mr. Scott? Yes.

Mr. Wall: I see the property where the proposed kennel structure is, is your house can be towards the roadway or where's it going to be looking?

Ms. Oliver: Mr. Scott, there's a pointer right in front of you.

Mr. Scott: The plan would be right in there.

Mr. Wall: So it's the, there's this, is a lot size about the same size as the applicant's?

Mr. Scott: Our lot is 20 acres, I believe there's is 12 acres.

Mr. Wall: Okay so a little bit bigger.

Ms. Oliver: Anybody else? Yes Mr. Redmond.

Mr. Redmond: So where you're going to build that house I mean you surveyed and all that I mean, how far you were?

Mr. Scott: We're still in the process of all that, you know, as you I'm sure you're aware it takes a lot of time to get that through the city.

Mr. Redmond: This is hardly a scientific observation but it looks to me like that would be farther than that. Then what's indicated on that aerial is the closest dwelling, the closest dwelling is 400 feet so, how far is your house or what going to be from that kennel?

Mr. Scott: I have not measured it, I would say?

Mr. Redmond: 85 decibels, quite a different story if the dog stands next to you, than if it's 500 feet.

Mr. Scott: But that for one dog, this permit is for up to 15 dogs.

Mr. Barnes: Yeah, but that doesn't change the decibels. Yeah, they don't multiply; they don't multiply by 85 versus one.

Mr. Scott: Okay.

Mr. Barnes: That's like 18 versus one.

Mr. Scott: Okay and understood.

Mr. Redmond: Okay, thank you.

Mr. Alcaraz: Scott, you will be seeing the condition number three with your concerns about these feces. He is getting a use permit. So one of the conditions is yes and lawfully dispose of that or he jeopardizes his use permit.

Mr. Scott: How's that enforced?

Mr. Alcaraz: You'll have to pass that onto ...

Mr. Tajan: So if you find that there's an issue, well we can again, this is a zoning matter. So if there are issues we can check to see if it's not being picked up also, and I'm sure.

Mr. Scott: By mean y'all won't be checking my water quality right?

Mr. Barnes: No, it's your responsibility.

Mr. Scott: So I mean, I have to bear those costs.

Mr. Barnes: You would have to any, if you are going to apply for a permit to put in a well, but no matter what after that condemnation would be a legal issue, not a city issue.

Mr. Scott: I understand. But if there wasn't 15 dogs, then I wouldn't have a concern and wouldn't be testing my water quality.

Mr. Barnes: Well, suppose there was 15 cows there, how would you be with that?

Mr. Scott: I haven't researched the effects cow feces has on?

Mr. Barnes: I guess the point I'm making is what's the guy supposed to do, I mean, he owns the property and it's illegal to put the dogs there. I mean, he's jumped through all the hoops. He's got all the conditions.

Mr. Scott: I am here to voice my concerns. Those are my concerns.

Mr. Barnes: But you're saying something that might happen. And there's no way we can justify approving or disapproving on something that might happen.

Mr. Scott: I understand that but if it does happen, then I'm the one who has to deal with those consequences.

Mr. Barnes: Yeah probably. This is your property. Yeah. So what do you suggest we do since it's all legal by the rules and regulations?

Mr. Scott: I mean, I would prefer not to have a ken...

Mr. Barnes: What do you suggest we do? I mean, if you were in his position and it was him living there, what would you do?

Mr. Scott: I would do what he's done and applied for a permit.

Mr. Barnes: Well that's what he's doing and it's legal.

Mr. Scott: I understand. I'm asking you all to vote against it. How about that?

Mr. Barnes: Yeah, we got it.

Mr. Scott: Just put it very simple.

Ms. Oliver: Yes Don.

Mr. Horsley: I think rest assured that we wouldn't approve anything that would be detrimental to anything that would affect in nearby wales and all this several of them are in that area. I'm very familiar with the property, I have farmed the property. As you know, I farmed your property until you build your house, and the city attorney said that's not a conflict for me so I can. So I'm just to tell you that this is something is legal, the 15 is a number. I'm not sure, they just ever go be 15.

Mr. Scott: It could be though.

Mr. Horsley: Well, we can change that 15 also so he's got six and four, we could make it 10 which would cut it down the thirds but rest assured that we wouldn't dare put anything there that would be detrimental to anybody because these peoples have house there, the next neighbor that's building a house there and the people that are already living close in that area but you'll be all right.

Mr. Scott: I'm here to voice my opinion.

Mr. Horsley: I appreciate you doing that.

Ms. Oliver: Thank you, come down. Would the applicant like to come back up and speak on the concerns? Come on up. Maybe you can help him. Okay, go ahead down.

Mr. Horsley: You got 6 dogs right now?

Mr. Miley: Six dogs and six house dogs, so they considered me to put all them together because you can only have four legally on a piece of property.

Mr. Horsley: Yeah, for the max.

Mr. Miley: Yeah, so with the six, it's going to be 10 and then I got only six dogs, that's all I plan to have for hunting and usually every once in a while I have a puppy so I talked to projects I think his name was Hoa. And if I kept the puppies up to six months that falls underneath more license, and then I wouldn't keep them all, I am just going to keep six, that's my total so.

Mr. Horsley: What I'm saying is what's the number that you got to have? You don't need 15?

Mr. Miley: 10 because I got six hunting dogs and four in a house. But if I had a puppy, I didn't want somebody come out there, so say 12 if anything. I'm not breeding dogs.

Ms. Oliver: It's just in case you get a puppy.

Mr. Horsley: Okay, thank you.

Ms. Oliver: Well, and the young man's concern was the disposal of the waste from the dogs. Do you want to address how you are planning on handling it?

Mr. Miley: I clean them up every day. I'll put them in a black trash bag and dispose it properly. Nothing goes in a ditch. I'm not letting dogs either to drink water out of the ditch, so I am just saying and I agree with him, if I got cows or pigs probably be worse than having my dogs and they are on concrete. They're not even in the dirt, so that's another thing.

Ms. Oliver: Okay, anybody else have any questions? Thank you. We're going to close the hearing now and open it up for discussion amongst the commissioners.

Mr. Horsley: He says he could get by with 10. I think that would be a better number to put down there and I think that would help alleviate some of most of Scott's concerns. I would like to change that 15 to 10 and make a motion to approve the application.

Mr. Redmond: Second.

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

Mr. Oliver: Thank you.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>ALCARAZ</b>	<b>AYE</b>			
<b>BARNES</b>	<b>AYE</b>			
<b>GRAHAM</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

**CONDITIONS**

1. There shall be no more than fifteen ten adult dogs kept on the property at any time.
  
2. The dog kennel structure, outdoor dog area, and fence shall be maintained in a safe and sanitary condition.
  
3. All animal waste from the dog kennel shall be collected and disposed of in a lawful manner on a daily basis.
  
4. The applicant shall ensure that all dogs are properly vaccinated and immunized and are licensed through the City of Virginia Beach.

**Item #3**  
**Suzanne Nicole Rupp**  
**Conditional Use Permit (Home-Based Wildlife Rehabilitation Facility)**  
**1916 Kempsville Crossing Lane**

**February 12, 2020**

**RECOMMENDED FOR APPROVAL**

Ms. Sandloop: Our next item of business is agenda item number three Suzanne Nicole Rupp. An application for a conditional use permit home based wildlife rehabilitation facility on property located at 1916 Kempsville Crossing Lane located in the Centerville District, the applicant or the applicant's representative please step to the podium.

Ms. Oliver: Good afternoon.

Ms. Rupp: Good afternoon.

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

Ms. Rupp: Suzanne Rupp.

Ms. Oliver: Okay, thank you. You're about to tell us a little bit about your application.

Ms. Rupp: I am seeking a conditional use permit for wildlife rehabilitation in my home. The cages will be located in my laundry room. I only have room for four cages so it won't be too many animals but it'll help though, with animals in need. It'll be small mammals; it'll be squirrels, possums, and bunnies. As a category one permit holder, I can only have uninjured orphaned animals and my mentor, she's sitting back here. She says that should there be an issue with having these animals outside in this soft release cage. So basically like an enclosure for the last couple weeks that before they're going to be released, if there is an issue with the community, any concerns about them, perhaps getting out for some reason. Then she had agreed that I would just transfer the animals that I'm rehabilitating to her and then she'll release them at her home into Chesapeake.

Ms. Oliver: Okay, great. Thank you, you have a seat, and we'll see what the next speaker.

Ms. Rupp: Thank you.

Ms. Oliver: Thank you.

Ms. Sandloop: We have one speaker, Crystal Wiggins.

Ms. Oliver: Welcome Mrs. Wiggins.

Ms. Wiggins: Thank you. Good afternoon chair and commissioners. My name is Crystal Wiggins and I strongly-strongly oppose to this and this is why, I didn't bring slides but I did send some to the homeowner property. You had a picture a little while ago of her home and right beside it, there's an ease way you can see on your right hand side, like the little park area and if you go straight back there, there's a little park that you can take kids to. However, we've been there for about four years and I always walk that way and sit and so one day, not too long ago in December had my grandkids, and we were getting ready to go walk and I look at her house, all on the top, particularly the back and on the fence to the left side were buzzards everywhere, and to the point where they started to spread to the other home. So I'm like, okay, something's wrong here. Something has died, something's going wrong. I've been here for years; I've never ever seen this. Only time I've seen that many buzzards is when I go past the land field, which is not that far from my home. So I took pictures, but I didn't realize I sent them to the homeowner property. I even drove around on the backside, we couldn't even walk. I was so terrified and my grandkids were terrified and I had a little Maltese I held up. So all I know is when you have that many buzzards, there's dead animals around and it's not attractive to a home, to a street and to the area where we're, which is why I moved to the area. So I could walk and sit that park, I normally go to Mount Trashmore every day, but that allows me to sit with the kids and take them to the park. And so not only is it not a good look, but I know that health wise something's not right. I feel like that type of business or home wildlife that you want to do should be in an area that has more land and not end up on one street community, so that's what I feel.

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

Mr. Graham: I have a question. Was it just one time that you the buzzards?

Ms. Wiggins: Oh no, it was several weeks. I mean, was like several days like I kept driving by I told my husband because my husband mentioned it to me, like two or three weeks way before, so I thought, you know, maybe he was thinking about when he drove past, I didn't realize it was her particular home. And so, I watched, I took pictures, I drove around, I kept walking, I said, what is going on? To the point I even called the homeowner association to ask to speak to the manager. So I wanted to talk to her to see if something had died in the water that was causing the buzzards to come but she was on vacation at that time and that was a week so I said let a week go by and then towards the first part of January, I called it and I was able to reach her and indicate .. but then when I saw the letter, the flyer in my mailbox, her asking the neighbors to support it, I said oh, so this is what's going on. This makes sense. Because in four years, I've never seen that so and it wasn't one day, it was several.

Ms. Oliver: Did you inquire with her what was in the backyard that might have attracted that?

Ms. Wiggins: I didn't go and knock on her door, but I assume if she's doing wildlife, possums I've seen a possum in my backyard and told my husband to open the fence and just, yeah, let it go where it goes, squirrels, rabbits we see all the time. So, I don't see that is a sanctuary to have for your home for one street and then they like I said the buzzards were on the top and on the side, but I took pictures where they had spread it out to the neighbor to her right and left on top of their home. So I can only imagine if that's.

Mr. Barnes: Did you see them feeding like on the ground?

Ms. Wiggins: There were some buzzards on the ground. There were buzzards on the fence. There were buzzards on the roof of her home. And it was like I was like what in the world is going on here? Yeah.

Ms. Oliver: Mr. Weiner.

Mr. Weiner: Were they buzzards, or were they crows?

Ms. Wiggins: No, they were buzzards, not crows, I know exactly what a crow looks like. I know exactly what a buzzard looks like because we live not too far from the land, so. Yeah, this is gigantic. Yeah, totally different.

Ms. Oliver: Mr. Redmond?

Mr. Redmond: How many times you say you saw this?

Mr. Wiggins: I saw, I watched it for about a week and I kept calling was trying to get in contact with the home owner association. My husband has saw them several weeks before and I kept watching. I was like, so then the water there used to be the water that would spout in the middle of the lake. So I didn't see that on so I thought, well, maybe something's died. What's going on? There's something different in this property that has occurred and then when I saw the flyer, I figured, okay, wildlife something's going on here, so.

Ms. Oliver: George.

Mr. Alcaraz: Yeah, so you live on the street?

Ms. Wiggins: I do live on a street 1837.

Mr. Alcaraz: Where's that on location?

Ms. Wiggins: I live closer towards when you're coming into, I am like 10 houses on the right when you are going into the neighborhood.

Mr. Alcaraz: On the same street?

Ms. Wiggins: Same, it's only one street. It's just one street.

Mr. Alcaraz: And you saw the buzzards on the?

Ms. Wiggins: On the back of her house, on the side of her property, on the backyard. I wish I had my phone, I could show you.

Mr. Alcaraz: And you saw them on the house next door to?

Ms. Wiggins: Yes.

Mr. Alcaraz: Between. So you had the green space and you had that house?

Ms. Wiggins: Right. So her house is in the middle, so directly to her right. There's a home that's a little closer, okay. And then you have the easel, the easement that you can walk and then there's the other house and there were two on top of that home.

Mr. Alcaraz: And that's a park?

Ms. Wiggins: It's like a little, what do you call?

Mr. Barnes: Open area.

Ms. Wiggins: Thank you, I am looking for the proper word.

Mr. Alcaraz: Is that lake her lake or is it a BMP?

Ms. Wiggins: No. It's a part of...

Mr. Alcaraz: I just see it depicted with the blue line and it looks like it's her property. Is there fish in that lake?

Ms. Wiggins: I don't know. I don't know. I have no idea.

Mr. Alcaraz: How long you have been there, you haven't seen anyone?

Ms. Wiggins: I've been there for four years and I walk all the times. I mean, I've seen people out there in the summertime. They may have a little poll one or two, but it's you know, it's like your community lake and my husband who's an engineer for Horizon, share that when they're doing plan development things like that, that's just to help to relieve the pressure in the water and see and there's a couple of little benches one or two, but when you walk straight back, you can walk to the other day.

Mr. Alcaraz: One last question, when did you see these buzzards or what time, what season or?

Ms. Wiggins: Oh, it was like around December.

Mr. Alcaraz: Okay, just recently.

Ms. Wiggins: Yeah. And so my husband saw them like before, so I might have, I think I call it around that time and my husband saw them like earlier like November and early. He's like something's going on. Like, I said, what are you talking about? And then when I saw for myself, I'm like, you did not describe that adequately at all.

Ms. Oliver: Jack. Do you have Ospreys around there? Ospreys, do you have ospreys, big birds that nest way up in cell towers, etc?

Ms. Wiggins: No, I normally see I used to live near Gravenhurst area where they had swampy lake and so they had those types of birds and things over there but not.

Ms. Oliver: Not in that neighborhood, okay.

Ms. Wiggins: Only problem that we've ever had, which is it's not really a problem, but it is what it is because its nature. And that's, you know, geese that come and go, seasonally, that's what I've always and we were just used to that, so, you know, but.

Mr. Graham: You see geese on the lake there?

Ms. Wiggins: Yeah, winter's time, they come and go when the time comes. Yeah.

Ms. Oliver: Thank you very much.

Ms. Wiggins: You're welcome. Thank you for listening.

Ms. Oliver: Absolutely. Would you like to come up and see if you can address her concern would be great. Thank you.

Ms. Rupp: So the vultures have been a problem even for us. I think you have this agenda in front of you. It's on page nine; you see we had to put our patio furniture away because they would keep pulling at it. And seven of our screens on the main floor, we have to replace because there were holes that the vultures have ripped out. We think they're coming by because they love to swim in the or like take little baths in the lake that's right behind us and then they'll sleep in our grass in the backyard. So I haven't seen them in weeks, but they would come in batches, and then some days wouldn't see them. So it really depends on I noticed when it's warmer out, that's when they would come by, and we are right by the landfill. So they live close by, but I think that's the main attraction is the water honestly, because that's what we see them do. They'll splash around and they'll come back out and we don't mess with them because their wildlife doesn't matter it happens. And they'll just sleep there and we don't harm them or anything. We just let them sleep and take a bath and they just come and go. I know it's very random.

Ms. Oliver: Yes.

Mr. Graham: So when, one of the animals you're rehabilitating when it dies, I'm sure it happens from time to time. How do you dispose of the animal carcass?

Ms. Rupp: Well, first, I don't have any animals right now because my permit is only it's based on this approval.

Mr. Graham: So right now you don't have any?

Ms. Rupp: No, I don't have any. So the vulture is coming there has nothing to do with any wildlife that I have. So I've never disclosed any wildlife.

Mr. Graham: So you didn't try it out and have some there?

Ms. Rupp: No, I have not.

Ms. Oliver: Yes, Mr. Barnes.

Mr. Barnes: Yes, you are with the buzzards not there now, right?

Ms. Rupp: No, they're not. I didn't see any, I haven't seen any in a couple of weeks. I see them flying around occasionally.

Mr. Barnes: They migrate. There's two kinds of buzzards here is the turkey vulture and the black vulture. That's the two kind. The turkey vulture is common here, black vulture just come here within the last 15 years and they migrate in and out more so than a turkey and there are doubles in numbers basically, they don't like to stick together. They'll be in the same area. They have two different food sources. The black vulture I have trouble with them with calves, they'll actually and they're protected. I mean, you can't. It's like any other bird, they're prey, you can't destroy them. So they'll actually attack and if the calf is somewhat inhibited at birth, they'll eat them. So you know but the turkey buzzard doesn't but they don't bother people. I mean, it's not that they're, you know, they're not like an eagle or something that will occasionally take a person, you know, if they're small. But they migrate in and out. They're nasty. They're ugly. They don't hurt anything, but were you feeding them?

Ms. Rupp: No.

Mr. Barnes: were you feeding them? I mean was there any carry in there and any reason for them to be there?

Ms. Rupp: Sometimes there's like dead fish that float up, I noticed.

Mr. Barnes: no, but were you doing it?

Ms. Rupp: No, I was not.

Mr. Barnes: Yeah. So I would think they were just migrating, you know, happened to be that time and they do, you know, in the fall and in the spring that would be my thoughts they probably come and go. They're unsightly, there's no doubt about that. So far as taking care of the animals, I guess, you know, that's okay with me, as long as it doesn't bother anybody else and you let them go when they rehabilitated.

Ms. Rupp: Right. And they won't be released in the community.

Ms. Oliver: I do have one question. You made reference to the fact that they're tearing up your screen.

Ms. Rupp: Yes.

Ms. Oliver: So that gives me real concern about having your wildlife rehabilitation customers in that screened in area if there I mean, it's nothing for a vulture to go through a screen.

Ms. Rupp: Well, that's up for the window screen, but the enclosure if it's allowed, it already has like a kind of a mesh wire. I guess you can kind of see it on there and then it put.

Ms. Oliver: No, I haven't been seen much other than the furniture.

Ms. Rupp: oh sorry, Yes. And then I was going to put some other, I forgot what the wire is called, but I am sorry, I'm blanking on what's called but there's a wire it has very.

Mr. Barnes: Little round holes?

Ms. Rupp: It's like a second layer, but again, if the soft enclosures not approved, that's totally fine. My mentor said that she'll take the animals whenever they're ready for the pre-release. But otherwise, the animals will always be in the cages in my laundry room.

Ms. Oliver: Jack.

Mr. Wall: I'm just curious. Do you own, there's a lake within your property?

Ms. Rupp: Yeah, it is.

Mr. Wall: Okay.

Ms. Rupp: We own 1.92 acres and the lake itself. It's kind of weird. I guess it's owned by the city, but we own all the land around it. And we're not allowed to have the whole property fenced in because HOA prohibits that. Otherwise we would but because

I mean in case that's a concern of animals getting loose or whatnot, we can't fence in the whole thing.

Ms. Oliver: Yes, George.

Mr. Alcaraz: So I asked before so is there fish in the pond?

Ms. Rupp: There are fish fairly large parts.

Mr. Alcaraz: You clean the fish when they're dead, you said they're dead?

Ms. Rupp: Yeah. I mean, they just float in the water unless they come to the shore, but most of the time, I don't know what animals are getting them but they're gone. Like I'll see them floating like it's kind of a large pond. But I don't have like a skimmer or anything.

Mr. Alcaraz: I just wanted to. Thank you very much.

Ms. Oliver: Anybody else? Yes Mike.

Mr. Inman: Question for our bird expert. would there be anything about the water that would be attractive?

Mr. Barnes: No, she asked about osprey. Osprey eat fish, and that's it, and they'll dive and catch them even though they're not worth it. They eat them. But it's migration, I can say that, you know, buzzards are nasty, I mean they are nasty and they're unsightly to look at simply because, you know, what they eat, but something has to eat that, you know, and I doubt very seriously they eat anything out of the water, I would say no.

Ms. Rupp: I haven't seen them.

Mr. Barnes: I don't think so. it's mainly carrion and they actually serve a purpose. You know, I mean, they just do and they you just happen to be in their flight path. The way it appears to me, you know, I've had it happen to my house and I bet Don has. You know, I've had them roost on, set on top of my ass periodically for a day or two, then they're gone. And I don't feed them, you know, so but.

Mr. Inman: Since they're gone now, when are they coming back? I mean how often they come?

Mr. Barnes: You have to ask them. I don't know. I would say in next fall or next spring when the migration that would be my guess, they might show up tomorrow. I don't know.

Mr. Inman: I know you have no warranties on that.

Ms. Oliver: We had them but it was because the Ospreys were dropping the fish.

Mr. Barnes: Oh that's what I am saying, there are only two reasons they're there and that's the reproduce and eat just like that, just about everything else is around, you know, so that's why they are there.

Mr. Redmond: I want to make sure I understood you correctly, you don't have any animals now, and you haven't been caring for any animals at your property?

Ms. Rupp: That's correct; I have my domestic pets but no wild animals at all.

Mr. Barnes: Do you have permit for that?

Ms. Rupp: Yes, I do, which I can't get yet until this is approved.

Mr. Barnes: So we're doing all this sort of on a proposal?

Mr. Redmond: Yeah. But my point is presumably the idea of these turkey vultures very probably I mean, I got them to my house, I live in thorough suburbia and I walk out to the street and there's these odd looking animals out there. Yeah, it's probably me, but they, in any event, so there has to be some sort of causal link here. She's not causing these birds to come to her house. She's not caring for any wildlife at the moment, whatever reason they're there. It's not you that's what I could tell. Thank you.

Ms. Oliver: Yes. Any more questions? No more questions. Okay. Thank you very much.

Ms. Rupp: Thank you.

Ms. Oliver: We're gonna close this hearing, just for the commissioners and open it up for discussion. Okay, come on up.

Ms. Wiggins: Can I say something? It's important.

Mr. Barnes: You're not gonna be mad at me, or you?

Ms. Wiggins: No, I just want to make something clear. I've been there for four years. There before they moved in the home was empty. We've never in four years seen any buzzards is always been geese, I find it interesting that prior to the flyer coming out, I'm sure the interest to do wildlife was probably the I'm not sure kind of what inspired but since she's put the proposal in there haven't been any animals there, there been no buzzards.

Mr. Barnes: She hasn't put anything there. I mean for the buzzard to be there is that correct? So since she's not doing this, I guess what you're saying is because she's going to do what she's applying to do that she's caused the buzzards to be there because she had any of the animals there.

Ms. Wiggins: I'm saying that something was going on there prior to the permit is what I'm saying. And buzzards were everywhere and they are not turkey buzzards, they're buzzards. And now that we're in this process, and we've been waiting for a few weeks, they are not.. well, whatever buzzard, Turkey buzzards, is just imagine one street and you walk out and they're everywhere and you have kids. No, they're more than unsightly, they are terrifying.

Mr. Barnes: But they won't hurt you.

Ms. Wiggins: It's not a wildlife community area is what I'm saying. And that's not the type of street or home community that is that area.

Mr. Graham: I'm not an expert on this. But I will tell you anywhere there's water, you're going to have geese and geese just like all of us die at some point. And when a geese or goose dies, those vultures are on it and I can tell you I have lot next to my house, I live on the water, we have had a geese and we get them all on the field next to us and they're nasty looking creatures.

Ms. Wiggins: We have geese; we have geese come up and down the street, never in for years that I've been there and prior to me looking at the property for a year, have I ever seen any vultures, buzzards?

Mr. Graham: But, I mean, it's... they're opportunists and if there's a goose you're going to see one.

Ms. Wiggins: Right, but I just don't think that. I'm sure that our community is not quite aware of what that look looks like and like I said, I happen to walk there all the time. And I see so it's just like, I'm just sharing that our particular street, that one little street in the back of her home is just I don't think is appropriate area for a wildlife, home based wildlife for squirrel and possums and... to attract that.

Ms. Oliver: Well, the one thing is that the application, she's only going to have four cages. So in inside her house, with that being said, that if going forward, and there are any problems that you notice, there are certainly, you know, you can certainly make phone calls to the city so that they can come out and take a look at what's going on.

Ms. Wiggins: Well, not only that, I mean, only think the homeowner association is not even zoned for that, so I guess that's why we're here but I'm just saying imagine. It's like well, that's the whole purpose is to come and share and so that affects. if she was backed up in it, it wasn't where you could walk in it and it's just her backyard. And nobody could ever walk by into the park, then that's fine. It's hers, its private, but it's not. It's open to the rest of the area and that's why a lot of us move there. So we could have that little area to walk and take our kids and dogs and so forth. And her home,

her backyard is backed up into the lake and so yes, her fence, her home is fenced in on the side of her property, but it's not the whole rest of the park where you can walk by if it was just that and some trees fine.

Ms. Oliver: Right, she's not allowed to fence in the entire lake even though that is part of her property.

Ms. Wiggins: Well, the whole entire lake isn't, just the back portion straight right behind where you can see her backyard. That's her property straight back there, but the rest of the lake is not.

Ms. Oliver: Okay, all right. Well, thank you very much. I appreciate your time. We're going to close this commission hearing and open it up for discussion.

Mr. Horsley: I think we already had.

Ms. Oliver: yes, we discussed it.

Mr. Barnes: Yes ma'am. You know, I don't want to tell you about the buzzards, they gonna come and go because if the lady isn't feeding them there and I don't think there's much you can do about that. And if it's, by code it's legal for her to do the wild game rehabilitation, which I assume is what that is and then it's legal. There's nothing you can do about the fact the buzzards go here, buzzards go there, for whatever reason. Like I said before, it's not pretty, but you know, lot of things in nature, I mean. Look at me. but in any case, so I'm gonna move that we approve.

Ms. Oliver: Mr. Redman.

Mr. Redmond: Second. You're pretty though.

Ms. Sandloop: Vote is open. By vote of 9-0, agenda item number three has been approved.

Ms. Oliver: Thank you very much.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>ALCARAZ</b>	<b>AYE</b>			
<b>BARNES</b>	<b>AYE</b>			
<b>GRAHAM</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

## **CONDITIONS**

1. The applicant shall comply with all the provisions of Section 242.3 of the City Zoning Ordinance pertaining to a Home-Based Wildlife Rehabilitation Facility.
2. The applicant shall comply with all provisions established for wildlife rehabilitation by the Virginia Department Game & Inland Fisheries.
3. No animals shall be dropped-off between the hours of 10:00 p.m. and 7:00 a.m.
4. The applicant shall maintain the existing six-foot high privacy fence such that all activity associated with the Home-Based Wildlife Rehabilitation Facility Center and the pre-release facility are screened from view from the right-of-way and all adjacent properties.
5. No animals shall be released at the subject site or within the neighborhood.
6. The pre-release cage depicted on the site layout shall be equipped with a double door system for the protection of the handler and the mammals prior to occupancy by any mammals.
7. All mammals kept onsite shall be properly vaccinated for rabies and proof of rabies immunization shall be kept onsite.
8. Animal waste shall be removed daily in a lawful manner.
9. All animals shall be properly and humanely contained either in the dwelling unit or within the pre-release structure. Animals shall not be allowed to roam freely out of these structures at any time.

**Item #4  
Princess Anne/Witchduck Associates 1, LC c/o Robinson Development Group  
Conditional Use Permit (Eating and Drinking Establishment)  
5161 Princess Anne Road**

**February 12, 2020**

**RECOMMENDED FOR APPROVAL**

Ms. Smith: Our next item is agenda item number four, Princess Anne/Witchduck Associates 1, LLC.

Mr. Barnes: I gotta go.

Mr. Tajan: I'm sorry, just to know for the record Mr. Barnes is leaving the meeting.

Ms. Oliver: Thank you.

Ms. Sandloop: Item number four is an application for a conditional use permit eating and drinking establishment on property located at 5161 Princess Anne Road located in the Kempsville District. Will the applicant or the applicant's representative please step to the podium?

Ms. Oliver: Good afternoon.

Mr. Royal: Good afternoon. For the record, I am Randy Royal with Kimberly Horn Associates representing Robinson Development on this application. Council recently approved this drive through as a conditional use in the B-4K zoning. This is a piece of property that the city has owned for 10 years when that intersection was relocated Princess Anne and Witchduck. This was a residual piece of property that Economic Development has been trying to find the right use, the right developer to make something happen. They've had some failed attempts as you spoke to this morning with Walgreens which unfortunately stopped building right after they came in. But we believe we had the right use now. Staff spent a lot of time coming up with guidelines and standards for where the building should go, the architecture etc. The buildings and we got a slide of the site plan? There we go. The buildings were to be all upfront, but we've had some environmental concerns on the site, there was an old laundry on this site, and there is a plume. There it is. There's a plume right in this area, and it comes down this way to the site, cannot be removed. It's 50 feet, maybe deeper that stuff that stuff is just nasty. The way you handle that as you cap it, we cannot put residential on this property. We cannot do water quality in the area close to the contamination that's why we, that's why the building has moved back, I can't get the pointer, but the building can go on top of it because we can cap it. We can put the building in with a vapor barrier. It caps the pollutant, we can

put parking lot up in that upper right corner and cap the pollutant. We're not having drainage in there other than pipes to go through. The water quality, we're going to have is going to be in the front field where we don't have a building now, that's one of the reasons for moving it there and my client has been working with the Citizens Advisory Committee for year and a half on this to come up with this layout and this architecture, which we'll talk about that a little bit too. The architecture is very close. We've got the chairman of the Architecture Committee for the CAC, I think he's here and going to speak today to you. There's a meeting tomorrow night to finalize it, but we're very, very close. Typically you don't have things completely done with the architecture that's a picture there. I think they may tweak it a little bit. Again, working with the CAC and working with the Planning Department staff. Tammy mentioned that this morning developers quite anxious to get things done. His contracts, he has some contracts already and we can speak to that also, but the original contracts require to have him to have buildings done by June. It's not going to happen at this point, but we're pushing to get it done as quickly as we can. He's trying to keep some of the tenants online to rent month by month where they are, once we get through this, then he can give them a better idea of when we're going to commit. The tenant for this drive through, Kate really mentioned in an open forum here, but that tenant had sent a letter of intent. They've said that they will sign a lease as soon as he gets control of the property which this has to happen and then there's a land sale involved with Economic Development. Language on the stipulation staff mentioned this morning that they had changed on a couple of them. We went back and forth with Mr. Landfair and appreciate his efforts, but the language on the setbacks that was clarified and we're fine with that and the language on the speakers not being adjacent residential, which we don't really have here. So we're fine with that. There were a couple others I'd like for you to consider if you can no signage for the drive through on the building or the site and limiting the canopy size. In both cases, staff still has full control. We'll review this and decide what works and what doesn't. I was just, I want to maintain as much flexibility as possible for the architect, for the developer, and staff and the CAC are going to have their say as to what they like or don't like out there. Developers here to answer any questions specifically, if there are questions about the deal points, we believe we've got a good project, staff has recommended approval, and we hope you'll see fit to recommend approval to city council. I'll stand by for questions.

Ms. Oliver: Any other questions, Dave?

Mr. Redmond: Tell me more about the environmental. You said it's clustered up in that upper right hand corner, Randy, you said, let me before you do, excuse me, why does the city acquire contaminated properties again? It's residual from the road projects. I

understand that but we have surveyors and presumably we test these things, we go ahead and buy properties that are in contaminated with this nasty stuff.

Mr. Tajan: Well, during the timeframe of when they were doing the Prince Anne Road realignment, as you know, during the painful decision of how to align Princess Anne Road, there were multiple locations chosen and how we ended up the one we had, I believe at one of them was actually to go right through some of this contaminated area, but due to the inability to acquire certain properties that we shifted and pivoted where we were putting Princess Anne Road, believe that's why this was acquired in that fashion, not just because we knew it was contaminated.

Mr. Redmond: Yeah, just strikes me as odd that we like go ahead and acquire problems.

Mr. Weiner: Way back when I was probably in high school, there was actually a city building on this property, the tax offices, they're the ones that Kempsville shopping center now, I believe the city owned the property back then. If I'm not mistaken, the strip shop if I'm not mistaken, that could be wrong, but I don't know if anybody can tell me that information, but I believe the city owned the property back then, and owned the shop because the city's tax office was on that property.

Mr. Redmond: I have a hard time believing we were a landlord for drycleaner, but..

Mr. Weiner: I don't remember, but somebody told me that way back years ago.

Mr. Redmond: In any event, that was an aside, but we've got a problem that we got to do it so it's got to be resolved. So you said, the contamination is in that upper right hand corner, which building is sitting on top of uncapping the contamination?

Mr. Royal: The worst of the contamination is up here. This building, this building are sitting on top of the contamination, this pointer is really bad. Can y'all see that?

Ms. Oliver: No? Where?

Mr. Redmond: Yeah, go for it.

Mr. Royal: That's the area where the drainage, the underground drainage will go, where its farthest away. And then I failed to mention, but I mean, we've done a lot of work on behalf of the City, with the DEQ and we have a plan and part of that plan, as I said, is to cap it and to not put ..well they've got stipulations on this, as on the city. And of course, the developer will go with it as to how the property can be developed, what has to be done to mitigate the impacts, and unfortunately, this is one of those things when it's the laundry, that stuff goes deep, it's nasty. You can't dig it out. It just goes forever. So you have to do things like capping it and have vapor barriers.

Mr. Redmond: Okay, and so this is all about a drive through, right, that was largely for my, just to understand the nature of the property there. It's all about the drive through. So you can't tell me who the tenant is, I know who the tenant is. With so as Walgreens, and Walgreens isn't there, which tells me that we've gone all through that process with Walgreens and they didn't have purchase contractor, they didn't have a lease, it might have had a signed letter of intent, but that doesn't get you anything, the only thing that gets you as a kind of promise.

Mr. Royal: And I don't know the details on that deal. I wasn't involved with it. I do know that at about that time and you and I both go to these shopping center conventions. Walgreens just didn't show up. They just kind of rolled out the doors and said we're stopping development. They weren't at their booth. They shut everything down. It's unfortunate, but that's what happened. There's no real guarantees, I mean, again, I'm avoiding saying the retailer's name here but it's a retailer we all know and love and they're big and they're not going away. And that's, again, you typically have a major anchor which is usually a big box of some type. This is not a big box, but it's kind of the major anchor that if you get that, lots of people want to be around it.

Mr. Redmond: Yeah, I understand that. And I think that's, I understand that, and I don't necessarily, what I'm trying to do is figure out whether or not we're enhancing someone's site plan or there's really a development here that will be catalyzed by this because originally with Walgreens and a lot of other sites, we are just kind of enhancing someone's site plan and if that's the case, and let's just say so, but so I was looking for greater certainty out of that, I'm not going to get it. I understand that and I don't necessarily that doesn't mean I oppose it necessarily, either, but I think we have to start clarifying some of these instances where it looks like we're just kind of messing around on a map instead of, you know, you have a real development that's taking, that's my concern, you know, I wish I could have gotten more I don't know there can be lots and lots of times these developments get done because you got to get to 60% or 70% leased before you can get a loan, not letters of Intent you got to have signed leases and which have contingencies very you know, very often on the developer acquiring actually acquiring the property, they don't do that when they sign one lease or two leases, they do that when they get a whole lot of bunch more, which means those earlier ones have to have contingencies in there for just that. So I think that's quite possible to be done. So I don't want to argue with you that's my concern, I mean, I think on this very piece of property we've had concerned before, we just kind of mess around with something that's not really there and I was just trying to be sure that there's something here instead of just kind of a bunch of sketches. Sketches are good but I prefer for it to be stronger than that.

Ms. Oliver: Mr. Inman.

Mr. Inman: No, I'm sorry, I was just.

Mr. Redmond: And I'm not necessarily going to, this doesn't necessarily mean I'm going to oppose it but I kind of like to really figure out what's here.

Mr. Royal: Okay.

Ms. Oliver: Mr. Wall.

Mr. Wall: Okay, well, you know, I understand you know, let's just get this you know, that I understand it's a conditional use permit for eating and drinking establishment was drive through window so that's what this application is for. I got a couple of things though. Architecture, you mentioned that you have somebody here from the Citizens Advisory Committee. They can speak on that.

Mr. Royal: Yes, sir. Mike Anderson.

Mr. Wall: Can you bring in the details, sure if that's appropriate. Yeah, he can come up.

Mr. Royal: I will standby.

Mr. Wall: Okay. All right. Specifically so how does this?

Ms. Oliver: Hold on, one second. Could you state your name?

Mr. Anderson: Mike Anderson.

Ms. Oliver: Mike Anderson. Thank you. Go ahead, Mr. Wall.

Mr. Wall: Okay. So can you speak on how this meets or doesn't meet or the intent because there is a plan that was established and it was back in 2006, the historic Kempsville area master plan and to kind of outline some of the architectural features that in the back 2006, you know, the group of people got together and they sat down, and they felt that these would be inappropriate guidelines for architecture going in, in this area, and I think, you know, both, you know, all four quadrants been, you know, particular, the Northwest quadrant, say there are couple, you know, I've looked at it, and you can see the elevation views or the new kind of the rendering there, what are, you know, just trying to get your thoughts on the architecture?

Mr. Anderson: Well, I mean, you know, like you said, we've been doing it for a long time. I've been there for about 10-11 years now. You know, working with Walgreens, same scenario that we work, you know, with Robinson Development on this. You know, it's evolved over the past two years or so that we've been working Robinson. There are some changes that we would like to make, but it hasn't, you know, we're working on that just like they said last night. I mean earlier that we'll be talking

tomorrow night to finalize some of the changes that we've verbally discussed which will bring it to more colonial looking like we have anticipated and what the city originally put in their proffers, you know, 2006.

Mr. Wall: Okay so how does because one of the conditions and this isn't necessary for you and this may be more for the city because the condition in there's I think it's the last one of the, the last condition that, you know, the architecture and the safe feature just suppose to generally conformed to the master plan for the Kempsville area master plan. So, you know, we approve it now, you know, it looks like that. That's all they have to build to, you know, as part of our recommendation. So how does that?

Mr. Royal: I don't think we're locking specifically into this architecture here. I think, correct me if I'm wrong Bobby, but your comment there says that it's got to adhere to the standards, the guidelines that you've set up. We're not stamping this as approved, this is to give you an idea of how close we are, but ultimately, you guys are going to review and approve it right?

Mr. Tajan: Correct. That is correct. We have not, we have not attached this rendering as one of your conditions that they shall build this.

Mr. Wall: All right. Okay and not that's I mean, I appreciate the blend of, you know, modern vernacular architecture with, you know, the colonial new georgian architecture, just that, you know, there are specific things that it says that they recommend not to have and that's, you know, parapet, a flat roof.

Mr. Anderson: Well, that's where my committee on the pre-construction subcommittee which oversees works with the developers, works on all the items that we have issues with, votes on it, and then we bring it to the full CAC for approval and that's we're still in that process where Robinson has been very good about working with us and the adjacent church, which is right beside the property near which was very, an intricate partner when we were working on the Walgreens.

Mr. Wall: Okay. All right, I appreciate it. Thank you.

Ms. Oliver: More questions? Thank you.

Mr. Anderson: Okay, thanks.

Mr. Wall: I still have a couple of more points. I have more but not necessary for, it's more for Mr. Royal, yeah okay. The sighting of the buildings, so the sighting is, you've talked about the plume, you know, getting back to the master plan, you know, I see the restaurant up there. There's Singleton Way I believe is the, just the road on the

back, just the road way and if I were looking into the plan, you know, I would think that the setbacks I think that it says 20 feet was that the original intent.

Mr. Royal: 20 ft was the max was the original intent for everything to be pushed up close.

Mr. Wall: Up close right, up close and, you know, it's understood that there are environmental constraints with the plume. But still there's a row of parking, you know, ideally would have been near the sighting would have had frontage on Singleton Way and there's the restaurant there with the patio and I think that's going to look great, you know, right there. But I think there were other opportunities. There were other opportunities and I'm not sure if, you know, at this point that there are but I think that the intent was to have more of a pedestrian friendly lay out.

Mr. Royal: And that's what we're intending to again, we had to figure out a place to put the water quality and if we had done it with that bill at middle building pushed up front there, we run right in the middle of the contaminant and DEQ is saying, you can't do that. We've got to meet our water quality concerns and this is a conceptual, I think staff is going to be pushing us to make it more pedestrian friendly. I was proposing, you know, a heavier landscaping kind of hard to see with this two dimensional drawing here, but something because I know part of the idea is yeah, you don't want to see a parking lot, you don't want to see cars. And I've done that before with nice landscaping getting a little higher so you don't see the cars behind there, you see a green wall, if you will. So that would be the intent to make up for not having the building there.

Mr. Wall: Right if minimum, it seems like if it's supposed to be pedestrian friendly, you know, accessible need to accommodate pedestrians that you have some kind of connectivity because you see the retail and you see the three businesses on the south with the drive through and there's no pedestrian connection there.

Mr. Royal: And I totally agree and I'm looking at it now and thinking there should be more shown on there. I'm highly confident Mr. Tajan and his staff will have us do that with the site plan but for example right there at the drive through, there should be a break in the landscaping so somebody can walk across through there. You put striping, paver blocks, whatever to connect all of these up such as you can walk into the site as if people were walking from Kempsville. Now, it is a busy intersection. I'm not sure how much pedestrian traffic you're going to have crossing that intersection. It's kind of scary.

Mr. Wall: Yeah.

Mr. Royal: But still the idea would be to make it more pedestrian friendly as we're trying to do with all projects now.

Mr. Wall: Okay. Good thanks.

Ms. Oliver: Any more questions? Do we have any speaker or something?

Ms. Sandloop: Our only speaker was Mr. Anderson.

Ms. Oliver: Okay. All right. We'll close the hearing and open it up amongst the commissioners. Yes, Mr. Inman.

Mr. Inman: This project has been worked on for quite a long time by a lot of people. It seems that everybody's in good faith about what they're about and then there's, we've heard good explanations I think, there are reasons why it's configured the way it is not exactly the way everybody would love to have it and being done responsibly, it seems that there are serious interest by tenants in the property. We're here to make a land use decision. Property has been on the market for some time without success. I don't see any reason not to approve it. So move to approve the application.

Ms. Oliver: Anybody else?

Mr. Weiner: I will second it.

Ms. Smith: Excuse me, could you clarify that subject to the conditions that were amended in your packet?

Mr. Weiner: Sorry, the condition number two on the setback will be the building setback should read maximum not minimum and on condition number four the drive through facility must be added to the condition for the drive through facility so not utilize exterior speakers that they are audible from any property line adjacent to residential uses.

Mr. Tajan: As specifically more noted in the packet. That's correct.

Mr. Weiner: Yes. Do you want me to read all the setbacks?

Mr. Tajan: Nope. As long as the motion references the amended conditions.

Mr. Weiner: Maximum not minimum. Correct, okay.

Ms. Sandloop: The vote is open. By recorded vote of 8-0, agenda item number four has been approved with conditions as amended. Okay, and our last item of business is agenda item number 27. Susan E. Markley, an application for conditional use permit short term rental on property located at 629 14th Street located in the Beach District.

	<b>AYE 8</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 1</b>
<b>ALCARAZ</b>	<b>AYE</b>			
<b>BARNES</b>				<b>ABSENT</b>
<b>GRAHAM</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

**CONDITIONS**

1. When the property is developed, it shall be in substantial conformance with the submitted exhibit entitled, "ILLUSTRATIVE SITE PLAN," prepared by Kimley Horn, dated 11/08/19. Said Plan has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
2. The maximum deviation ~~minimum front yard building setbacks~~ for the proposed buildings shall be as follows: ~~adjacent to the drive-through facility shall be 26 feet from Princess Anne Road and 28 feet from S. Witchduck Road: with the requested deviation.~~
  - 5,300 sf building
    - 30 feet from Princess Anne Road
    - 30 feet from S. Witchduck Road
  - 9,800 sf building
    - 190 feet from Princess Anne Road
    - 190 feet from S. Witchduck Road
    - 170 feet from Singleton Way
  - 3,800 sf building
    - 35 feet from S. Witchduck Road
    - 30 feet from Singleton Way
3. At the time of site plan review, a Landscape Plan that reflects Category I landscape buffer between the drive-through lane and the rights-of-way, in addition to all plant material required by the City Zoning and Site Plan Ordinances, shall be submitted for review to the Development Services Center and shall obtain an approval prior to the issuance of a building permit.

4. The drive-through facility shall not utilize exterior speakers that are audible ~~at the~~ from any property line adjacent to residential uses.
5. The drive-through facility shall be located on the same parcel as the structure within which the principal use for the drive-through is located.
6. The drive-through shall not operate between the hours of 12:00 midnight – 5:00 a.m.
7. The drive-through facility shall be restricted to one lane.
8. There shall be no signs for the drive-through facility on the building or site, with the exception of directional signs not visible from the public rights-of-way. Such signs shall not be internally illuminated.
9. An overhead canopy for the drive-through facility shall be allowed, except that such canopy shall not project more than four (4) feet from the wall of the building above the drive-through window and shall not exceed the width of the drive-through window by more than one (1) foot on each side. In no case, however, shall a drive-through facility have an overhead canopy that extends to cover the total length of the drive-through lane.
10. The architectural design shall conform to the purpose and intent of the Historic Kempsville Area Master Plan.

**Item #5**

**Spence Crossing Properties, LC**

**Conditional Rezoning (Conditional B-4 Mixed-Use with PD-H2 Planned Unit Development Overlay to Conditional A-36 with PD-H2 Planned Unit Development Overlay)**

**Southwest Corner of Princess Anne Road & South Independence Boulevard**

**February 12, 2020**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Weiner: Thank you. Next is item number five Spence Crossing Properties. An application for conditional rezoning conditional before mixed use with PD-H2 planned unit development overlay to a conditional A-36 PD-H2 plan unit development overlay at the intersections of Princess Anne Road Independence Boulevard. Is there applicant available? Come forward, please. State your name for the record please.

Mr. Baum: Nick Baum with Dragas Associates, LC.

Mr. Weiner: Great, all the conditions acceptable?

Mr. Baum: Yes, sir.

Mr. Weiner: Okay. Thank you.

Mr. Baum: Thank you.

Mr. Weiner: 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 application is, the property is located as you can see on the map up there on the Southwest Corner Princess Anne Road in South Independent Boulevard is 14 and a half acre site. In 2007, City Council rezoned 130 acre site for what was then known as Spence Farm in order to develop a community of single family dwellings, townhouses, apartments, with approximately 26 acres of commercial and office space. The approved plan included nearly 200,000 square feet of retail and office as well as the six-floor hotel with 150 rooms. In 2017, City Council approved a rezoning of approximately half of the original commercial acreage to remove the hotel and reduce the amount of retail and office space. Since that time, and in response to market changes, the applicant now desires to eliminate 14 and a half acres of remaining commercial property and instead construct up to 224 residential units and 16 buildings in the form of multifamily to build buildings both three storey garden flats and two story quad buildings. The residential units will be designed in substantial conformance

with existing architectural style and finished materials present in the other neighborhoods within the Spence crossing community. Three storey garden flats will average approximately 1300 square feet, while the two storey quad units will average approximately 1750 square feet in size. Landscape buffers including undulating berms and variable height plantings will surround the residential units and be similar in style to what now exists in the Spence Crossing Community. The Spence Crossing Development continues to mature with, this is a staff evaluation, continues to mature with a mixture of high quality residential choices that includes single family dwellings, townhouses, quadraplexes and apartments. The proposed addition of 224 dwelling units and the elimination of the commercially zoned property is in the staff's opinion acceptable. The submitted proffered site layout and elevations along with the previously approved design guidelines that remain in effect all provide confidence that the site will be developed in an attractive and logical manner. Significant amenities and plant materials are also proffered to improve livability for residents and provide seamless visual transition with the existing Spence Crossing Community. It's believed to not be a significant impact on schools or transportation matters. Based on these considerations as they have recommended approval and we have placed it on the consent agenda.

Mr. Weiner: Thank you. Okay, is there any opposition this being placed on the consent agenda? Thank you, Madam Chair there are many items on the consent agenda are for short term rental. The planning commission places the following applications for conditional use permit for short term rental on the consent agendas. These applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications therefore there's no opposition to the request and these are items number 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25. That being said, I move for approval on the consent. I am sorry 25 is deferral, thank you. Okay. That being said, I move for approval on a consent agenda items, One, five and six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26.

Ms. Oliver: Yes.

Mr. Inman: I need a make a disclosure that at least one item on the consent agenda shows financing by Town Bank. I serve on the advisory board for Virginia Beach Town Bank, in that capacity I don't make any decisions on loans or merely an advisory position. So I will be voting on these matters.

Ms. Wilson: Those items are 10, 11, 12 and 18.

Ms. Oliver: Yes.

Mr. Graham: Madam Chair, I too need to disclose that I am on a board of Town Bank of the same items and I will be voting today.

Ms. Oliver: Great, yes.

Mr. Weiner: Madam Chair. I need to abstain the item number five Spence Crossing at the corner of Princess Anne Road Independence Boulevard, the developer is my client.

Ms. Oliver: Anyone else? Okay. Make a motion.

Mr. Weiner: I made a motion already.

Ms. Oliver: Do I have a second?

Mr. Graham: I second.

Ms. Oliver: Okay. Thank you.

Ms. Sandloop: The vote is open. By the recorded vote of 9-0, agenda items one, five, six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26 have been approved by consent with Commissioner Wiener abstaining from Agenda Item number five.

Ms. Oliver: Great. Thank you very much. And I would like to thank all the applicants for coming down today who had a matter of them on the consent agenda, and attending the hearing. All these items will be scheduled for hearing with the City Council to be announced. And so if you'd like to take this opportunity to leave before we start our hearings, you are welcome to do so. Thank you again for coming down. The next order of business will address the remaining matters on our agenda. And I would ask the city clerk to call the first item.

	<b>AYE 8</b>	<b>NAY 0</b>	<b>ABS 1</b>	<b>ABSENT 0</b>
<b>ALCARAZ</b>	<b>AYE</b>			
<b>BARNES</b>	<b>AYE</b>			
<b>GRAHAM</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>			<b>ABS</b>	

## **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 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:

Proffer number 1 in the 2007 Proffers is hereby deleted and replaced with the following “NEW PROFFER 1”:

In order to create a sense of place featuring stormwater retention ponds as aesthetic amenities, community centers, and multiple residential products, the Grantor agrees to develop the Property with the elements and character set forth on the Land Use Plan entitled, “CONCEPTUAL MASTER PLAN” (the “Plan”), prepared by LRK and depicted in the Renaissance Park Design Guidelines book (the “Design Guidelines”), dated November 28, 2006, last revised March 23, 2007, a copy of which is on file with the Department of Planning and has been exhibited to the City Council.

Proffer 2:

1. As referenced by Proffer 31 in the 2007 Proffers and within Recommendations 1 through 7 in Chapter 7 of the TIA prepared by Bryant Goodloe, last revised February 26, 2007, Recommendation 3(e) will be modified as follows:

3(e.) A traffic signal will be warranted. This installation will need to be an 8-phase signal that allows the side street lefts on both sides to go at the same time. Pedestrian signal heads will also be needed with ped push buttons. These installations will be completed prior to the issuance of the 72nd certificate of occupancy of the Three-Story Garden Flat units called out on the exhibit entitled, “Conceptual Site Plan, Spence Crossing at Princess Anne”, dated October 2, 2019.

Proffer 3:

Proffers numbered 19, 20, 22, 23, 24, 25, 26, 27, 28, 30, and 33, as contained in the 2007 Proffers, are hereby deleted.

Proffer 4:

Except as hereby modified or expressly deleted, the remainder of the 2007 Proffers are affirmed and remain unchanged.

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 #6**

**City of Virginia Beach**

**An Ordinance to Adopt and Incorporate into the Virginia Beach Comprehensive Plan the Virginia Beach Resort Area Strategic Action Plan 2030 which will supersede the Virginia Beach Resort Area Strategic Action Plan 2008 and to Amend Sections 1.1 (Planning Areas Planned Land Use Map), 1.2 (Urban Areas) Strategic Growth Area Locator Map, and text pertaining to the Resort Strategic Growth Area.**

**February 12, 2020**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Weiner: Great, thank you. Next is item number six, the City of Virginia Beach. An ordinance and incorporate into the Virginia Beach comprehensive plan, the Virginia Beach area Strategic Action Plan 2030, which is supersedes the Virginia Beach Resort Area, Strategic Action Plan of 2008 and to amend sections 1.1 and Mrs. Warren is going to come up and read this into the record for us and tell us about this.

Ms. Warren: Good afternoon Madam Chair, commissioners. Thank you for having me here today. My name is Kathy Warren. I am the SGA manager for the Department of Planning and Community Development. And today, as you have already read the ordinance is we are requesting an ordinance to adopt and to incorporate the Virginia Beach comprehensive into the Virginia comprehensive plan. The Virginia Beach Resort area Strategic Action Plan 2030, which supersedes the Virginia Beach Resort Area Strategic Action Plan of 2008 and to amend sections 1.1 planning areas planned land use map 1.2 urban areas strategic growth area locator map and text pertaining to the resort strategic growth area. And then what I'd like to do is just go over briefly the proposed priority items that the Steering Committee has established as part of this process. And those are to adopt the best practices of a central management entity, develop a comprehensive mobility plan, design and implement streetscape improvements, enhance and develop connected green and open spaces, design and construct a gateway at 21st street that provides a sense of welcome and arrival. Support impactful projects that benefit the resort area as well as the City of Virginia Beach, and then support residential and mixed use development within the resort area. Just a few additional comments about the process, this was a 15-month process with a Steering Committee that was in place that represented all facets of the resort area. Our public engagement included two workshops and two public input.com surveys; we were able to reach over 3,000 people with that public engagement process. And finally, one important point to make note of, we showed conceptual renderings in the plan, one of Rudy Loop, one of the Atlantic Avenue of what it could look like, and then one of the Gateway 21st Street and we just want to reiterate the fact that these are conceptual renderings that

we showed in order to generate input from the public to see what they liked and did not like, by no means is that established with the final plan is for any of those, and there will be a public process for each of those going forward. Thank you.

Mr. Weiner: Thank you. Okay, is there any opposition this being placed on the consent agenda? Thank you, Madam Chair there are many items on the consent agenda are for short term rental. The planning commission places the following applications for conditional use permit for short term rental on the consent agendas. These applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications therefore there's no opposition to the request and these are items number 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25. That being said, I move for approval on the consent. I am sorry 25 is deferral, thank you. Okay. That being said, I move for approval on a consent agenda items, One, five and six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26.

Ms. Oliver: Yes.

Mr. Inman: I need a make a disclosure that at least one item on the consent agenda shows financing by Town Bank. I serve on the advisory board for Virginia Beach Town Bank, in that capacity I don't make any decisions on loans or merely an advisory position. So I will be voting on these matters.

Ms. Wilson: Those items are 10, 11, 12 and 18.

Ms. Oliver: Yes.

Mr. Graham: Madam Chair, I too need to disclose that I am on a board of Town Bank of the same items and I will be voting today.

Ms. Oliver: Great, yes.

Mr. Weiner: Madam Chair. I need to abstain the item number five Spence Crossing at the corner of Princess Anne Road Independence Boulevard, the developer is my client.

Ms. Oliver: Anyone else? Okay. Make a motion.

Mr. Weiner: I made a motion already.

Ms. Oliver: Do I have a second?

Mr. Graham: I second.

Ms. Oliver: Okay. Thank you.

Ms. Sandloop: The vote is open. By the recorded vote of 9-0, agenda items one, five, six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26 have been approved by consent with Commissioner Wiener abstaining from Agenda Item number five.

Ms. Oliver: Great. Thank you very much. And I would like to thank all the applicants for coming down today who had a matter of them on the consent agenda, and attending the hearing. All these items will be scheduled for hearing with the City Council to be announced. And so if you'd like to take this opportunity to leave before we start our hearings, you are welcome to do so. Thank you again for coming down. The next order of business will address the remaining matters on our agenda. And I would ask the city clerk to call the first item.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>ALCARAZ</b>	<b>AYE</b>			
<b>BARNES</b>	<b>AYE</b>			
<b>GRAHAM</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

**Item #7**  
**Donald Robertson**  
**Conditional Use Permit (Short Term Rental)**  
**417 16th Street**

**February 12, 2020**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Weiner: Thank you. Okay, is there any opposition this being placed on the consent agenda? Thank you, Madam Chair there are many items on the consent agenda are for short term rental. The planning commission places the following applications for conditional use permit for short term rental on the consent agendas. These applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications therefore there's no opposition to the request and these are items number 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25. That being said, I move for approval on the consent. I am sorry 25 is deferral, thank you. Okay. That being said, I move for approval on a consent agenda items, One, five and six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26.

Ms. Oliver: Yes.

Mr. Inman: I need a make a disclosure that at least one item on the consent agenda shows financing by Town Bank. I serve on the advisory board for Virginia Beach Town Bank, in that capacity I don't make any decisions on loans or merely an advisory position. So I will be voting on these matters.

Ms. Wilson: Those items are 10, 11, 12 and 18.

Ms. Oliver: Yes.

Mr. Graham: Madam Chair, I too need to disclose that I am on a board of Town Bank of the same items and I will be voting today.

Ms. Oliver: Great, yes.

Mr. Weiner: Madam Chair. I need to abstain the item number five Spence Crossing at the corner of Princess Anne Road Independence Boulevard, the developer is my client.

Ms. Oliver: Anyone else? Okay. Make a motion.

Mr. Weiner: I made a motion already.

Ms. Oliver: Do I have a second?

Mr. Graham: I second.

Ms. Oliver: Okay. Thank you.

Ms. Sandloop: The vote is open. By the recorded vote of 9-0, agenda items one, five, six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26 have been approved by consent with Commissioner Wiener abstaining from Agenda Item number five.

Ms. Oliver: Great. Thank you very much. And I would like to thank all the applicants for coming down today who had a matter of them on the consent agenda, and attending the hearing. All these items will be scheduled for hearing with the City Council to be announced. And so if you'd like to take this opportunity to leave before we start our hearings, you are welcome to do so. Thank you again for coming down. The next order of business will address the remaining matters on our agenda. And I would ask the city clerk to call the first item.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>ALCARAZ</b>	<b>AYE</b>			
<b>BARNES</b>	<b>AYE</b>			
<b>GRAHAM</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

## **CONDITIONS**

1. The following conditions shall only apply to the dwelling unit addressed as 417 16th Street 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 the permitted number of people who may stay overnight (number of bedrooms times three) shall be held at the Short Term Rental and the property on which it is located. This Short Term Rental may not request or obtain a special event permit under City Code Section 4-1 (8a).

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.
17. The garage apartment cannot be used for Short Term Rental.

**Item #8  
Martin Plaisted  
Conditional Use Permit (Short Term Rental)  
1738 Baltic Avenue**

**February 12, 2020**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Weiner: Thank you. Okay, is there any opposition this being placed on the consent agenda? Thank you, Madam Chair there are many items on the consent agenda are for short term rental. The planning commission places the following applications for conditional use permit for short term rental on the consent agendas. These applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications therefore there's no opposition to the request and these are items number 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25. That being said, I move for approval on the consent. I am sorry 25 is deferral, thank you. Okay. That being said, I move for approval on a consent agenda items, One, five and six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26.

Ms. Oliver: Yes.

Mr. Inman: I need a make a disclosure that at least one item on the consent agenda shows financing by Town Bank. I serve on the advisory board for Virginia Beach Town Bank, in that capacity I don't make any decisions on loans or merely an advisory position. So I will be voting on these matters.

Ms. Wilson: Those items are 10, 11, 12 and 18.

Ms. Oliver: Yes.

Mr. Graham: Madam Chair, I too need to disclose that I am on a board of Town Bank of the same items and I will be voting today.

Ms. Oliver: Great, yes.

Mr. Weiner: Madam Chair. I need to abstain the item number five Spence Crossing at the corner of Princess Anne Road Independence Boulevard, the developer is my client.

Ms. Oliver: Anyone else? Okay. Make a motion.

Mr. Weiner: I made a motion already.

Ms. Oliver: Do I have a second?

Mr. Graham: I second.

Ms. Oliver: Okay. Thank you.

Ms. Sandloop: The vote is open. By the recorded vote of 9-0, agenda items one, five, six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26 have been approved by consent with Commissioner Wiener abstaining from Agenda Item number five.

Ms. Oliver: Great. Thank you very much. And I would like to thank all the applicants for coming down today who had a matter of them on the consent agenda, and attending the hearing. All these items will be scheduled for hearing with the City Council to be announced. And so if you'd like to take this opportunity to leave before we start our hearings, you are welcome to do so. Thank you again for coming down. The next order of business will address the remaining matters on our agenda. And I would ask the city clerk to call the first item.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>ALCARAZ</b>	<b>AYE</b>			
<b>BARNES</b>	<b>AYE</b>			
<b>GRAHAM</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

## **CONDITIONS**

1. The following conditions shall only apply to the dwelling unit addressed as 1738 Baltic Avenue and the Short Term Rental use shall only occur in the principal structure.
2. The applicant/owner shall secure and maintain an additional leased parking space for the duration of the Short Term Rental use. The applicant shall provide proof of lease prior to the operation of the Short Term Rental use and at the renewal and/or expiration of each lease term subject to the review and approval of the Zoning Administrator.

3. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
4. 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. 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.
5. 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.
6. No events with more than the permitted number of people who may stay overnight (number of bedrooms times three) shall be held at the Short Term Rental and the property on which it is located. This Short Term Rental may not request or obtain a special event permit under City Code Section 4-1 (8a).
7. 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.
8. 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.
9. 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.
10. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.

11. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
12. Accessory structures shall not be used or occupied as Short Term Rental.
13. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
14. The Short Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.
15. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000.00) underwritten by insurers acceptable to the City.
16. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
17. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be three (3) individuals per bedroom.
18. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors shall be installed in each Short Term Rental.

**Item #9**  
**Martin Plaisted**  
**Conditional Use Permit (Short Term Rental)**  
**338 25 ½ Street**

**February 12, 2020**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Weiner: Thank you. Okay, is there any opposition this being placed on the consent agenda? Thank you, Madam Chair there are many items on the consent agenda are for short term rental. The planning commission places the following applications for conditional use permit for short term rental on the consent agendas. These applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications therefore there's no opposition to the request and these are items number 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25. That being said, I move for approval on the consent. I am sorry 25 is deferral, thank you. Okay. That being said, I move for approval on a consent agenda items, One, five and six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26.

Ms. Oliver: Yes.

Mr. Inman: I need a make a disclosure that at least one item on the consent agenda shows financing by Town Bank. I serve on the advisory board for Virginia Beach Town Bank, in that capacity I don't make any decisions on loans or merely an advisory position. So I will be voting on these matters.

Ms. Wilson: Those items are 10, 11, 12 and 18.

Ms. Oliver: Yes.

Mr. Graham: Madam Chair, I too need to disclose that I am on a board of Town Bank of the same items and I will be voting today.

Ms. Oliver: Great, yes.

Mr. Weiner: Madam Chair. I need to abstain the item number five Spence Crossing at the corner of Princess Anne Road Independence Boulevard, the developer is my client.

Ms. Oliver: Anyone else? Okay. Make a motion.

Mr. Weiner: I made a motion already.

Ms. Oliver: Do I have a second?

Mr. Graham: I second.

Ms. Oliver: Okay. Thank you.

Ms. Sandloop: The vote is open. By the recorded vote of 9-0, agenda items one, five, six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26 have been approved by consent with Commissioner Wiener abstaining from Agenda Item number five.

Ms. Oliver: Great. Thank you very much. And I would like to thank all the applicants for coming down today who had a matter of them on the consent agenda, and attending the hearing. All these items will be scheduled for hearing with the City Council to be announced. And so if you'd like to take this opportunity to leave before we start our hearings, you are welcome to do so. Thank you again for coming down. The next order of business will address the remaining matters on our agenda. And I would ask the city clerk to call the first item.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>ALCARAZ</b>	<b>AYE</b>			
<b>BARNES</b>	<b>AYE</b>			
<b>GRAHAM</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

## **CONDITIONS**

1. The following conditions shall only apply to the dwelling unit addressed as 338 25 ½ Street 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. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.

4. 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.

5. No events with more than the permitted number of people who may stay overnight (number of bedrooms times three) shall be held at the Short Term Rental and the property on which it is located. This Short Term Rental may not request or obtain a special event permit under City Code Section 4-1 (8a).

6. 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.

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

a) A completed Department of Planning and Community Development Short Term Rental 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.

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

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

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

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

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

13. The Short Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.
14. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000.00) underwritten by insurers acceptable to the City.
15. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
16. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be three (3) individuals per bedroom.
17. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors shall be installed in each Short Term Rental.

**Item #10, 11, 12, & 13  
Hanger Holdings, LLC  
Conditional Use Permit (Short Term Rental)  
207 12th Street, Units 1, 2, 3, 4**

**February 12, 2020**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Weiner: Thank you. Okay, is there any opposition this being placed on the consent agenda? Thank you, Madam Chair there are many items on the consent agenda are for short term rental. The planning commission places the following applications for conditional use permit for short term rental on the consent agendas. These applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications therefore there's no opposition to the request and these are items number 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25. That being said, I move for approval on the consent. I am sorry 25 is deferral, thank you. Okay. That being said, I move for approval on a consent agenda items, One, five and six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26.

Ms. Oliver: Yes.

Mr. Inman: I need a make a disclosure that at least one item on the consent agenda shows financing by Town Bank. I serve on the advisory board for Virginia Beach Town Bank, in that capacity I don't make any decisions on loans or merely an advisory position. So I will be voting on these matters.

Ms. Wilson: Those items are 10, 11, 12 and 18.

Ms. Oliver: Yes.

Mr. Graham: Madam Chair, I too need to disclose that I am on a board of Town Bank of the same items and I will be voting today.

Ms. Oliver: Great, yes.

Mr. Weiner: Madam Chair. I need to abstain the item number five Spence Crossing at the corner of Princess Anne Road Independence Boulevard, the developer is my client.

Ms. Oliver: Anyone else? Okay. Make a motion.

Mr. Weiner: I made a motion already.

Ms. Oliver: Do I have a second?

Mr. Graham: I second.

Ms. Oliver: Okay. Thank you.

Ms. Sandloop: The vote is open. By the recorded vote of 9-0, agenda items one, five, six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26 have been approved by consent with Commissioner Wiener abstaining from Agenda Item number five.

Ms. Oliver: Great. Thank you very much. And I would like to thank all the applicants for coming down today who had a matter of them on the consent agenda, and attending the hearing. All these items will be scheduled for hearing with the City Council to be announced. And so if you'd like to take this opportunity to leave before we start our hearings, you are welcome to do so. Thank you again for coming down. The next order of business will address the remaining matters on our agenda. And I would ask the city clerk to call the first item.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>ALCARAZ</b>	<b>AYE</b>			
<b>BARNES</b>	<b>AYE</b>			
<b>GRAHAM</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

## **CONDITIONS**

1. The following conditions shall only apply to the apartments addressed as 207 12th Street units 1,2,3,4 and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
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 the permitted number of people who may stay overnight (number of bedrooms times three) shall be held at the Short Term Rental and the property on which it is located. This Short Term Rental may not request or obtain a special event permit under City Code Section 4-1 (8a).
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 #14**  
**Mary Ann Cox**  
**Conditional Use Permit (Short Term Rental)**  
**905 D Pacific Avenue**

**February 12, 2020**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Weiner: Thank you. Okay, is there any opposition this being placed on the consent agenda? Thank you, Madam Chair there are many items on the consent agenda are for short term rental. The planning commission places the following applications for conditional use permit for short term rental on the consent agendas. These applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications therefore there's no opposition to the request and these are items number 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25. That being said, I move for approval on the consent. I am sorry 25 is deferral, thank you. Okay. That being said, I move for approval on a consent agenda items, One, five and six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26.

Ms. Oliver: Yes.

Mr. Inman: I need a make a disclosure that at least one item on the consent agenda shows financing by Town Bank. I serve on the advisory board for Virginia Beach Town Bank, in that capacity I don't make any decisions on loans or merely an advisory position. So I will be voting on these matters.

Ms. Wilson: Those items are 10, 11, 12 and 18.

Ms. Oliver: Yes.

Mr. Graham: Madam Chair, I too need to disclose that I am on a board of Town Bank of the same items and I will be voting today.

Ms. Oliver: Great, yes.

Mr. Weiner: Madam Chair. I need to abstain the item number five Spence Crossing at the corner of Princess Anne Road Independence Boulevard, the developer is my client.

Ms. Oliver: Anyone else? Okay. Make a motion.

Mr. Weiner: I made a motion already.

Ms. Oliver: Do I have a second?

Mr. Graham: I second.

Ms. Oliver: Okay. Thank you.

Ms. Sandloop: The vote is open. By the recorded vote of 9-0, agenda items one, five, six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26 have been approved by consent with Commissioner Wiener abstaining from Agenda Item number five.

Ms. Oliver: Great. Thank you very much. And I would like to thank all the applicants for coming down today who had a matter of them on the consent agenda, and attending the hearing. All these items will be scheduled for hearing with the City Council to be announced. And so if you'd like to take this opportunity to leave before we start our hearings, you are welcome to do so. Thank you again for coming down. The next order of business will address the remaining matters on our agenda. And I would ask the city clerk to call the first item.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>ALCARAZ</b>	<b>AYE</b>			
<b>BARNES</b>	<b>AYE</b>			
<b>GRAHAM</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

### **CONDITIONS**

1. The following conditions shall only apply to the dwelling unit addressed as 905 D Pacific Avenue and the Short Term Rental use shall only occur in the principal structure.
2. The applicant/owner shall secure and maintain an additional leased parking space for the duration of the Short Term Rental use. The applicant shall provide proof of lease prior to the operation of the Short Term Rental use and at the renewal and/or expiration of each lease term subject to the review and approval of the Zoning Administrator.
3. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.

4. 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.

5. No events with more than the permitted number of people who may stay overnight (number of bedrooms times three) shall be held at the Short Term Rental and the property on which it is located. This Short Term Rental may not request or obtain a special event permit under City Code Section 4-1 (8a).

6. 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.

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

a) A completed Department of Planning and Community Development Short Term Rental 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.

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

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

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

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

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

13. The Short Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.
14. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000.00) underwritten by insurers acceptable to the City.
15. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
16. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be three (3) individuals per bedroom.
17. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors shall be installed in each Short Term Rental.

**Item #15  
 Josetta Danner  
 Conditional Use Permit (Short Term Rental)  
 518 14th Street**

**February 12, 2020**

**DEFERRED TO MARCH 11, 2020**

Ms. Oliver: Thank you very much. The next order of business is to address those items that have been withdrawn or deferred. If you have an item to be withdrawn, please come forward. Does anyone have an item to be withdrawn? All right, the chair is aware that the following items have a requested to be deferred. The first item agenda is item number 15. Is there any opposition to this being deferred? The next item is agenda item number 25 to be deferred, is there any opposition for this application to be deferred? May I have an motion on the deferral of items 15 and 25 please?

Mr. Weiner: Madam Chair, I move deferral of items 15 and 25.

Ms. Oliver: I have a second?

Mr. Horsley: Second.

Mr. Tajan: Madam chair to clarify the further record item 15 will be deferred a date certain to the March, to the March Planning Commission date, while item 25 will be continued to the April Planning Commission date at the request of the applicant.

Ms. Oliver: All right. Thank you.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda items 15 and 25 have been deferred.

Ms. Oliver: Thank you. The next order of business will be to address those that have been placed on our consent agenda. And the vice chair will handle this portion of the agenda.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>ALCARAZ</b>	<b>AYE</b>			
<b>BARNES</b>	<b>AYE</b>			
<b>GRAHAM</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			

<b>INMAN</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

**Item #16**  
**Steve Goreham**  
**Conditional Use Permit (Short Term Rental)**  
**325 25th Street**

**February 12, 2020**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Weiner: Thank you. Okay, is there any opposition this being placed on the consent agenda? Thank you, Madam Chair there are many items on the consent agenda are for short term rental. The planning commission places the following applications for conditional use permit for short term rental on the consent agendas. These applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications therefore there's no opposition to the request and these are items number 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25. That being said, I move for approval on the consent. I am sorry 25 is deferral, thank you. Okay. That being said, I move for approval on a consent agenda items, One, five and six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26.

Ms. Oliver: Yes.

Mr. Inman: I need a make a disclosure that at least one item on the consent agenda shows financing by Town Bank. I serve on the advisory board for Virginia Beach Town Bank, in that capacity I don't make any decisions on loans or merely an advisory position. So I will be voting on these matters.

Ms. Wilson: Those items are 10, 11, 12 and 18.

Ms. Oliver: Yes.

Mr. Graham: Madam Chair, I too need to disclose that I am on a board of Town Bank of the same items and I will be voting today.

Ms. Oliver: Great, yes.

Mr. Weiner: Madam Chair. I need to abstain the item number five Spence Crossing at the corner of Princess Anne Road Independence Boulevard, the developer is my client.

Ms. Oliver: Anyone else? Okay. Make a motion.

Mr. Weiner: I made a motion already.

Ms. Oliver: Do I have a second?

Mr. Graham: I second.

Ms. Oliver: Okay. Thank you.

Ms. Sandloop: The vote is open. By the recorded vote of 9-0, agenda items one, five, six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26 have been approved by consent with Commissioner Wiener abstaining from Agenda Item number five.

Ms. Oliver: Great. Thank you very much. And I would like to thank all the applicants for coming down today who had a matter of them on the consent agenda, and attending the hearing. All these items will be scheduled for hearing with the City Council to be announced. And so if you'd like to take this opportunity to leave before we start our hearings, you are welcome to do so. Thank you again for coming down. The next order of business will address the remaining matters on our agenda. And I would ask the city clerk to call the first item.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>ALCARAZ</b>	<b>AYE</b>			
<b>BARNES</b>	<b>AYE</b>			
<b>GRAHAM</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

## **CONDITIONS**

1. The following conditions shall only apply to the dwelling unit addressed as 325 25th Street and the Short-Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. 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 always be accessible to the Short-Term Rental tenants.

4. As described in the parking plan submitted by the applicant titled, “325 25th Street Virginia Beach, VA 23451, Parking Plan,” and illustrated within the “Site Layout and Parking Plan” section of this report, two off-street, all-weather, hard surface, parking spaces are required and must be available to the Short-Term Rental occupants at all times while renting the unit.
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. 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.
7. No events with more than the permitted number of people who may stay overnight (number of bedrooms times three) shall be held at the Short Term Rental and the property on which it is located. This Short Term Rental may not request or obtain a special event permit under City Code Section 4-1 (8a).
8. 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.
9. 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.
10. 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.
11. 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.

12. 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.
13. Accessory structures shall not be used or occupied as Short-Term Rental.
14. 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.
15. The Short-Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.
16. 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.
17. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
18. 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.
19. 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  
Richard Fleming  
Conditional Use Permit (Short Term Rental)  
2937 Arctic Avenue**

**February 12, 2020**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Weiner: Thank you. Okay, is there any opposition this being placed on the consent agenda? Thank you, Madam Chair there are many items on the consent agenda are for short term rental. The planning commission places the following applications for conditional use permit for short term rental on the consent agendas. These applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications therefore there's no opposition to the request and these are items number 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25. That being said, I move for approval on the consent. I am sorry 25 is deferral, thank you. Okay. That being said, I move for approval on a consent agenda items, One, five and six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26.

Ms. Oliver: Yes.

Mr. Inman: I need a make a disclosure that at least one item on the consent agenda shows financing by Town Bank. I serve on the advisory board for Virginia Beach Town Bank, in that capacity I don't make any decisions on loans or merely an advisory position. So I will be voting on these matters.

Ms. Wilson: Those items are 10, 11, 12 and 18.

Ms. Oliver: Yes.

Mr. Graham: Madam Chair, I too need to disclose that I am on a board of Town Bank of the same items and I will be voting today.

Ms. Oliver: Great, yes.

Mr. Weiner: Madam Chair. I need to abstain the item number five Spence Crossing at the corner of Princess Anne Road Independence Boulevard, the developer is my client.

Ms. Oliver: Anyone else? Okay. Make a motion.

Mr. Weiner: I made a motion already.

Ms. Oliver: Do I have a second?

Mr. Graham: I second.

Ms. Oliver: Okay. Thank you.

Ms. Sandloop: The vote is open. By the recorded vote of 9-0, agenda items one, five, six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26 have been approved by consent with Commissioner Wiener abstaining from Agenda Item number five.

Ms. Oliver: Great. Thank you very much. And I would like to thank all the applicants for coming down today who had a matter of them on the consent agenda, and attending the hearing. All these items will be scheduled for hearing with the City Council to be announced. And so if you'd like to take this opportunity to leave before we start our hearings, you are welcome to do so. Thank you again for coming down. The next order of business will address the remaining matters on our agenda. And I would ask the city clerk to call the first item.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>ALCARAZ</b>	<b>AYE</b>			
<b>BARNES</b>	<b>AYE</b>			
<b>GRAHAM</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

## **CONDITIONS**

1. When the property is redeveloped, it shall be in substantial conformance with the exhibit entitled Proposed Site Layout on page 6 of this report, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
2. No vehicles for sale shall be parked outside of the designated display area, as depicted on the site layout identified in Condition 1 above, including within the 22-foot common easement along Lynnhaven Parkway, within any utility easement or within the right-of-way. No parking of any vehicles shall be permitted within the right-of-way.

3. All vehicles for sale shall be located on a paved surface. No vehicles shall be displayed on raised platforms, earthen berms, landscape islands, or any other structure designated to display a vehicle higher than the elevation of the main parking lot.
4. A Landscape Plan shall be submitted to the Development Services Center of the Planning and Community Development Department for review and approval prior to the issuance of a Certificate of Occupancy.
5. There shall be no storage of tires, merchandise, or debris of any kind outside of the building.
6. No outside storage of vehicles in a state of obvious disrepair shall be permitted on the site.
7. There shall be no auto repair or service on the site.
8. There shall be no outside audio speakers for any purpose.
9. There shall be no signs which contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving devices on the site or on the vehicles. There shall be no signs which are painted, pasted or attached to the windows, utility poles, trees, or fences, or in an unauthorized manner to walls or other signs. There shall be no portable or nonstructural signs, or electronic display signs on the site.
10. There shall be no neon or electronic display signs or accents installed on any wall area of the exterior of the building, in or on the windows, or on the doors. No window signage shall be permitted. A separate sign permit shall be obtained from the Planning Department for the installation of any signage.
11. One monument style freestanding sign with a two-foot brick base shall be allowed on the site. The freestanding sign shall be no taller than eight (8) feet in height measured from the ground to the top of the sign.
12. 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 #18**  
**Justyce Swango**  
**Conditional Use Permit (Short Term Rental)**  
**521 Carolina Avenue**

**February 12, 2020**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Weiner: Thank you. Okay, is there any opposition this being placed on the consent agenda? Thank you, Madam Chair there are many items on the consent agenda are for short term rental. The planning commission places the following applications for conditional use permit for short term rental on the consent agendas. These applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications therefore there's no opposition to the request and these are items number 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25. That being said, I move for approval on the consent. I am sorry 25 is deferral, thank you. Okay. That being said, I move for approval on a consent agenda items, One, five and six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26.

Ms. Oliver: Yes.

Mr. Inman: I need a make a disclosure that at least one item on the consent agenda shows financing by Town Bank. I serve on the advisory board for Virginia Beach Town Bank, in that capacity I don't make any decisions on loans or merely an advisory position. So I will be voting on these matters.

Ms. Wilson: Those items are 10, 11, 12 and 18.

Ms. Oliver: Yes.

Mr. Graham: Madam Chair, I too need to disclose that I am on a board of Town Bank of the same items and I will be voting today.

Ms. Oliver: Great, yes.

Mr. Weiner: Madam Chair. I need to abstain the item number five Spence Crossing at the corner of Princess Anne Road Independence Boulevard, the developer is my client.

Ms. Oliver: Anyone else? Okay. Make a motion.

Mr. Weiner: I made a motion already.

Ms. Oliver: Do I have a second?

Mr. Graham: I second.

Ms. Oliver: Okay. Thank you.

Ms. Sandloop: The vote is open. By the recorded vote of 9-0, agenda items one, five, six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26 have been approved by consent with Commissioner Wiener abstaining from Agenda Item number five.

Ms. Oliver: Great. Thank you very much. And I would like to thank all the applicants for coming down today who had a matter of them on the consent agenda, and attending the hearing. All these items will be scheduled for hearing with the City Council to be announced. And so if you'd like to take this opportunity to leave before we start our hearings, you are welcome to do so. Thank you again for coming down. The next order of business will address the remaining matters on our agenda. And I would ask the city clerk to call the first item.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>ALCARAZ</b>	<b>AYE</b>			
<b>BARNES</b>	<b>AYE</b>			
<b>GRAHAM</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

## **CONDITIONS**

1. The following conditions shall only apply to the dwelling unit addressed as 521 Carolina Avenue and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. As illustrated within the “Site Layout and Parking Plan” section of this report, four off-street, all-weather, hard surface, parking spaces are required and must always be available to the Short Term Rental occupants while renting the unit.

4. 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.
5. 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.
6. No events with more than the permitted number of people who may stay overnight (number of bedrooms times three) shall be held at the Short Term Rental and the property on which it is located. This Short Term Rental may not request or obtain a special event permit under City Code Section 4-1 (8a).
7. 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. The
8. 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.
9. 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. To
10. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
11. 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. All
12. Accessory structures shall not be used or occupied as Short-Term Rental.

13. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
14. Short Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period. The
15. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000.00) underwritten by insurers acceptable to the City.
16. shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m. There
17. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be three (3) individuals per bedroom.
18. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors shall be installed in each Short-Term Rental.

**Item #19**  
**Kevin D. Bryan**  
**Conditional Use Permit (Short Term Rental)**  
**209 S. Birdneck Road**

**February 12, 2020**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Weiner: Thank you. Okay, is there any opposition this being placed on the consent agenda? Thank you, Madam Chair there are many items on the consent agenda are for short term rental. The planning commission places the following applications for conditional use permit for short term rental on the consent agendas. These applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications therefore there's no opposition to the request and these are items number 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25. That being said, I move for approval on the consent. I am sorry 25 is deferral, thank you. Okay. That being said, I move for approval on a consent agenda items, One, five and six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26.

Ms. Oliver: Yes.

Mr. Inman: I need a make a disclosure that at least one item on the consent agenda shows financing by Town Bank. I serve on the advisory board for Virginia Beach Town Bank, in that capacity I don't make any decisions on loans or merely an advisory position. So I will be voting on these matters.

Ms. Wilson: Those items are 10, 11, 12 and 18.

Ms. Oliver: Yes.

Mr. Graham: Madam Chair, I too need to disclose that I am on a board of Town Bank of the same items and I will be voting today.

Ms. Oliver: Great, yes.

Mr. Weiner: Madam Chair. I need to abstain the item number five Spence Crossing at the corner of Princess Anne Road Independence Boulevard, the developer is my client.

Ms. Oliver: Anyone else? Okay. Make a motion.

Mr. Weiner: I made a motion already.

Ms. Oliver: Do I have a second?

Mr. Graham: I second.

Ms. Oliver: Okay. Thank you.

Ms. Sandloop: The vote is open. By the recorded vote of 9-0, agenda items one, five, six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26 have been approved by consent with Commissioner Wiener abstaining from Agenda Item number five.

Ms. Oliver: Great. Thank you very much. And I would like to thank all the applicants for coming down today who had a matter of them on the consent agenda, and attending the hearing. All these items will be scheduled for hearing with the City Council to be announced. And so if you'd like to take this opportunity to leave before we start our hearings, you are welcome to do so. Thank you again for coming down. The next order of business will address the remaining matters on our agenda. And I would ask the city clerk to call the first item.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>ALCARAZ</b>	<b>AYE</b>			
<b>BARNES</b>	<b>AYE</b>			
<b>GRAHAM</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

## **CONDITIONS**

1. The following conditions shall only apply to the dwelling unit addressed as 209 South Birdneck Road and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. 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 always be accessible to the Short Term Rental tenants.

4. As illustrated within the “Site Layout and Parking Plan” section of this report, five off-street, all-weather, hard surface, parking spaces are required and must always be available to the Short Term Rental occupants.
5. 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.
6. No events with more than the permitted number of people who may stay overnight (number of bedrooms times three) shall be held at the Short Term Rental and the property on which it is located. This Short Term Rental may not request or obtain a special event permit under City Code Section 4-1 (8a).
7. 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.
8. 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.
9. 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. To
10. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
11. 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. All

12. Accessory structures shall not be used or occupied as Short Term Rental.
13. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
15. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000.00) underwritten by insurers acceptable to the City.
16. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
17. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be three (3) individuals per bedroom.
18. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors shall be installed in each Short Term Rental.

**Item #20**  
**Joshua J. Coe, Trustee**  
**Conditional Use Permit (Short Term Rental)**  
**407 18th Street Unit D**

**February 12, 2020**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Weiner: Thank you. Okay, is there any opposition this being placed on the consent agenda? Thank you, Madam Chair there are many items on the consent agenda are for short term rental. The planning commission places the following applications for conditional use permit for short term rental on the consent agendas. These applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications therefore there's no opposition to the request and these are items number 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25. That being said, I move for approval on the consent. I am sorry 25 is deferral, thank you. Okay. That being said, I move for approval on a consent agenda items, One, five and six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26.

Ms. Oliver: Yes.

Mr. Inman: I need a make a disclosure that at least one item on the consent agenda shows financing by Town Bank. I serve on the advisory board for Virginia Beach Town Bank, in that capacity I don't make any decisions on loans or merely an advisory position. So I will be voting on these matters.

Ms. Wilson: Those items are 10, 11, 12 and 18.

Ms. Oliver: Yes.

Mr. Graham: Madam Chair, I too need to disclose that I am on a board of Town Bank of the same items and I will be voting today.

Ms. Oliver: Great, yes.

Mr. Weiner: Madam Chair. I need to abstain the item number five Spence Crossing at the corner of Princess Anne Road Independence Boulevard, the developer is my client.

Ms. Oliver: Anyone else? Okay. Make a motion.

Mr. Weiner: I made a motion already.

Ms. Oliver: Do I have a second?

Mr. Graham: I second.

Ms. Oliver: Okay. Thank you.

Ms. Sandloop: The vote is open. By the recorded vote of 9-0, agenda items one, five, six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26 have been approved by consent with Commissioner Wiener abstaining from Agenda Item number five.

Ms. Oliver: Great. Thank you very much. And I would like to thank all the applicants for coming down today who had a matter of them on the consent agenda, and attending the hearing. All these items will be scheduled for hearing with the City Council to be announced. And so if you'd like to take this opportunity to leave before we start our hearings, you are welcome to do so. Thank you again for coming down. The next order of business will address the remaining matters on our agenda. And I would ask the city clerk to call the first item.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>ALCARAZ</b>	<b>AYE</b>			
<b>BARNES</b>	<b>AYE</b>			
<b>GRAHAM</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

## **CONDITIONS**

1. The garage must remain accessible to the Short Term Rental tenants to provide for 2 parking spaces.

2. The following conditions shall only apply to the dwelling unit addressed as 407 18th Street, Unit D and the Short Term Rental use shall only occur in the principal structure.

3. 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.
4. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
5. 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.
6. No events with more than the permitted number of people who may stay overnight (number of bedrooms times three) shall be held at the Short Term Rental and the property on which it is located. This Short Term Rental may not request or obtain a special event permit under City Code Section 4-1 (8a).
7. 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.
8. 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.
9. 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.
10. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
11. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.

12. Accessory structures shall not be used or occupied as Short Term Rental.
13. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
14. The Short Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.
15. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000.00) underwritten by insurers acceptable to the City.
16. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
17. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be three (3) individuals per bedroom.
18. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors shall be installed in each Short Term Rental.

**Item #21  
Christopher Taing  
Conditional Use Permit (Short Term Rental)  
417 20th Street**

**February 12, 2020**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Weiner: Thank you. Okay, is there any opposition this being placed on the consent agenda? Thank you, Madam Chair there are many items on the consent agenda are for short term rental. The planning commission places the following applications for conditional use permit for short term rental on the consent agendas. These applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications therefore there's no opposition to the request and these are items number 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25. That being said, I move for approval on the consent. I am sorry 25 is deferral, thank you. Okay. That being said, I move for approval on a consent agenda items, One, five and six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26.

Ms. Oliver: Yes.

Mr. Inman: I need a make a disclosure that at least one item on the consent agenda shows financing by Town Bank. I serve on the advisory board for Virginia Beach Town Bank, in that capacity I don't make any decisions on loans or merely an advisory position. So I will be voting on these matters.

Ms. Wilson: Those items are 10, 11, 12 and 18.

Ms. Oliver: Yes.

Mr. Graham: Madam Chair, I too need to disclose that I am on a board of Town Bank of the same items and I will be voting today.

Ms. Oliver: Great, yes.

Mr. Weiner: Madam Chair. I need to abstain the item number five Spence Crossing at the corner of Princess Anne Road Independence Boulevard, the developer is my client.

Ms. Oliver: Anyone else? Okay. Make a motion.

Mr. Weiner: I made a motion already.

Ms. Oliver: Do I have a second?

Mr. Graham: I second.

Ms. Oliver: Okay. Thank you.

Ms. Sandloop: The vote is open. By the recorded vote of 9-0, agenda items one, five, six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26 have been approved by consent with Commissioner Wiener abstaining from Agenda Item number five.

Ms. Oliver: Great. Thank you very much. And I would like to thank all the applicants for coming down today who had a matter of them on the consent agenda, and attending the hearing. All these items will be scheduled for hearing with the City Council to be announced. And so if you'd like to take this opportunity to leave before we start our hearings, you are welcome to do so. Thank you again for coming down. The next order of business will address the remaining matters on our agenda. And I would ask the city clerk to call the first item.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>ALCARAZ</b>	<b>AYE</b>			
<b>BARNES</b>	<b>AYE</b>			
<b>GRAHAM</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

## **CONDITIONS**

1. The following conditions shall only apply to the dwelling unit addressed as 417 20th Street and the Short Term Rental use shall only occur in the principal structure.
2. The applicant/owner shall complete the necessary improvements and obtain a driveway permit to access the property from the alley (20th ½ Street). All vehicular ingress/egress and parking shall be from the alley. In addition, should the ownership of 417 20th Street and 421 20th Street change, the property owner of 421 20th Street shall install vehicular access from the alley and the minimum number of parking spaces required for the duplex and Short Term Rental.

3. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
4. 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.
5. 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.
6. No events with more than the permitted number of people who may stay overnight (number of bedrooms times three) shall be held at the Short Term Rental and the property on which it is located. This Short Term Rental may not request or obtain a special event permit under City Code Section 4-1 (8a).
7. 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.
8. 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.
9. 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.
10. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
11. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.

12. Accessory structures shall not be used or occupied as Short Term Rental.
13. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
14. The Short Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.
15. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000.00) underwritten by insurers acceptable to the City.
16. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
17. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be three (3) individuals per bedroom.
18. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors shall be installed in each Short Term Rental.

**Item #22 & 23  
Christopher Taing  
Conditional Use Permit (Short Term Rental)  
421 20th Street Units A1 & B2**

**February 12, 2020**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Weiner: Thank you. Okay, is there any opposition this being placed on the consent agenda? Thank you, Madam Chair there are many items on the consent agenda are for short term rental. The planning commission places the following applications for conditional use permit for short term rental on the consent agendas. These applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications therefore there's no opposition to the request and these are items number 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25. That being said, I move for approval on the consent. I am sorry 25 is deferral, thank you. Okay. That being said, I move for approval on a consent agenda items, One, five and six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26.

Ms. Oliver: Yes.

Mr. Inman: I need a make a disclosure that at least one item on the consent agenda shows financing by Town Bank. I serve on the advisory board for Virginia Beach Town Bank, in that capacity I don't make any decisions on loans or merely an advisory position. So I will be voting on these matters.

Ms. Wilson: Those items are 10, 11, 12 and 18.

Ms. Oliver: Yes.

Mr. Graham: Madam Chair, I too need to disclose that I am on a board of Town Bank of the same items and I will be voting today.

Ms. Oliver: Great, yes.

Mr. Weiner: Madam Chair. I need to abstain the item number five Spence Crossing at the corner of Princess Anne Road Independence Boulevard, the developer is my client.

Ms. Oliver: Anyone else? Okay. Make a motion.

Mr. Weiner: I made a motion already.

Ms. Oliver: Do I have a second?

Mr. Graham: I second.

Ms. Oliver: Okay. Thank you.

Ms. Sandloop: The vote is open. By the recorded vote of 9-0, agenda items one, five, six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26 have been approved by consent with Commissioner Wiener abstaining from Agenda Item number five.

Ms. Oliver: Great. Thank you very much. And I would like to thank all the applicants for coming down today who had a matter of them on the consent agenda, and attending the hearing. All these items will be scheduled for hearing with the City Council to be announced. And so if you'd like to take this opportunity to leave before we start our hearings, you are welcome to do so. Thank you again for coming down. The next order of business will address the remaining matters on our agenda. And I would ask the city clerk to call the first item.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>ALCARAZ</b>	<b>AYE</b>			
<b>BARNES</b>	<b>AYE</b>			
<b>GRAHAM</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

## **CONDITIONS**

1. The following conditions shall only apply to the dwelling unit addressed as 421 20th Street, Units A1 & B2 and the Short Term Rental use shall only occur in the principal structure.
2. The applicant/owner shall complete the necessary improvements and obtain a driveway permit to access the property from the alley (20th ½ Street). All vehicular ingress/egress and parking shall be from the alley. In addition, should the ownership of 417 20th Street and 421 20th Street change, the property owner of 421 20th Street shall install vehicular access from the alley and the minimum number of parking spaces required for the duplex and Short Term Rental.

3. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
4. 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.
5. 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.
6. No events with more than the permitted number of people who may stay overnight (number of bedrooms times three) shall be held at the Short Term Rental and the property on which it is located. This Short Term Rental may not request or obtain a special event permit under City Code Section 4-1 (8a).
7. 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.
8. 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.
9. 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.
10. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.

11. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
12. Accessory structures shall not be used or occupied as Short Term Rental.
13. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
14. The Short Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.
15. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000.00) underwritten by insurers acceptable to the City.
16. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
17. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be three (3) individuals per bedroom.
18. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors shall be installed in each Short Term Rental.

**Item #24**  
**Shiplap Cottage – The Cove, LLC**  
**Conditional Use Permit (Short Term Rental)**  
**201 87th Street, Unit B**

**February 12, 2020**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Weiner: Thank you. Okay, is there any opposition this being placed on the consent agenda? Thank you, Madam Chair there are many items on the consent agenda are for short term rental. The planning commission places the following applications for conditional use permit for short term rental on the consent agendas. These applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications therefore there's no opposition to the request and these are items number 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25. That being said, I move for approval on the consent. I am sorry 25 is deferral, thank you. Okay. That being said, I move for approval on a consent agenda items, One, five and six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26.

Ms. Oliver: Yes.

Mr. Inman: I need a make a disclosure that at least one item on the consent agenda shows financing by Town Bank. I serve on the advisory board for Virginia Beach Town Bank, in that capacity I don't make any decisions on loans or merely an advisory position. So I will be voting on these matters.

Ms. Wilson: Those items are 10, 11, 12 and 18.

Ms. Oliver: Yes.

Mr. Graham: Madam Chair, I too need to disclose that I am on a board of Town Bank of the same items and I will be voting today.

Ms. Oliver: Great, yes.

Mr. Weiner: Madam Chair. I need to abstain the item number five Spence Crossing at the corner of Princess Anne Road Independence Boulevard, the developer is my client.

Ms. Oliver: Anyone else? Okay. Make a motion.

Mr. Weiner: I made a motion already.

Ms. Oliver: Do I have a second?

Mr. Graham: I second.

Ms. Oliver: Okay. Thank you.

Ms. Sandloop: The vote is open. By the recorded vote of 9-0, agenda items one, five, six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26 have been approved by consent with Commissioner Wiener abstaining from Agenda Item number five.

Ms. Oliver: Great. Thank you very much. And I would like to thank all the applicants for coming down today who had a matter of them on the consent agenda, and attending the hearing. All these items will be scheduled for hearing with the City Council to be announced. And so if you'd like to take this opportunity to leave before we start our hearings, you are welcome to do so. Thank you again for coming down. The next order of business will address the remaining matters on our agenda. And I would ask the city clerk to call the first item.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>ALCARAZ</b>	<b>AYE</b>			
<b>BARNES</b>	<b>AYE</b>			
<b>GRAHAM</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

## **CONDITIONS**

1. The following conditions shall only apply to the dwelling unit addressed as 201 87<sup>th</sup> Street, Unit A and the Short Term Rental use shall only occur in the principal structure of Unit A.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
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 the permitted number of people who may stay overnight (number of bedrooms times three) shall be held at the Short Term Rental and the property on which it is located. This Short Term Rental may not request or obtain a special event permit under City Code Section 4-1 (8a).
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 #25**  
**William & Marie Burkholder**  
**Conditional Use Permit (Short Term Rental)**  
**4472 Ocean View Avenue, Unit B**

**February 12, 2020**

**DEFERRED TO APRIL 8, 2020**

Ms. Oliver: Thank you very much. The next order of business is to address those items that have been withdrawn or deferred. If you have an item to be withdrawn, please come forward. Does anyone have an item to be withdrawn? All right, the chair is aware that the following items have a requested to be deferred. The first item agenda is item number 15. Is there any opposition to this being deferred? The next item is agenda item number 25 to be deferred, is there any opposition for this application to be deferred? May I have an motion on the deferral of items 15 and 25 please?

Mr. Weiner: Madam Chair, I move deferral of items 15 and 25.

Ms. Oliver: I have a second?

Mr. Horsley: Second.

Mr. Tajan: Madam chair to clarify the further record item 15 will be deferred a date certain to the March, to the March Planning Commission date, while item 25 will be continued to the April Planning Commission date at the request of the applicant.

Ms. Oliver: All right. Thank you.

Ms. Sandloop: The vote is open. By recorded vote of 9-0, agenda items 15 and 25 have been deferred.

Ms. Oliver: Thank you. The next order of business will be to address those that have been placed on our consent agenda. And the vice chair will handle this portion of the agenda.

Mr. Weiner: Thank you. Okay, is there any opposition this being placed on the consent agenda? Thank you, Madam Chair there are many items on the consent agenda are for short term rental. The planning commission places the following applications for conditional use permit for short term rental on the consent agendas. These applications meet the applicable requirements for section 241.2 of the zoning

ordinance. Staff supports the applications therefore there's no opposition to the request and these are items number 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25. That being said, I move for approval on the consent. I am sorry 25 is deferral, thank you. Okay. That being said, I move for approval on a consent agenda items, One, five and six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26.

Ms. Oliver: Yes.

Mr. Inman: I need to make a disclosure that at least one item on the consent agenda shows financing by Town Bank. I serve on the advisory board for Virginia Beach Town Bank, in that capacity I don't make any decisions on loans or merely an advisory position. So I will be voting on these matters.

Ms. Wilson: Those items are 10, 11, 12 and 18.

Ms. Oliver: Yes.

Mr. Graham: Madam Chair, I too need to disclose that I am on a board of Town Bank of the same items and I will be voting today.

Ms. Oliver: Great, yes.

Mr. Weiner: Madam Chair. I need to abstain the item number five Spence Crossing at the corner of Princess Anne Road Independence Boulevard, the developer is my client.

Ms. Oliver: Anyone else? Okay. Make a motion.

Mr. Weiner: I made a motion already.

Ms. Oliver: Do I have a second?

Mr. Graham: I second.

Ms. Oliver: Okay. Thank you.

Ms. Sandloop: The vote is open. By the recorded vote of 9-0, agenda items one, five, six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26 have been approved by consent with Commissioner Wiener abstaining from Agenda Item number five.

Ms. Oliver: Great. Thank you very much. And I would like to thank all the applicants for coming down today who had a matter of them on the consent agenda, and attending the hearing. All these items will be scheduled for hearing with the City Council to be announced. And so if you'd like to take this opportunity to leave before we start our hearings, you are welcome to do so. Thank you again for coming down. The

next order of business will address the remaining matters on our agenda. And I would ask the city clerk to call the first item.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>ALCARAZ</b>	<b>AYE</b>			
<b>BARNES</b>	<b>AYE</b>			
<b>GRAHAM</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

**CONDITIONS**

1. The following conditions shall only apply to the dwelling unit addressed as 4472 Ocean View Avenue, Unit B and the Short Term Rental use shall only occur in the principal structure of Unit B.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
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 the permitted number of people who may stay overnight (number of bedrooms times three) shall be held at the Short Term Rental and the property on which it is located. This Short Term Rental may not request or obtain a special event permit under City Code Section 4-1 (8a).
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 #26**  
**Jackie Yost**  
**Conditional Use Permit (Short Term Rental)**  
**301 Winston Salem Avenue**

**February 12, 2020**

**RECOMMENDED FOR APPROVAL – CONSENT**

Mr. Weiner: Thank you. Okay, is there any opposition this being placed on the consent agenda? Thank you, Madam Chair there are many items on the consent agenda are for short term rental. The planning commission places the following applications for conditional use permit for short term rental on the consent agendas. These applications meet the applicable requirements for section 241.2 of the zoning ordinance. Staff supports the applications therefore there's no opposition to the request and these are items number 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25. That being said, I move for approval on the consent. I am sorry 25 is deferral, thank you. Okay. That being said, I move for approval on a consent agenda items, One, five and six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26.

Ms. Oliver: Yes.

Mr. Inman: I need a make a disclosure that at least one item on the consent agenda shows financing by Town Bank. I serve on the advisory board for Virginia Beach Town Bank, in that capacity I don't make any decisions on loans or merely an advisory position. So I will be voting on these matters.

Ms. Wilson: Those items are 10, 11, 12 and 18.

Ms. Oliver: Yes.

Mr. Graham: Madam Chair, I too need to disclose that I am on a board of Town Bank of the same items and I will be voting today.

Ms. Oliver: Great, yes.

Mr. Weiner: Madam Chair. I need to abstain the item number five Spence Crossing at the corner of Princess Anne Road Independence Boulevard, the developer is my client.

Ms. Oliver: Anyone else? Okay. Make a motion.

Mr. Weiner: I made a motion already.

Ms. Oliver: Do I have a second?

Mr. Graham: I second.

Ms. Oliver: Okay. Thank you.

Ms. Sandloop: The vote is open. By the recorded vote of 9-0, agenda items one, five, six, seven, eight, nine, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26 have been approved by consent with Commissioner Wiener abstaining from Agenda Item number five.

Ms. Oliver: Great. Thank you very much. And I would like to thank all the applicants for coming down today who had a matter of them on the consent agenda, and attending the hearing. All these items will be scheduled for hearing with the City Council to be announced. And so if you'd like to take this opportunity to leave before we start our hearings, you are welcome to do so. Thank you again for coming down. The next order of business will address the remaining matters on our agenda. And I would ask the city clerk to call the first item.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>ALCARAZ</b>	<b>AYE</b>			
<b>BARNES</b>	<b>AYE</b>			
<b>GRAHAM</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

## **CONDITIONS**

1. The following conditions shall only apply to the dwelling unit addressed as 301 Winston Salem Avenue and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. 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.

4. 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.
5. No events with more than the permitted number of people who may stay overnight (number of bedrooms times three) shall be held at the Short Term Rental and the property on which it is located. This Short Term Rental may not request or obtain a special event permit under City Code Section 4-1 (8a).
6. 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.
7. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Department of Planning and Community Development for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
  - a) A completed Department of Planning and Community Development Short Term Rental 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.
8. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
9. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
10. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
11. Accessory structures shall not be used or occupied as Short Term Rental.
12. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
13. The Short Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.

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

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

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

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

**Item #27**  
**Susan E. Markley**  
**Conditional Use Permit (Short Term Rental)**  
**629 14th Street**

**February 12, 2020**

**RECOMMENDED FOR DENIAL**

Ms. Sandloop: The vote is open. By recorded vote of 8-0, agenda item number four has been approved with conditions as amended. Okay, and our last item of business is agenda item number 27. Susan E. Markley, an application for conditional use permit short term rental on property located at 629 14th Street located in the Beach District.

Ms. Oliver: Good afternoon.

Ms. Markley: Good afternoon.

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

Ms. Markley: Susan Markley. I bought 629 14th street for the sole purpose of running an Airbnb. I bought the property April 30th, 2019 before I bought the property I researched Virginia Beach, new rules on Airbnb and short term rentals. On page two of five, the stipulation was one off street parking spot will be required for each bedroom. No dimensions were given for the spot, the parking was supposed to be. The first thing I did was extend the driveway to my property line. The driveway can accommodate two cars. I have a picture, I don't have it up there but I have a picture of two cars in the driveway. Because of the nature of my property built around 1928 and only being 600 square feet, it only fits one bedroom queen size bed and the other bedroom is very small. It only fits a bunk bed. So far, only one single family unit has stayed in the cottage at any one time, I have not had more than one vehicle in the driveway since June 1st. And before check in, I always ask how many cars will be arriving and I give detailed instructions regarding pulling the cars in all the way to the edge of the driveway. I understand technically, I don't meet the requirements, but practically my driveway does comply because you can get two cars in there if you pull them both up to the edge of the driveway. Since I bought my little cottage, I have complied with all the rules. I have been a very hands on owner, I dragged the trash cans in every week. I clean the property every week but because of the nature of my property, I can't comply with this one stipulation. But I believe it still could work with the shortcomings, I'm just a little

shy of the regulation. So I'm respectfully requesting a special consideration. Thank you.

Ms. Oliver: Do we have any speakers?

Ms. Sandloop: No ma'am, we do not.

Ms. Oliver: We have any questions? No.

Mr. Weiner: So we were by your house the other day and there were two cars on the driveway. Then it looked like, there weren't big cars, so it was kind of hard to put. It was hard. It's kind of hard to put two cars on there because it doesn't meet the regulations. One second, and we spent couple of years putting these regulations together. It's not like we just came up overnight and said, you got to follow these regulations. Then there's a couple we did last month that I really wasn't happy about passing but we did anyway. That totally nothing looks like yours, but I just don't feel this meets regulation because we have a standard that we have to comply with.

Ms. Markley: If I can't run this as an Airbnb, I'm probably going to be forced to make it a yearly rental, then I think the chances are going to be more so to have more than one car in there because you're going to have more of a family.

Mr. Weiner: Understood.

Ms. Oliver: I do have to say, we really need, well, I feel very strongly about sticking towards the conditions that we set forth on these Airbnbs and you stated right off the bat that that was the intent for this piece of property when you bought it and April 20th, 2019, we did drive by it unfortunately, code wise, as far as the size of the driveway, according to our city staff it doesn't meet it and I'm sorry for you but we just really that's what we go by now and that's, I feel real strongly about that.

Mr. Graham: I agree.

Ms. Oliver: Any questions? Thank you.

Ms. Markley: Thank you.

Ms. Oliver: We are gonna close this hearing now and open it up to the commissioners. Anybody?

Mr. Weiner: Okay, we're gonna, I think we're gonna see more and more these come up, we have 100 or so ready to come forward to us and it's going to be hard to do this, but we came up with these stipulations in this ordinance for a reason and I hope that we can, you know, we can follow it through. So with that, I'll recommend denial.

Mr. Alcaraz: Second.

Ms. Oliver: Great.

Ms. Sandloop: The vote is open. By recorded vote of 7-1, agenda item number 27 has been denied.

Mr. Wall: Can I amend that? I meant can I amend mine.

Ms. Sandloop: We can re-open the vote. Madam Chair, we re-opened the vote, we could vote again.

Ms. Oliver: All right.

Ms. Sandloop: By recorded vote of 8-0, agenda item number 27 has been denied.

Ms. Oliver: Great. That is the last item of the day?

Ms. Sandloop: Yes ma'am.

	<b>AYE 8</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 1</b>
<b>ALCARAZ</b>	<b>AYE</b>			
<b>BARNES</b>				<b>ABSENT</b>
<b>GRAHAM</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

## **CONDITIONS**

1. The following conditions shall only apply to the dwelling unit addressed as 629 14th Street and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. 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.

4. 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.
5. No events with more than the permitted number of people who may stay overnight (number of bedrooms times three) shall be held at the Short Term Rental and the property on which it is located. This Short Term Rental may not request or obtain a special event permit under City Code Section 4-1 (8a).
6. 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.
7. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Department of Planning and Community Development for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
  - a) A completed Department of Planning and Community Development Short Term Rental 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.
8. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's office and pay all applicable taxes.
9. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
10. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
11. Accessory structures shall not be used or occupied as Short Term Rental.
12. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
13. The Short Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.

14. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000.00) underwritten by insurers acceptable to the City.
15. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
16. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be three (3) individuals per bedroom.
17. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors shall be installed in each Short Term Rental.