

Virginia Beach Planning Commission

Public Hearing

May 27, 2020

Ms. Oliver: Virtual Public Hearing for the Virginia Beach Planning Commission. My name is Dee Oliver and I am the Chair. I call this public hearing to order. Today's public hearing is being conducted electronically in accordance with the Virginia Code Section 2.2-3708.2A3 Virginia Code Section 15.2-1413 and the city's continuity of government ordinance adopted on March 31 2020, and the chapter 854 of the 2019 acts of assembly as amended with me. The chair of the Virginia Beach Planning Commission, having call this special meeting for today's public hearing. Please note that this meeting is being recorded and will be posted within 10 days of the Planning Commission website. Mr. Steve Barnes due to a family illness and Ms. Robin Klein due to personal reasons are not in attendance today. I have asked staff to describe the order business of today's meeting, Mr. Landfair.

Mr. Landfair: Thank you Ms. Oliver, to ensure this live electronic public hearing is successful. Please note, the following meeting order of agenda and instructions will be followed. The order of business will be as follows, withdrawal and deferred agenda items. First is the consideration of requests to withdraw or defer an item. If you signed up to speak, you will be called upon following the applicant's request to withdrawal or defer the item. However, please speak only to the matter of the withdrawal or the deferral and not to the merits of the item. Consent Agenda Items. Next is the Consent Agenda. These are items that the Planning Commission looks upon favorably and there are no speakers signed up to comment. Consent Items will be voted upon as a block and will not be brought up again for further consideration by the Planning Commission. Regular agenda items. Last are the regular agenda items. These items will proceed in the following manner. A. Statements by the applicant or applicant's representative, followed by questions from the Planning Commission by raising their virtual hand. C. Statements by any registered speakers followed by questions from the Planning Commission by raising their virtual hand. D. Rebuttal by the applicant or applicant's representative, followed by questions from the Planning Commission if desired, by raising their virtual hand. F. Deliberation of the application by the Planning Commission by raising their virtual hand and G. Voting on the application by a verbal vote when recognized by staff. It is important that the planning commissioners hold their comments until recognized and to pause for three seconds after being recognized in order for staff to unmute you. Also, it is helpful for commissioners to ask all questions at once and by stating you will stand by for responses. This helps to ensure that all of your questions are answered before moving on to the next Planning

Commissioner. During Planning Commission's deliberation, there will be no further public comment, unless a question is asked by the Commission. Staff will attempt to facilitate real time citizen participation and comments in the public hearing for those citizens who have registered. Planning Commission Policy provides 10 minutes for the applicant to present the request and all other speakers are limited to three minutes each. If you are the representative of a group, you are allowed 10 minutes to speak. Staff will be timing presentations. Please be advised that staff will mute you when your time expires. Madam Chair and Planning Commissioners, there are two speakers registered for today's public hearing during the regular agenda for item number 10. Those who have registered with staff to speak on the agenda item will be called in the order in which they registered. Speakers will have up to three minutes to make their comments or 10 minutes if representing a group. If the speaker does not respond or if a technical issue occurs, which renders the comments unintelligible, the next registered speaker will be called upon. Following each speaker's comments, the Planning Commission will be asked if there are any questions of the speaker, and if so, please indicate Yes, by raising your virtual hand. Speakers please mute any additional devices you have in the room to avoid any unnecessary background noise and or the possibility of echoing and reverberation. Please, note that once your name is called you should wait three seconds to ensure the Planning Commission hears your complete remarks. Please begin your comments by identifying yourself. Also, do not ask "can you hear me" as only one feed is open at a time to minimize the echo reverberation, and as such, you will be unable to hear a response. Once public comment is complete, the floor will be open for Planning Commission discussion and ultimate vote. At the conclusion of the public hearing, the chair will adjourn the public hearing. 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 the experience here today leaves you feeling that you have been heard and treated fairly. Madam Chair and members of the Planning Commission, are there any questions about the process? Or does the Planning Director have additional comments? If so, please raise your virtual hand to be recognized. Staff acknowledges the virtual hand raised by Commissioner Redmond. Planning Commissioner Redmond, your mic is open for comment. Please pause for three seconds before speaking. Thank you.

Mr. Redmond: Sorry, that thing needs an auto off function.

Mr. Tajan: Thank you, Bill, just for clarification for the public. During this pandemic, we have had issues trying to assure that we get a continue operations with the Planning Commission and these items that are on this agenda were the items that were scheduled for the April Planning Commission meeting. Those items

were picked up and moved to this agenda. We are doing our best to maintain what we have already put out to the public and to continue do that in an orderly fashion. Thank you.

Items #1 & #2

Spence Crossing Properties, LLC

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

Southwest Corner of Princess Anne Road & South Independence Boulevard

May 27, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: The next order of business is the consent agenda. These are applications that are recommended for approval by staff and the Planning Commission concurred and there are no speaker signed up in opposition. Based on this morning's discussion, the following applications will be placed on the consent agenda. Items number 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23. Thank you, Bill.

Mr. Landfair: Madam Chair, the first consent agenda items are items one and two. Spence Crossing Properties LLC for conditional rezoning request from B-4 Mixed Use District to conditional PDH2 Plan Unit Development with A36 Apartment District Overlay and a modification of proffers for the property located at the southwest corner of Princess Anne Road and South Independence Boulevard in the Centerville District. Before we turn to the applicants representative, Mr. Nicholas Baum, I would like to answer the question raised earlier today by Commissioner Wall. In response to your question concerning bullet number five found on page two of the staff report, there is a typo in referencing the units. It should read 192, three story garden flats and 32, two story quad units. I apologize for that typo. We will now turn to Mr. Nicholas Baum. Mr. Baum, when you speak, please first identify yourself for the record and indicate whether you support staff's recommendation. Mr. Baum the floor is yours. Please pause three seconds before speaking, so that we can unmute your microphone. Thank you.

Mr. Baum: This is Nick Baum representing Dragas Management Corporation. I support staff's recommendation.

Mr. Landfair: Thank you.

Ms. Oliver: Thank you. Do I have a motion?

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Inman. Please pause for three seconds before making your motion verbally.

Mr. Inman: I move forward for the consent agenda items. Also want to disclose by membership of the Virginia Beach Advisory Board of Townebank and have a letter on file as to my status as a member of that advisory, or we do not approve loans make those

sorts of decisions and under the conflicts requirements. I am able to vote and will vote.

Mr. Landfair: Thank you. Staff acknowledges the virtual hand raised by Commissioner Weiner as a potential second.

Mr. Weiner: I also move, I need to abstain from items one and two at the Southwest Corner of Princess Anne Road in South Independence Boulevard the applicant is a client of mine.

Mr. Landfair: Commissioner Weiner, have you seconded the motion?

Mr. Weiner: Yes, I have, I second.

Mr. Landfair: Hearing a second a motion to approve the following applications agenda items 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23 by consent has been made by Commissioner Inman and seconded by Commissioner Weiner. Are any Planning Commissioners abstaining from the vote? Staff notes that Commissioner David Wiener's hand is raised and will be abstaining. Commissioner Wiener the floor is yours.

Mr. Weiner: Yes, I need to abstain on items one and two Southwest Corner of Princess Anne Road in South Independence Boulevard, the applicant is a client of mine.

Mr. Landfair: Staff notes that Commissioner Graham's hand is raised and will be abstaining. Commissioner Graham, the floor is yours. Please provide an explanation for your abstention and pause for three seconds before speaking. Thank you.

Mr. Graham: Mr. Landfair, I will not be abstaining, but I do need to disclose that I am on a board at Townebank, who is the lender on item number 22 that I will be voting today. I do not have a financial interest.

Mr. Landfair: Staff notes that Commissioner Inman's hand is raised and will be abstaining. Commissioner Inman, the floor is yours.

Mr. Inman: I will not be abstaining. Sorry, but I wanted to clarify that this item 22, as mentioned by Mr. Graham that mentions Townebank or actually Townebank mortgage as a lender that is causing me to have to make that disclosure, but I am voting.

Ms. Landfair: See, no more hands raised the vote is now open and staff will call each Commissioner individually. If you are in favor of the motion say, yes. If you are opposed say, no. Please pause three seconds after your name is called before speaking. Mr. Alcaraz.

Mr. Alcaraz: Yes, thank you.

Ms. Landfair: Mr. Coston.

Mr. Coston: Yes.

Mr. Landfair: Mr. Graham.

Mr. Graham: Yes.

Mr. Landfair: Mr. Horsley.

Ms. Horsley: Yes.

Mr. Landfair: Mr. Inman. Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Oliver.

Ms. Oliver: Yes.

Mr. Landfair: Mr. Redmond.

Mr. Redmond: Yes.

Mr. Landfair: Mr. Wall.

Mr. Wall: Yes.

Mr. Landfair: Mr. Weiner.

Mr. Weiner: Yes.

Mr. Landfair: Marchelle Coleman will announce the vote result.

Ms. Coleman: By recorded vote of nine, four and zero against with one abstention vote on items one and two by Commissioner Weiner. The following items 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23 have been approved by consent, Bill.

Mr. Landfair: Madam Chair, the first consent agenda items are items one and two. Spence Crossing Properties LLC for conditional rezoning request from B-4 Mixed Use District to conditional PDH2 Plan Unit Development with A36 Apartment District Overlay and a modification of proffers for the property located at the southwest corner of Princess Anne Road and South Independence Boulevard in the Centerville District. Before we turn to the applicants representative, Mr. Nicholas Baum, I would like to answer the question raised earlier today by Commissioner Wall. In

response to your question concerning bullet number five found on page two of the staff report, there is a typo in referencing the units. It should read 192, three story garden flats and 32, two story quad units. I apologize for that typo. We will now turn to Mr. Nicholas Baum. Mr. Baum, when you speak, please first identify yourself for the record and indicate whether you support staff’s recommendation. Mr. Baum the floor is yours. Please pause three seconds before speaking, so that we can unmute your microphone. Thank you.

Mr. Baum: This is Nick Baum representing Dragas Management Corporation. I support staff’s recommendation.

	AYE 8	NAY 0	ABS 1	ABSENT 2
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner			ABSTAIN	

PROFFERS

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.

The verbatim of the May 27, 2020 Planning Commission meeting is provided below; however, the Planning Commission will consider the application on September 8, 2020, again due to advertising error.

Items #3

Melissa & Paul Venable

Alteration to Existing Nonconformity

213 & 215A 69th Street

May 27, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: The next order of business is the consent agenda. These are applications that are recommended for approval by staff and the Planning Commission concurred and there are no speaker signed up in opposition. Based on this morning's discussion, the following applications will be placed on the consent agenda. Items number 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23. Thank you, Bill.

Ms. Oliver: Thank you. Do I have a motion?

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Inman. Please pause for three seconds before making your motion verbally.

Mr. Inman: I move forward for the consent agenda items. Also want to disclose by membership of the Virginia Beach Advisory Board of Townebank and have a letter on file as to my status as a member of that advisory, or we do not approve loans make those sorts of decisions and under the conflicts requirements. I am able to vote and will vote.

Mr. Landfair: Thank you. Staff acknowledges the virtual hand raised by Commissioner Weiner as a potential second.

Mr. Weiner: I also move, I need to abstain from items one and two at the Southwest Corner of Princess Anne Road in South Independence Boulevard the applicant is a client of mine.

Mr. Landfair: Commissioner Weiner, have you seconded the motion?

Mr. Weiner: Yes, I have, I second.

Mr. Landfair: Hearing a second a motion to approve the following applications agenda items 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23 by consent has been made by Commissioner Inman and seconded by Commissioner Weiner. Are any Planning Commissioners abstaining from the vote? Staff notes that Commissioner David

Wiener's hand is raised and will be abstaining. Commissioner Wiener the floor is yours.

Mr. Weiner: Yes, I need to abstain on items one and two Southwest Corner of Princess Anne Road in South Independence Boulevard, the applicant is a client of mine.

Mr. Landfair: Staff notes that Commissioner Graham's hand is raised and will be abstaining. Commissioner Graham, the floor is yours. Please provide an explanation for your abstention and pause for three seconds before speaking. Thank you.

Mr. Graham: Mr. Landfair, I will not be abstaining, but I do need to disclose that I am on a board at Townebank, who is the lender on item number 22 that I will be voting today. I do not have a financial interest.

Mr. Landfair: Staff notes that Commissioner Inman's hand is raised and will be abstaining. Commissioner Inman, the floor is yours.

Mr. Inman: I will not be abstaining. Sorry, but I wanted to clarify that this item 22, as mentioned by Mr. Graham that mentions Townebank or actually Townebank mortgage as a lender that is causing me to have to make that disclosure, but I am voting.

Ms. Landfair: Seeing no more hands raised the vote is now open and staff will call each Commissioner individually. If you are in favor of the motion say, yes. If you are opposed say, no. Please pause three seconds after your name is called before speaking. Mr. Alcaraz.

Mr. Alcaraz: Yes, thank you.

Ms. Landfair: Mr. Coston.

Mr. Coston: Yes.

Mr. Landfair: Mr. Graham.

Mr. Graham: Yes.

Mr. Landfair: Mr. Horsley.

Ms. Horsley: Yes.

Mr. Landfair: Mr. Inman. Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Oliver.

Ms. Oliver: Yes.

Mr. Landfair: Mr. Redmond.

Mr. Redmond: Yes.

Mr. Landfair: Mr. Wall.

Mr. Wall: Yes.

Mr. Landfair: Mr. Weiner.

Mr. Weiner: Yes.

Mr. Landfair: Marchelle Coleman will announce the vote result.

Ms. Coleman: By recorded vote of nine, four and zero against with one abstention vote on items one and two by Commissioner Weiner. The following items 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23 have been approved by consent, Bill.

Mr. Landfair: Thank you. The next item on consent is item number three, Melissa and Paul Venable a request for an alteration to the existing nonconformity to expand the second story of an existing duplex at 213 and 215-A, 69th Street in the Lynnhaven District. The applicant's representative is Ms. Melissa Venable. Ms. Venable when you begin speaking, please first identify yourself for the record and indicate whether you found the conditions acceptable. Ms. Venable, the floor is yours. Please pause three seconds before speaking so that we can unmute your microphone. Thank you.

Ms. Venable: Thank you, this is Melissa Venable, I am representing self. I support the staff's recommendations.

	AYE 9	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			

Weiner	AYE			
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Conditions:

1. The expansion of the building shall be in substantial conformance with the submitted site layout exhibit entitled, “213 & 215 69th STREET RESIDENTIAL CONCEPTUAL MASTER PLAN”, dated 1/9/2020, and prepared by Land Planning Solutions, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.

2. The exterior of the proposed improvements shall substantially adhere in appearance, size and materials to the submitted elevations entitled “VENABLE RESIDENCE ELEVATIONS”, dated 2/4/2020, and prepared by Land Planning Solutions, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.

3. The floor area of the proposed improvements shall substantially conform to the dimensions shown in the exhibit entitled “VENABLE RESIDENCE ATTIC ADDITION FLOOR PLAN”, dated 2/4/2020, and prepared by Land Planning Solutions, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development. Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid. The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

The verbatim of the May 27, 2020 Planning Commission meeting is provided below; however, the Planning Commission will consider the application on September 8, 2020, again due to advertising error.

Item #4

Linda M. Addison

Conditional Use Permit (Home-Based Wildlife Rehabilitation Facility)

1717 Dancers Court

May 27, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: The next order of business is the consent agenda. These are applications that are recommended for approval by staff and the Planning Commission concurred and there are no speaker signed up in opposition. Based on this morning's discussion, the following applications will be placed on the consent agenda. Items number 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23. Thank you, Bill.

Ms. Oliver: Thank you. Do I have a motion?

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Inman. Please pause for three seconds before making your motion verbally.

Mr. Inman: I move forward for the consent agenda items. Also want to disclose by membership of the Virginia Beach Advisory Board of Townebank and have a letter on file as to my status as a member of that advisory, or we do not approve loans make those sorts of decisions and under the conflicts requirements. I am able to vote and will vote.

Mr. Landfair: Thank you. Staff acknowledges the virtual hand raised by Commissioner Weiner as a potential second.

Mr. Weiner: I also move, I need to abstain from items one and two at the Southwest Corner of Princess Anne Road in South Independence Boulevard the applicant is a client of mine.

Mr. Landfair: Commissioner Weiner, have you seconded the motion?

Mr. Weiner: Yes, I have, I second.

Mr. Landfair: Hearing a second a motion to approve the following applications agenda items 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23 by consent has been made by Commissioner Inman and seconded by Commissioner

Weiner. Are any Planning Commissioners abstaining from the vote? Staff notes that Commissioner David Wiener's hand is raised and will be abstaining. Commissioner Wiener the floor is yours.

Mr. Weiner: Yes, I need to abstain on items one and two Southwest Corner of Princess Anne Road in South Independence Boulevard, the applicant is a client of mine.

Mr. Landfair: Staff notes that Commissioner Graham's hand is raised and will be abstaining. Commissioner Graham, the floor is yours. Please provide an explanation for your abstention and pause for three seconds before speaking. Thank you.

Mr. Graham: Mr. Landfair, I will not be abstaining, but I do need to disclose that I am on a board at Townebank, who is the lender on item number 22 that I will be voting today. I do not have a financial interest.

Mr. Landfair: Staff notes that Commissioner Inman's hand is raised and will be abstaining. Commissioner Inman, the floor is yours.

Mr. Inman: I will not be abstaining. Sorry, but I wanted to clarify that this item 22, as mentioned by Mr. Graham that mentions Townebank or actually Townebank mortgage as a lender that is causing me to have to make that disclosure, but I am voting.

Ms. Landfair: See, no more hands raised the vote is now open and staff will call each Commissioner individually. If you are in favor of the motion say, yes. If you are opposed say, no. Please pause three seconds after your name is called before speaking. Mr. Alcaraz.

Mr. Alcaraz: Yes, thank you.

Ms. Landfair: Mr. Coston.

Mr. Coston: Yes.

Mr. Landfair: Mr. Graham.

Mr. Graham: Yes.

Mr. Landfair: Mr. Horsley.

Ms. Horsley: Yes.

Mr. Landfair: Mr. Inman. Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Oliver.

Ms. Oliver: Yes.

Mr. Landfair: Mr. Redmond.

Mr. Redmond: Yes.

Mr. Landfair: Mr. Wall.

Mr. Wall: Yes.

Mr. Landfair: Mr. Weiner.

Mr. Weiner: Yes.

Mr. Landfair: Marchelle Coleman will announce the vote result.

Ms. Coleman: By recorded vote of nine, four and zero against with one abstention vote on items one and two by Commissioner Weiner. The following items 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23 have been approved by consent, Bill.

Mr. Landfair: Thank you. The next item on consent is item number four, Linda M Addison for a conditional use permit request to operate a home-based wildlife rehabilitation facility at 1717, Dancers court in the Centerville District. The applicant is Ms. Linda Addison. Ms. Addison, when you begin speaking, please first identify yourself for the record and indicate whether you found the conditions acceptable. Ms. Addison, the floor is yours. Please pause three seconds before speaking, so that we can unmute your microphone. Thank you.

Ms. Addison: This is Linda Addison, and I do find all the recommendations acceptable.

	AYE 9	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein				ABSENT
Oliver	AYE			

Redmond	AYE			
Wall	AYE			
Weiner	AYE			

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 or released at the subject site or within the neighbourhood.

4. The outdoor enclosure shall be screened from view from the right-of-way and all adjacent properties.

5. All mammals kept onsite shall be properly vaccinated for rabies and proof of rabies immunization shall be kept onsite.

6. Animal waste shall be removed daily in a lawful manner.

7. All animals shall be properly and humanely contained either in the dwelling unit or within the outdoor enclosed structure. Animals shall not be allowed to roam freely out of these structures at any time. If any animal does escape, the City of Virginia Beach Animal Control Department shall be notified immediately.

The verbatim of the June 24, 2020 Planning Commission meeting is provided below; however, the Planning Commission will consider the application on August 18, 2020, again due to advertising error.

Items #5

Thalia Road Partners, LLC [Applicant]

Wayside Village Shoppes, LLC & Willis Realty Corporation [Owners]

Conditional Rezoning (B-2 Community Business District to Conditional B-4 Mixed-Use District)

4216 & 4220 Virginia Beach Boulevard

May 27, 2020

RECOMMEND FOR DEFERRAL June 24, 2020 - APPROVAL

Mr. Landfair: Thank you. Next is the deferral agenda. The next order of business or items to be defer. There is one item requesting a deferral Agenda Item Number Five, application of Thalia Road Partners LLC, a conditional rezoning request from B-2 Community Business District to conditional B-4 Mixed Use District for the properties at 4216 and 4220 Virginia Beach Boulevard, Lynnhaven District. The applicant's representative Mr. Bruce Berlin has signed up to speak. Mr. Berlin, the floor is now yours please pause for three seconds before speaking.

Mr. Berlin: Good afternoon, Madam Chair and members of the Planning Commission. My name is Bruce Berlin and I am one of the managing partners of Venture Realty Group and also one of the managers of Thalia Road Partners LLC. As many of you know, we were first scheduled to be heard on this matter in December of 2019. We have taken a series of deferral since this time to address the concerns expressed by the community. And now of course, we have been delayed as a result of the state of emergency. While we are eager to be heard, we have received requests and suggestions from city leadership to take another deferral in the light of the virtual nature of today's hearing. We understand that the limitations inherent in today's virtual meeting could potentially limit of fuller discussion of our application and we respect, we are respectful of this concern. We are therefore amiable to another deferral. In the meantime, we reiterate our willingness to share information and discuss our plan. Thank you.

Mr. Landfair: Ms. Oliver, you have the floor to open it up for Planning Commission discussion and motion.

Ms. Oliver: I will open the floor for discussion or motion by the Planning Commission. Please raise your virtual hand if you have a comment or motion and staff will recognize you.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Redmond, your mic is open for comment. Please pause for three seconds.

Mr. Redmond: I vote that the item be deferred.

Mr. Landfair: Thank you.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Weiner.

Mr. Weiner: I Second.

Mr. Landfair: Thank you.

Mr. Landfair: Hearing a second, motion to defer the application of Thalia Road Partners LLC has been made by Commissioner Redmond and seconded by Commissioner Weiner. Are there any planning commissioners abstaining on this item to be deferred? At this time, please raise your virtual hand for staff to recognize you, so that you may provide an explanation for your abstention. The vote is now open and staff will call each Commissioner individually. I am sorry. Director Tajan.

Mr. Tajan: Yes, before Mr. Landfair does the roll call. Please note that this is a deferral to a date certain to June 24, which is advertised as a public hearing that will be held in person here in City Council Chambers.

Mr. Landfair: Thank you. The vote is now open and staff will call each Commissioner individually. If you are in favor of the motion say, Yes. If you are opposed say, No. Please remember to pause for three seconds after your name is called before speaking. Mr. Alcaraz.

Ms. Alcaraz: Yes.

Mr. Landfair: Mr. Costan.

Mr. Costan: Yes.

Mr. Landfair: Mr. Graham.

Mr. Graham: Yes.

Mr. Landfair: Mr. Horsley. Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Oliver.

Ms. Oliver: Yes.

Mr. Landfair: Mr. Redmond. Mr. Redmond.

Mr. Redmond:Yes.

Mr. Landfair: Marchelle Coleman will announce the vote result.

Ms. Coleman: By recorded vote of eight, four and zero against Item 5 has been differed for June 24. The next order of business is the consent agenda. These are applications that are recommended for approval by staff and the Planning Commission concurred and there are no speaker signed up in opposition. Based on this morning's discussion, the following applications will be placed on the consent agenda. Items number 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23. Thank you, Bill.

	AYE 9	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley				ABSENT
Inman	AYE			
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Proffer:

Proffer 1:When the Property is developed, it shall be:

- (a). multifamily residential community with approximately 261 total units, and in no event greater than 265 units,

contemplated to be comprised as follows:

(i). 200-efficiency, studio, studio flat and/or one-bedroom units (final unit design layout to be determined);

(ii). 44-2 bedrooms units; and

(iii). 17-3 bedrooms units.

(b). new retail space of not more than 6,500 square feet and, approximately 29,778 square feet of existing retail

space for a total of not more than approximately 36,278 square feet and to be developed substantially in

accordance with the “Rezoning Site Plan Exhibit” dated April 27, 2020, a copy which has been exhibited to

Virginia Beach City Council and is on file with the Virginia Beach Planning Department.

Proffer 2: When the Property is developed, the architectural design and exterior building materials excluding windows and accent features, of the structures housing the principal uses on the Property shall be substantially compatible with the architectural design features and exterior building materials reflected on Conceptual Elevation #1, Conceptual Elevation

#2, and Conceptual Elevation #3 dated January 15, 2020, by the TS3, copies which have been exhibited to Virginia Beach City Council and are on file with the Virginia Beach Planning Department. The primary materials shall be a contrasting fiber cement panel system with EIFS accent at stairs towers and vinyl windows. These primary building types will feature two buildings built above podium parking and the third will contain three level townhomes with a traditional single space parking garage at grade for each unit. Retail space with aluminum store fronts will face Virginia Beach Boulevard.

Proffer 3: The project landscape architect will coordinate arboricultural review by an ISA Certified Arborist of existing vegetation for possible preservation and inclusiveness into the planting plans.

Proffer 4: The project landscape architect will develop tree preservation plans and details for existing trees and shrubs deemed viable by the arborist.

Proffer 5: The project landscape architect will develop planting plans in accordance with the latest version of the City of Virginia Beach Landscape Ordinance.

Proffer 6: The project landscape architect will complement the stormwater management plan with green infrastructure solutions where appropriate.

Proffer 7: All landscape work will be coordinated and designed by Virginia licensed landscape architects.

Proffer 8: The stormwater system for the proposed development will be designed to accommodate the City of Virginia Beach's current 24-hour rainfall amounts plus a 20% increase as expected for future changing rainfall patterns, provided the City of Virginia Beach does not require additional modifications to the Grantor's site plan which make such design reasonably impractical. For purpose of such design, Grantor's engineer shall perform all analysis using the following inches of rain for the design storms: 1-year storm - 3.60 inches 2-year storm - 4.38 inches 10-year storm - 6.77 inches 25-year storm - 8.39 inches 50-year storm - 9.91 inches 100-year storm - 11.34 inches.

Proffer 9: Further conditions may be required by the Grantee during detailed Site Plan and or Subdivision review and administration of applicable City Codes by all cognizant City agencies and departments to meet all applicable City Code requirements.

Proffer 10: All references hereinabove to zoning districts and to regulations applicable thereto, refer to the City Zoning Ordinance of the City of Virginia Beach, Virginia, in force as of the date the conditional zoning amendment is approved by Grantee.

Proffer 11: The above conditions, having been proffered by the Grantor and allowed and accepted by the Grantee, as part of the amendment to the Zoning Ordinance, shall continue in full force and effect until a subsequent amendment changes the zoning of the Property and specifically repeals such conditions Such conditions shall continue despite a subsequent amendment to the Zoning Ordinance even if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised Zoning Ordinance until specifically repealed. The conditions, however, may be repealed, amended, or varied by written instrument recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia, and executed by the record owner of the Property at the time of recordation of such instrument, provided that said instrument is consented to by the Grantee in writing as evidenced by a certified copy of an ordinance or a resolution adopted by the governing body of the Grantee, after a public hearing before the Grantee which was advertised pursuant to the provisions of Section 15.2-2204 of the Code of Virginia, 1950, as amended. Said ordinance or resolution shall be recorded along

with said instrument as conclusive evidence of such consent, and if not so recorded, said instrument shall be void.

Staff Comments: The City Attorney's Office has reviewed the agreement and found it to be legally sufficient and in acceptable legal form. Staff notes that proffer 1 permits up to 265 multi-family dwelling units and proffer 2 indicates no more than 36,278 square of commercial will be provided. These numbers are a slight increase above what is presented Thalia Road Partners, LLC in the Shared Parking Analysis – up to 261 multi-family units and up to 29,778 square feet of commercial. The parking analysis revealed an excess of at least 59 parking spaces during peak demand times, which would be more than enough spaces to accommodate 265 units and 36,278 square feet of commercial uses. These differences equate to the need for eight more parking spaces, which remains far less than the 59 spaces deemed available in the analysis. For reasons of consistency, the applicant has stated their intention to revise the proffers between the Planning Commission and City Council meetings to reflect the numbers provided in the Shared Parking Study (261 units and 35,778 total square feet of commercial uses). immediately.

Item #6

City of Virginia Beach

An Ordinance to Adopt and Incorporate into the Virginia Beach Comprehensive Plan the Virginia Beach Sea Level Wise Adaptation Strategy Report by amending Sections 1.1, 1.2, 2.2, and 2.3

May 27, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: The next order of business is the consent agenda. These are applications that are recommended for approval by staff and the Planning Commission concurred and there are no speaker signed up in opposition. Based on this morning's discussion, the following applications will be placed on the consent agenda. Items number 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23. Thank you, Bill.

Mr. Landfair: Thank you. The next items on the consent agenda are items number 6, 7, 8 and 9. Item six is an ordinance to adopt and incorporate into the Virginia Beach Comprehensive Plan. The Virginia Beach sea level wise adaptation strategy and to amend sections 1.1, 1.2, 2.2 and 2.3. Item seven is an ordinance to conform sections 1.2, 5.1 and 5.16 of the Site Plan Ordinates (Appendix C) to the provisions of the Public Works Design Standards Manual. Item eight is an ordinance to conform sections 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.10, 6.1 and 6.3 of the Subdivision Regulations (Appendix B) to the provisions of the Public Works Design Standards Manual. Item nine is an ordinance to conform sections 246 and 1501 of the City Zoning Ordinance and section 6.2.6 of the Ocean Resort District Form-Based code (Appendix C) to the provisions of the Public Works Design Standards Manual. Both staff and the Planning Commission recommend approval of these ordinance amendments and since there is no opposition to these requests, the Planning Commission places them on the consent agenda. The next items on the consent agenda are for Short Term Rentals. The Planning Commission places the following applications for a conditional use permit for Short Term Rental on the consent agenda. These applications meet the applicable requirements for Section 241.2 of the zoning ordinance. Staff supports the applications and there are no speakers signed up to comment. Therefore items 11, 12, 13, 14, 15, 17, 18, 22 and 23 have been placed on the consent agenda. Madam Chair, that concludes the consent agenda. Are there any questions from the planning? Thank you Madam Chair, staff does not see any further questions of the Commission. So I opened the mic for you to call for a motion.

Ms. Oliver: Thank you. Do I have a motion?

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Inman. Please pause for three seconds before making your motion verbally.

Mr. Inman: I move forward for the consent agenda items. Also want to disclose by membership of the Virginia Beach Advisory Board of Townebank and have a letter on file as to my status as a member of that advisory, or we do not approve loans make those sorts of decisions and under the conflicts requirements. I am able to vote and will vote.

Mr. Landfair: Thank you. Staff acknowledges the virtual hand raised by Commissioner Weiner as a potential second.

Mr. Weiner: I also move, I need to abstain from items one and two at the Southwest Corner of Princess Anne Road in South Independence Boulevard the applicant is a client of mine.

Mr. Landfair: Commissioner Weiner, have you seconded the motion?

Mr. Weiner: Yes, I have, I second.

Mr. Landfair: Hearing a second a motion to approve the following applications agenda items 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23 by consent has been made by Commissioner Inman and seconded by Commissioner Weiner. Are any Planning Commissioners abstaining from the vote? Staff notes that Commissioner David Wiener's hand is raised and will be abstaining. Commissioner Wiener the floor is yours.

Mr. Weiner: Yes, I need to abstain on items one and two Southwest Corner of Princess Anne Road in South Independence Boulevard, the applicant is a client of mine.

Mr. Landfair: Staff notes that Commissioner Graham's hand is raised and will be abstaining. Commissioner Graham, the floor is yours. Please provide an explanation for your abstention and pause for three seconds before speaking. Thank you.

Mr. Graham: Mr. Landfair, I will not be abstaining, but I do need to disclose that I am on a board at Townebank, who is the lender on item number 22 that I will be voting today. I do not have a financial interest.

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Mr. Inman: I will not be abstaining. Sorry, but I wanted to clarify that this item 22, as mentioned by Mr. Graham that mentions Townebank or actually Townebank mortgage as a lender that is causing me to have to make that disclosure, but I am voting.

Ms. Landfair: See, no more hands raised the vote is now open and staff will call each Commissioner individually. If you are in favor of the motion say, yes. If you are

opposed say, no. Please pause three seconds after your name is called before speaking. Mr. Alcaraz.

Mr. Alcaraz: Yes, thank you.

Ms. Landfair: Mr. Coston.

Mr. Coston: Yes.

Mr. Landfair: Mr. Graham.

Mr. Graham: Yes.

Mr. Landfair: Mr. Horsley.

Ms. Horsley: Yes.

Mr. Landfair: Mr. Inman. Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Oliver.

Ms. Oliver: Yes.

Mr. Landfair: Mr. Redmond.

Mr. Redmond:Yes.

Mr. Landfair: Mr. Wall.

Mr. Wall: Yes.

Mr. Landfair: Mr. Weiner.

Mr. Weiner: Yes.

Mr. Landfair: Marchelle Coleman will announce the vote result.

Ms. Coleman: By recorded vote of nine, four and zero against with one abstention vote on items one and two by Commissioner Weiner. The following items 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23 have been approved by consent, Bill.

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Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			

Horsley	AYE			
Inman	AYE			
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Item #7

City of Virginia Beach

An Ordinance to conform sections 1.2, 5.1 and 5.16 of the Site Plan Ordinance (Appendix C) to the provisions of the Public Works Design Standards Manual

May 27, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: The next order of business is the consent agenda. These are applications that are recommended for approval by staff and the Planning Commission concurred and there are no speaker signed up in opposition. Based on this morning's discussion, the following applications will be placed on the consent agenda. Items number 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23. Thank you, Bill.

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Mr. Landfair: Commissioner Weiner, have you seconded the motion?

Mr. Weiner: Yes, I have, I second.

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opposed say, no. Please pause three seconds after your name is called before speaking. Mr. Alcaraz.

Mr. Alcaraz: Yes, thank you.

Ms. Landfair: Mr. Coston.

Mr. Coston: Yes.

Mr. Landfair: Mr. Graham.

Mr. Graham: Yes.

Mr. Landfair: Mr. Horsley.

Ms. Horsley: Yes.

Mr. Landfair: Mr. Inman. Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Oliver.

Ms. Oliver: Yes.

Mr. Landfair: Mr. Redmond.

Mr. Redmond: Yes.

Mr. Landfair: Mr. Wall.

Mr. Wall: Yes.

Mr. Landfair: Mr. Weiner.

Mr. Weiner: Yes.

Mr. Landfair: Marchelle Coleman will announce the vote result.

Ms. Coleman: By recorded vote of nine, four and zero against with one abstention vote on items one and two by Commissioner Weiner. The following items 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23 have been approved by consent, Bill.

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Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Item #8

City of Virginia Beach

An Ordinance to conform sections 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.10, 6.1 and 6.3 of the Subdivision Regulations (Appendix B) to the provisions of the Public Works Design Standards Manual

May 27, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: The next order of business is the consent agenda. These are applications that are recommended for approval by staff and the Planning Commission concurred and there are no speaker signed up in opposition. Based on this morning's discussion, the following applications will be placed on the consent agenda. Items number 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23. Thank you, Bill.

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Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Inman. Please pause for three seconds before making your motion verbally.

Mr. Inman: I move forward for the consent agenda items. Also want to disclose by membership of the Virginia Beach Advisory Board of Townebank and have a letter on file as to my status as a member of that advisory, or we do not approve loans make those sorts of decisions and under the conflicts requirements. I am able to vote and will vote.

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Mr. Alcaraz: Yes, thank you.

Ms. Landfair: Mr. Coston.

Mr. Coston: Yes.

Mr. Landfair: Mr. Graham.

Mr. Graham: Yes.

Mr. Landfair: Mr. Horsley.

Ms. Horsley: Yes.

Mr. Landfair: Mr. Inman. Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Oliver.

Ms. Oliver: Yes.

Mr. Landfair: Mr. Redmond.

Mr. Redmond:Yes.

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Mr. Wall: Yes.

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Mr. Weiner: Yes.

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Coston	AYE			
Graham	AYE			

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Inman	AYE			
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Item #9

City of Virginia Beach

An Ordinance to conform sections 246 and 1501 of the City Zoning Ordinance, and section 6.2.6 of the Oceanfront Resort District Form-Based Code (Appendix C) to the provisions of the Public Works Design Standards Manual

May 27, 2020

RECOMMEND FOR APPROVAL - CONSENT

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Mr. Inman: I move forward for the consent agenda items. Also want to disclose by membership of the Virginia Beach Advisory Board of Townebank and have a letter on file as to my status as a member of that advisory, or we do not approve loans make those sorts of decisions and under the conflicts requirements. I am able to vote and will vote.

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opposed say, no. Please pause three seconds after your name is called before speaking. Mr. Alcaraz.

Mr. Alcaraz: Yes, thank you.

Ms. Landfair: Mr. Coston.

Mr. Coston: Yes.

Mr. Landfair: Mr. Graham.

Mr. Graham: Yes.

Mr. Landfair: Mr. Horsley.

Ms. Horsley: Yes.

Mr. Landfair: Mr. Inman. Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Oliver.

Ms. Oliver: Yes.

Mr. Landfair: Mr. Redmond.

Mr. Redmond:Yes.

Mr. Landfair: Mr. Wall.

Mr. Wall: Yes.

Mr. Landfair: Mr. Weiner.

Mr. Weiner: Yes.

Mr. Landfair: Marchelle Coleman will announce the vote result.

Ms. Coleman: By recorded vote of nine, four and zero against with one abstention vote on items one and two by Commissioner Weiner. The following items 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23 have been approved by consent, Bill.

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Graham	AYE			

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Inman	AYE			
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

The verbatim of the May 27, 2020 Planning Commission meeting is provided below; however, the Planning Commission will consider the application on September 8, 2020, again due to advertising error.

Items #10

William & Marie Burkholder

William & Marie Burkholder and Thomas P. Johnson [Owners]

Conditional Use Permit (Short Term Rental)

4472 Ocean View Avenue, Unit B

May 27, 2020

RECOMMEND FOR APPROVAL- HEARD

Mr. Landfair: Madam Chair and members of the Planning Commission. The next order of business is the regular agenda. The presentation of the regular agenda is as follows: A. Statements by the applicant or applicant's representative, followed by questions by the Planning Commission of the applicant or staff. B. Statements by any registered speakers, followed by questions by the Planning Commission of the speaker or staff. C. Rebuttal by the applicant or applicant's representative, followed by questions by the Planning Commission if desired of the applicant or staff, and D. Deliberation of the application by the Planning Commission, with a motion followed by a vote. There are three items on the regular agenda. I am sorry, there are four items on the regular agenda. Regular Agenda Item Number 10. William and Marie Burkholder for a Conditional Use Permit requests for Short Term Rental at 4472 Oceanview Avenue, Unit-B in the Bayside District. The applicant's representative is Mr. Burkholder. Mr. Burkholder is the applicant and has signed up to speak. Please provide a summary of your request and remember to identify yourself for the record and pause three seconds before speaking, so that we can activate your microphone. Mr. Burkholder, you have the floor. Thank you.

Mr. Burkholder: Good afternoon, my name is William Burkholder and together with my wife Marie, we have applied for a Short Term Rental permit. This is for a waterfront property that we purchased in September of 2019. We would like to give you a brief history of how we got here and what our intent is. I am recently retired from a 32-year career with Fairfax County and my wife will be eligible to retire next year from Loudoun County Public Schools. It has always been our dream to own property at the beach and so we purchased this particular property with the intent to live in it, in a couple of years. We honestly had not planned to buy this so soon. But last summer, we were getting a feel for the market with our real estate agent. When we

stumbled upon this property, our agent fell in love with the place and stress that finding waterfront property like this and in Chicks beach is not an everyday occurrence. We told her we were not ready to move yet and she said, well, you can easily run it through Airbnb until we are ready to move here. And that the owner at that time was already running it very successfully. So, we did some quick research and discovered that we would be able to cover our mortgage with what the current owner was running it for. So, we took the agents advice and we bought the property on faith that we could pay for our mortgage with rental income for this next couple of years until we moved here ourselves. That was in September 2019, we spent that fall investing a lot of time and money into the property and turned it into what we think is a premier rental property. Unfortunately, our agent said nothing of the need for a permit. And since we are not from Virginia Beach, we have not read anything about it in the papers or anything like that. So, we did not learn of the need for a permit until after the purchase. And we submitted our application then in November, because we needed to cover our mortgage we began renting at the end of December. At that time, we knew we met the requirements of the ordinance and I suppose rather naively, we assumed that the permit process would be fairly quick and painless. We had no idea that it was such a thorny issue and would become as involved in as lengthy of a process as it has, but we did start renting at the end of December, and we have been paying taxes, or at least the taxes that are automatically collected by Airbnb. We do not think that those taxes include the local transient occupancy tax. So, we have been setting aside money to pay any back taxes we may owe to the city. Once we have our permit, and are able to register with the Commissioner of Revenue. We do know that there is some opposition to our application. So, we do want to make it very clear that this is not something we envision doing long term. This is not an investment property for us, that is what we plan to live in and just a couple of years and we are not doing this to make money. We just need to pay our mortgage until we are able to move in ourselves. We have read the staff report and we are in agreement with all the conditions it lays out. And we thank you for your time and consideration.

Mr. Landfair: Thank you. Are there any questions of the applicant by the Planning Commission? If so, please raise your virtual hand. Staff acknowledges the virtual hand raised by Commissioner Inman. Planning Commissioner Inman your mic is open for comment. Please pause three seconds to be unmuted.

Mr. Inman: I am sorry to say I am having a technical problem, and I cannot remove my raised hand at this moment, but I'm working on it with staff.

Mr. Landfair: Thank you. We have two speakers signed up to comment. The first speaker is Mark Chambers, followed by John Ince. Note that you have three minutes to speak. Please identify yourself for the record and pause three seconds before speaking. Thank you. Mr. Chambers.

Mr. Landfair: Okay. Mr. Ince.

Mr. Landfair: Next speaker is John Ince, note that you have three minutes to speak. Please identify yourself for the record and pause three seconds before speaking. Thank you.

Mr. Ince: This is John Ince. Good afternoon Planning Commission. I am a neighbor three doors away from the Burkholder townhouse. My wife and I have lived here 20 years. I implore you to not allow another Airbnb into our community of four beachfront townhouses. There already is one Airbnb, the unit next door to the Burkholder. The parking and noise are intolerable. Many people rent an Airbnb to party, having two of the four beachfront townhouses as Short Term Rentals would create a miniature cub med during the summer. The Burkholder had been renting there townhouse as an Airbnb without a permit since last December. Although, the townhouses advertised as two bedrooms with two dedicated parking spots. The tenants have sometimes brought three cars and spilled over into a five spot reserved area for residents only. Eight townhouses share this five spot reserved area. When both Airbnb's have been rented, we have seen the renters taking over most of the five spot reserved area. The five spot reserved area is on an easement that residents have used for parking for over 20 years. Another easement right behind the Burkholder's townhouse is to be kept clear for access to under house parking for the Burkholder's and their neighbor. The Burkholder's regularly use that easement as a third parking space, which blocks access to their neighbor's three assigned spots and encourages renters to use the five spot reserved areas. When the renters can find an assigned spot, and the five spot reserved area is full, renters will unabashedly use one of my assigned spots, or just block the whole driveway. This has happened many times. Even if the Burkholder's make it clear to their Airbnb renters, that parking in the easements or in my parking spots is not allowed. Who will police the Airbnb renters when the Burkholders are off site in their permanent home. And looking at the staff report to this application, I see the recommendation is for approval based on meeting section 241.2 of the zoning ordinance. But, that ordinance does

not address the density of Short Term Rentals in the area. Also, the staff reports notes that there is one letter of support and to have opposition. Please note that the support letter is from another Airbnb. While the opposition is from two full time residents, who are already suffering effects of two Airbnb's out of four townhouses. My wife and I are in our mid 70s and love our Bayside living. The Burkholders claim that they plan to rent as an Airbnb for only a few years. But, that is a significant amount of time for my wife and me. Please do not ruin the lives of the permanent residents by making this an Airbnb community. Thank you.

Mr. Landfair: Thank you. Are there any questions of Mr. Ince by the Planning Commission? If so, please raise your virtual hand. Staff acknowledges the virtual hand raised by Commissioner Weiner. Planning Commissioner Weiner your mic is open for comment. Please pause three seconds to be unmuted.

Mr. Weiner: Yes, I would like to ask if the police have ever been called or 311 has ever been called or has this ever been documented that there are issues with this Short Term Rental?

Mr. Landfair: Mr. Ince are you aware of any incidents?

Mr. Ince: No, I am not aware of incidents with this Airbnb of the Burkholder's, but the other Airbnb, that is operating and apparently has been grandfathered has had a couple of police incidences, one where a 16-year-old girl had a sweet 16 party and half of Norfolk teenagers came and took over the neighborhood and the police had a presence here all night. And that is just the one I know of for sure.

Mr. Landfair: Staff acknowledges Director Tajan.

Mr. Tajan: Mr. Weiner on page two of the staff report, Staff did reach out to see and look in our system to verify if there were any complaints logged for this property in particular that is requesting the Conditional Use Permits. There are no previous zoning violations that we found on the property.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Redmond. Planning Commissioner Redmond, your mic is open for comment. Please pause three seconds to be unmuted.

Mr. Redmond: Mr. Ince have you ever had any interaction with Mr. Burkholder?

Mr. Ince: I have spoken to Mr. Burkholder once at length in the driveway. And, I have exchanged emails with him several times over the last few months.

Mr. Landfair: Mr. Redmond do you have any more questions. Planning Commissioner Redmond, your mic is open for comment, please.

Mr. Redmond: Thanks, I would appreciate it if you stopped muting me. So, you did not get a lot of satisfaction from that conversation, Mr. Ince that is what I am trying to get at.

Mr. Ince: There were regulations that would preclude renters from doing anything wrong. And my view is, you can write that but that will not enforce anything, because even now, I have had incidences where the Burkholder's renters, have been parking, not in their designated spot. And I have certainly had many occasions with the existing Airbnb next door to the Burkholder's, where they have parked in my spots many times, and we just have to ask them politely, and they usually move over.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Redmond. Planning Commissioner Redmond, your mic is open for comment. Please pause three seconds to be unmuted. Curious Madam Chair, you have the floor Ms. Oliver for Planning Commission discussion.

Ms. Oliver: I will open the floor for discussion by the Planning Commission. Please raise your hand if you have a comment or a motion and staff will open your microphone.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Redmond, your mic is open for comment, please pause for three seconds.

Mr. Redmond: This is in many ways, like a lot of these applications that we have seen and I am in some important ways, unlike it. I am troubled by a number of things in, first off let me say when I read the application and I look at property, just as the staff says it is the kind of thing you would anticipate would be appropriate for a Short Term Rental. I really think this applicant as a homebuyer should have done a heck of a lot more due diligence, before they bought this house. We have been talking about Short Term Rentals Mr. Burkholder for four years now. So, the idea that a purchase in fall of 2019, would be made and, you know, that would not have occurred to any purchaser, who is intending to rent it out strikes me as very frankly as farfetched. Beyond that, I am troubled by what Mr. Ince describes, and based on the clustering of these houses, the way they are laid out. I do not know that it is possible to make these pieces fit together. The way he describes the parking, and I would be more than happy to hear from Mr. Burkholder again. But, the way he describes the parking is of great concern, and I agree with him. You can write whatever you want to write, but if you

have folks who simply abide by it, and you don't have a way to enforce it. And it is a burden on other folks. I have been largely supportive of these applications that that fit an appropriate model that is to say, they adhere and conform to the ordinance. But, within the ordinance we have the conditional use permit process precisely to understand and debate those kinds of things that that might influence that. So, I am very skeptical of this application at present. I would like to hear more from Mr. Burkholder, about his process and how he came to buy it. I do not know that makes me more sympathetic or not, frankly. But, I really would like to know how he intends to ensure that these problem of these cars bleeding out into other properties can be addressed, I do not know that it can be addressed, is my concern. I just do not know that it is possible to address it, so I am hoping to that explanation I do not know that one exists. If I do not get one then I am going to oppose the application. So, that is my two sense folks. Thank you.

Ms. Landfair: Mr. Burkholder, would you like to respond?

Mr. Burkholder: Yes, thank you, I would be happy too. With respect to doing more due diligence prior to the purchase we could not agree more. What happened was we came home from that day of viewing the property received a phone call from our agent another couple had placed an offer on the property, and we needed to respond quickly if we wanted it. We were not terribly comfortable doing it, I will be honest with you, but we really, really loved that property, and so we counter offered and under some, you know, duress to make it happen we made it happen that weekend, and therefore we did not have the luxury of doing more due diligence, had we had time we certainly would have done that. We are regrettably, now in this situation certainly not our intent to cause issues with our neighbors, and never was our intent but, nevertheless, it is where we find ourselves today. With respect to the, the parking issue, so I do not know if it is possible for you all to display the photo that is on the top of page eight in the staff report. But, if you can look at that photograph, it shows the front of our room. Thank you. So, we have one parking space underneath the unit, and one parking space directly in front of the unit. And then there is the third space which is to the left hand side of that paved area, which is technically an easement. Mr. Ince is saying that we should not be permitted to park in the easement, but as you can see, there is really no practical reason why that should not be permitted. It does not block access to anything. Nobody else is affected if there is a car in that space. To be clear that space is not in our parking plan, we are two bedroom unit, we need two spaces, we actually think we have three spaces. Because again, there is no reason why that third space

cannot be used by our renters for parking. And actually, allowing people to park in that space alleviates, some of the issues that Mr. Ince is referring to. If we do not allow people to park in that space, then they are more likely to park on the driveway, where the shared spaces are. But, if we have a third space there that gives us three spaces for a two bedroom unit that can hold no more than six people at a time. We think it will be very rare that we will have more than, than two vehicles, but certainly very rare that we would have more than three vehicles. We are very clear in our house rules when it comes to parking. And if you will allow me I would like to just kind of go through that a little bit. Thank you. So, we have a set of house rules, in which we state very clearly, where our guests are allowed to park and where they are not, and where we allow them to park is under the unit and those two spaces directly in front. We are very, very specific about not parking on the driveway or anywhere else. That is not required, those are technically shared spaces along the driveway, but we are doing this out of respect for our neighbors. We send, prior to approving any guests requests for booking. We send those house rules to them and they must agree to all of the rules and there are others. They understand the parking situation. A week before they check in we send them an email, where we very explicitly state, you may only park in one of those three spaces or in those three spaces, you may not park on the driveway. We very clearly state that in that email. When they check in and they open the front door to our house, the first thing they see is a graphical version of the parking plan, it is not the one you see in the report, it shows that but everything else that is not in front of our unit, has red hash marks through it, and we say no parking permitted. We send another email the day after they check in, again reiterating the situation, we reiterate to them that this is a very quiet residential neighborhood, it is not a beach party scene. They know that from our advertising in Airbnb. And we make it very clear in our communication with them throughout the process. We can monitor who's coming and going with our ring camera, and we can see our parking spaces through that camera so we know if they are using our parking spaces or not. So, we really go to great lengths to minimize the impact, especially when it comes to parking. Mr. Ince has mentioned that some of the guests in the Airbnb next to us have lost access to his property as they load and unload. Our renters would not do that they do not need to park on the driveway to load and unload, they simply pull directly in front of the unit. I will also say this. I do not think it is fair to compare the experiences that Mr. Ince's had with the Airbnb, next to us, to our situation. The one next to us is a four bedroom. Ours is a two bedroom. We can have six people they can have

12 with the. Excuse me. We are very, very careful who we rent too. We do not use a booking company or a management company I should say because we want to be personally involved in all decisions, because this is our future home. We do not allow instant bookings, which means we personally evaluate every request before approving it. We rent almost exclusively to families and couples, we do not rent to college kids, and we actually have a rule on Airbnb that the primary renter must be at least 25 years old. We have hired two caretakers, who live there locally. In fact, one lives in the unit next to us when it is not rented, which is much of the time, either those caretakers can respond within 30 minutes. If required, I can respond within 30 minutes to a phone call. We also have an adult daughter, who lives in Virginia Beach, and she can respond to any issues that come up. I guess, the bottom line is we have done everything we can think of to minimize the impact on our neighbors again we plan to be neighbors for many years to come. We did ask to speak to Mr. Ince and his wife in the driveway at our request to see if there is anything further we could do to alleviate his concerns, and we simply found that he was not willing to adjust anything, so we feel as though we have done everything we could possibly do, and we will do everything we can do to minimize the impact and make this work as best as we can.

Mr. Landfair: Thank you. Commissioner Redmond, do you have any follow up comments?

Mr. Redmond: Staff, Mr. Kemp, or whoever is best able to answer this what is this easement they are speaking of, I see nothing in the write up about that, whose easement is it, for what purpose is there an easement and is it permissible to use that for parking I would guess not. But can you enlighten me a little bit on that.

Ms. Coleman: This is Marchelle Coleman, the planner assigned to this project. The easement we are talking about is a private easement from the Condo Association, the easement allows everyone within that condominium to use the space. And the third space that Mr. Burkholder is talking about is the space if you see on the parking plan on the screen, parking space number two, there is an empty space beside parking space number two. That is the third space that he is referring to, and it is part of the easement with the whole Condominium Association, and anyone in that Condo Association can use that parking space.

Mr. Redmond: Can I mention one last thing, Mr. Burkholder I appreciate that and Mr. Ince's comments too. And I just say to staff, and I know that I missed

this before but in all of these applications for Short Term Rentals these days for whatever reason, we see even client, to auto print the entire ordinance as conditions. And it makes it very hard to sort out between, you know, each one of these applications. What is different about them from the last, I do not know that we need to list everything in the ordinance about the commissioners of the Revenues Office see, might just reference, you know, and cite the ordinance that applies I do not know why we have to do all this, it just makes it harder for me to sort through what is different about this application from the last one we did and the next one we are going to do. So, I think we could manage that better that way. Anyway, I appreciate both you gentlemen are responding to my questions. I do have some concerns about this, I would like to listen to what my colleagues have to say and we will go from there. Thank you.

Mr. Landfair: Thank you. Staff acknowledges the virtual hand raised by Commissioner Alcaraz, your mic is open for comment, please pause for three seconds.

Mr. Alcaraz: Thank you, this is George Alcaraz, I appreciate Mr. Burkholder's rebuttal. I did not understand why we did not hear him at first, but I am glad he came on, my concern as Ms.Coleman you said it is a easement but it depicts on here on the plans I am sorry I am looking at it to my left is an Ingress, egress, which means is supposed to be Ingress entering and exiting so really it is not a parking space is that correct Ms.Wilson? if you could explain that and then, also, he mentions in there. The owner, the applicant states that he can use the three spaces but he is required to have two because he has two bedrooms, and he is actually offering that he has a third space. So, where are we right there with a fine line changing what the conditions are I just want to make sure that an Ingress, egress is not for parking, if that is correct I need to know that. And also, two spaces, is what he is maximum allowed to have because he has two bedrooms. Thank you.

Mr. Landfair: Thank you. Staff acknowledges the virtual hand raised by the Deputy City Attorney, Kay Wilson.

Ms. Wilson: Actually it is a real hand. Mr. Alcaraz. I do not have a copy of the easement with me, I have not read it. If it is an Ingress, egress easement that normally would indicate that it is for coming and going. However, I do not know what the easement says, so I cannot tell you whether it also includes parking. But, Mr. Burkholder is required to have two spaces, and he has two spaces without using the easement.

Mr. Landfair: Staff acknowledges the hand raised by the Commissioner Oliver.

Ms. Oliver: Thank you. I do have. I just want to clarification on the unit next to them. He mentioned that they were four bedrooms, and they can have up to 12 people which means they can have four cars. And I am assuming he is referring to Unit A, which so if they have four cars, where all those cars going in the shared parking and the easement. The other thing that I am not crazy about is the fact that he bought this, knowing that it was or from what I understand, what I recall him saying is that he had said that he had the real estate agent sold it to him and said that it had been a rental unit. Now whether that was listed with a rental company or not I do not know, and that is not really pertinent to it, but with the exception of the fact that it had been used as a rental unit. He bought it for rental unit and hopes that when he retires he will come down and live. He started immediately renting it as an Airbnb, and did not bother to take the time to either check with a rental company, or with the city here. And, so the fact that he had another person you know, wanting to buy the house is not pertinent to the way he has been using this piece of property, as far as I am concerned. These Airbnb's especially in this area are. This is a tight area, and there is not a lot of wiggle room down here. So I have a lot of concern with this added in right here, but it is basically what I have to say, thank you.

Mr. Landfair: Thank you. Staff acknowledges the virtual hand raised by Commissioner Coston, your mic is open for comment, please pause for three seconds.

Mr. Coston: Was that for Coston. I guess that is me. I was wondering if Mr. Burkholder would be willing to provide signage to designate parking with the ability to tow, if that would help his neighbor to feel more comfortable with him.

Mr. Landfair: Mr. Burkholder, would you like to respond?

Mr. Burkholder: Yes, we would be happy to provide signage and in fact we had suggested to Mr. Ince that signage would help the overall parking situation. He was not in favor of it. But, that was our suggestion and we would be happy to do that. If I may, sense I have the mic. If I could just go over the total overall parking situation for the units where this property exists it might help explain some things. We are part of a quad of four duplex townhouse style buildings, four units face the street, Ocean View Avenue and the other four units face the waterfront. The two street side buildings, they each have dedicated driveways opening right onto Ocean View Avenue. Those driveways are 45 feet long and 30 feet wide. So, based on the 9 by 18 City requirements, up to six vehicles could park in each street side driveway, for a total of 12 parking spaces. In addition, each street side unit has either a garage or a carport under the unit, bringing the total number of parking

spaces available to the street side units to 16, that 16 spaces for four units. Access to the waterfront units is along the driveway easement that goes between the street side units. For the four waterfront units, there are a total of nine spaces, either under or in front of the units. Plus, there are five shared spaces along the driveway, for a total of 14 spaces serving the four waterfront units. When combined with the street side units, that is 30 spaces for eight units. That should be plenty of parking, our neighbors primary concern is having inadequate shared parking along the driveway. Part of the reason he is encountered inadequate shared parking is that the street side units are using the shared driveway for parking, when you read the declaration of easement, which we have it states that the driveway "shall be for the benefit of and be restricted solely to the owners of the waterfront meet lots? That means the street side units really should not be using the driveway for parking. The reason I bring all that up is, if the shared parking is as much of a concern as Mr. Ince contends. Then he does have a means of recourse. He simply needs to ask the street side units to stop parking on the driveway, and that will free up spaces. Thank you.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Weiner, your mic is open for comment, please pause for three seconds.

Mr. Weiner: Yes, thank you. I think, we needed to step back and think I asked the question if anybody has ever been called to this house in the past, I knew it was not abided and staff report, but I wanted to hear that Mr. Ince nothing we have to think about it. Mr. Ince brought in here to comment this would be on the consent agenda right now, because he meets all of the criteria that he put together. It is a two bedroom, it has two parking places. I do not see that it is tight. I think we have a lot to learn about Short Term Rentals yet. I think City Council is going to come up with some new requirements that we are going to have to look at and saying that I am going to be supporting this. That is what I would say.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Redmond, your mic is open for comment, please pause for three seconds.

Mr. Redmond: No thank you.

Mr. Landfair: Is there a motion? Madam Chair, staff opens the mic for you to call for a second.

Ms. Oliver: Do I have the second? What was the first motion?

Mr. Landfair: I am sorry. Mr. Weiner made the motion for approval Mr. Wall seconds. So staff acknowledges the virtual hand raised by Commissioner Wall, as a potential second. Commissioner Wall, your mic is now open.

Mr. Wall: I second the application.

Mr. Landfair: A motion to approve the application has been made by Commissioner Wiener and seconded by Commissioner Wall. Are any Planning Commissioners abstaining from the vote? If so, please raise your virtual hand. The vote is now open and staff will call each Commissioner individually. If you are in favor of the motion say, yes. If you are opposed say, no. Please pause three seconds after your name is called before speaking. Mr. Alcaraz.

Mr. Alcaraz: I want to recognize Mr. Redmond.

Mr. Redmond: That is what the little hand is for A. So, did Mr. Weiner make a motion I did not hear.

Mr. Landfair: Commissioner Weiner made a motion for approval. Commissioner Weiner made a motion for approval. Commissioner Weiner made a motion for approval, with a second from Commissioner Wall.

Mr. Landfair: Mr. Redmond staff acknowledges your virtual hand, your mic is open for comment, please pause for three seconds.

Mr. Redmond: I am still not comfortable with this. I appreciate Mr. Burkholder's explanation. And I acknowledge that a lot of the complaints that Mr. Ince has are really deriving from another unit. Another Unit that probably is not particularly well managed. I am guessing. And that is an enforcement issue. So I do not know if grandfathered that we have the same enforcement mechanisms that we would on a new application. Nonetheless, that is an enforcement issue. Now, we tend not to enforce much of anything around here sometimes. And maybe one of the things, Mr. Ince has a problem with. My concern is the way these units are clustered, given the problems that are there on one unit. It may be that one out of four is probably enough Short Term Rentals in this one place. That might make things difficult for the applicant. And I acknowledge that. Sorry about that. But, as I said caveat emptor, there was not enough due diligence done with regard to this process for this property. And it was the big pink elephant in the room in a lot of these neighborhoods for a year or so I think that was not something to have missed. I cannot get comfortable with this application. I don't think it is there yet. So, I am going to oppose the application.

Mr. Landfair: Thank you. Are there any other Planning Commissioner comments? Hearing none, the vote is now open, and staff will call each Commissioner individually. If you are in favor of the motion say, yes. If you are opposed say, no. Please pause three seconds after your name is called before speaking. Mr. Alcaraz.

Mr. Alcaraz: Yes. Thank you.

Mr. Landfair: Mr. Coston.

Mr. Coston: Yes.

Mr. Landfair: Mr. Graham.

Mr. Graham: Yes.

Mr. Landfair: Mr. Horsley.

Mr. Horsley: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: No.

Mr. Landfair: Ms. Oliver.

Ms. Oliver: No.

Mr. Landfair: Mr. Redmond.

Mr. Redmond: No.

Mr. Landfair: Mr. Wall.

Mr. Wall: Yes.

Mr. Landfair: Mr. Weiner.

Mr. Weiner: Yes.

Mr. Landfair: Marchelle Coleman will announce the vote result.

Ms. Coleman: By recorded vote of six, for and three against this application, agenda item 10 is hereby recommended for approval by the Planning Commission, Bill.

	AYE 6	NAY 3	ABS 0	ABSENT 2
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Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman		NAY		
Klein				ABSENT
Oliver		NAY		
Redmond		NAY		
Wall	AYE			
Weiner	AYE			

Conditions:

1. The following conditions shall only apply to the dwelling units addressed as 112A & 112B 56th Street, and the Short Term Rental use shall only occur in the principal structures.

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 spaces within each unit must remain a minimum of 9-feet by 36-feet, contain a minimum 8-foot wide vehicle entryway opening, and shall remain free of materials to ensure vehicular accessibility to the Short Term Rental tenants.

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

5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times three) on

the property where the Short Term Rental 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 Planning Department 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 Rentals.

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) 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.

The verbatim of the May 27, 2020 Planning Commission meeting is provided below; however, the Planning Commission will consider the application on September 8, 2020, again due to advertising error.

**Items #11 & 12
Vacation Properties, LLC [Applicant]
Sean & Tijuana Bell [Owners]
Conditional Use Permit (Short Term Rental)
304 28th Street, Units 310 & 311**

May 27, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: The next order of business is the consent agenda. These are applications that are recommended for approval by staff and the Planning Commission concurred and there are no speaker signed up in opposition. Based on this morning's discussion, the following applications will be placed on the consent agenda. Items number 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23. Thank you, Bill.

Ms. Oliver: Thank you. Do I have a motion?

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Inman. Please pause for three seconds before making your motion verbally.

Mr. Inman: I move forward for the consent agenda items. Also want to disclose by membership of the Virginia Beach Advisory Board of Townebank and have a letter on file as to my status as a member of that advisory, or we do not approve loans make those sorts of decisions and under the conflicts requirements. I am able to vote and will vote.

Mr. Landfair: Thank you. Staff acknowledges the virtual hand raised by Commissioner Weiner as a potential second.

Mr. Weiner: I also move, I need to abstain from items one and two at the Southwest Corner of Princess Anne Road in South Independence Boulevard the applicant is a client of mine.

Mr. Landfair: Commissioner Weiner, have you seconded the motion?

Mr. Weiner: Yes, I have, I second.

Mr. Landfair: Hearing a second a motion to approve the following applications agenda items 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23 by consent

has been made by Commissioner Inman and seconded by Commissioner Weiner. Are any Planning Commissioners abstaining from the vote? Staff notes that Commissioner David Wiener's hand is raised and will be abstaining. Commissioner Wiener the floor is yours.

Mr. Weiner: Yes, I need to abstain on items one and two Southwest Corner of Princess Anne Road in South Independence Boulevard, the applicant is a client of mine.

Mr. Landfair: Staff notes that Commissioner Graham's hand is raised and will be abstaining. Commissioner Graham, the floor is yours. Please provide an explanation for your abstention and pause for three seconds before speaking. Thank you.

Mr. Graham: Mr. Landfair, I will not be abstaining, but I do need to disclose that I am on a board at Townebank, who is the lender on item number 22 that I will be voting today. I do not have a financial interest.

Mr. Landfair: Staff notes that Commissioner Inman's hand is raised and will be abstaining. Commissioner Inman, the floor is yours.

Mr. Inman: I will not be abstaining. Sorry, but I wanted to clarify that this item 22, as mentioned by Mr. Graham that mentions Townebank or actually Townebank mortgage as a lender that is causing me to have to make that disclosure, but I am voting.

Ms. Landfair: Seeing no more hands raised the vote is now open and staff will call each Commissioner individually. If you are in favor of the motion say, yes. If you are opposed say, no. Please pause three seconds after your name is called before speaking. Mr. Alcaraz.

Mr. Alcaraz: Yes, thank you.

Ms. Landfair: Mr. Coston.

Mr. Coston: Yes.

Mr. Landfair: Mr. Graham.

Mr. Graham: Yes.

Mr. Landfair: Mr. Horsley.

Ms. Horsley: Yes.

Mr. Landfair: Mr. Inman. Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Oliver.

Ms. Oliver: Yes.

Mr. Landfair: Mr. Redmond.

Mr. Redmond: Yes.

Mr. Landfair: Mr. Wall.

Mr. Wall: Yes.

Mr. Landfair: Mr. Weiner.

Mr. Weiner: Yes.

Mr. Landfair: Marchelle Coleman will announce the vote result.

Ms. Coleman: By a recorded vote of nine for, and zero against, with one abstention vote on items one and two by Commissioner Weiner, the following items 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23 have been approved by consent, Bill.

	AYE 9	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Conditions:

1. The following conditions shall only apply to the dwelling units addressed as 304 28th Street, Units 310 and 311, 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 Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.

4. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times three) on the property where the Short Term Rental 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 Planning Department 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) 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.

The verbatim of the May 27, 2020 Planning Commission meeting is provided below; however, the Planning Commission will consider the application on September 8, 2020, again due to advertising error.

**Item #13
Allen Prince
Conditional Use Permit (Short Term Rental)
525 21st Street, Unit A**

May 27, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: The next order of business is the consent agenda. These are applications that are recommended for approval by staff and the Planning Commission concurred and there are no speaker signed up in opposition. Based on this morning's discussion, the following applications will be placed on the consent agenda. Items number 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23. Thank you, Bill.

Ms. Oliver: Thank you. Do I have a motion?

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Inman. Please pause for three seconds before making your motion verbally.

Mr. Inman: I move forward for the consent agenda items. Also want to disclose by membership of the Virginia Beach Advisory Board of Townebank and have a letter on file as to my status as a member of that advisory, or we do not approve loans make those sorts of decisions and under the conflicts requirements. I am able to vote and will vote.

Mr. Landfair: Thank you. Staff acknowledges the virtual hand raised by Commissioner Weiner as a potential second.

Mr. Weiner: I also move, I need to abstain from items one and two at the Southwest Corner of Princess Anne Road in South Independence Boulevard the applicant is a client of mine.

Mr. Landfair: Commissioner Weiner, have you seconded the motion?

Mr. Weiner: Yes, I have, I second.

Mr. Landfair: Hearing a second a motion to approve the following applications agenda items 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23 by consent has been made by Commissioner Inman and seconded by Commissioner

Weiner. Are any Planning Commissioners abstaining from the vote? Staff notes that Commissioner David Wiener's hand is raised and will be abstaining. Commissioner Wiener the floor is yours.

Mr. Weiner: Yes, I need to abstain on items one and two Southwest Corner of Princess Anne Road in South Independence Boulevard, the applicant is a client of mine.

Mr. Landfair: Staff notes that Commissioner Graham's hand is raised and will be abstaining. Commissioner Graham, the floor is yours. Please provide an explanation for your abstention and pause for three seconds before speaking. Thank you.

Mr. Graham: Mr. Landfair, I will not be abstaining, but I do need to disclose that I am on a board at Townebank, who is the lender on item number 22 that I will be voting today. I do not have a financial interest.

Mr. Landfair: Staff notes that Commissioner Inman's hand is raised and will be abstaining. Commissioner Inman, the floor is yours.

Mr. Inman: I will not be abstaining. Sorry, but I wanted to clarify that this item 22, as mentioned by Mr. Graham that mentions Townebank or actually Townebank mortgage as a lender that is causing me to have to make that disclosure, but I am voting.

Ms. Landfair: Seeing no more hands raised the vote is now open and staff will call each Commissioner individually. If you are in favor of the motion say, yes. If you are opposed say, no. Please pause three seconds after your name is called before speaking. Mr. Alcaraz.

Mr. Alcaraz: Yes, thank you.

Ms. Landfair: Mr. Coston.

Mr. Coston: Yes.

Mr. Landfair: Mr. Graham.

Mr. Graham: Yes.

Mr. Landfair: Mr. Horsley.

Ms. Horsley: Yes.

Mr. Landfair: Mr. Inman. Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Oliver.

Ms. Oliver: Yes.

Mr. Landfair: Mr. Redmond.

Mr. Redmond: Yes.

Mr. Landfair: Mr. Wall.

Mr. Wall: Yes.

Mr. Landfair: Mr. Weiner.

Mr. Weiner: Yes.

Mr. Landfair: Marchelle Coleman will announce the vote result.

Ms. Coleman: By a recorded vote of nine for, and zero against, with one abstention vote on items one and two by Commissioner Weiner, the following items 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23 have been approved by consent, Bill.

	AYE 9	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Conditions:

1. The following conditions shall only apply to the dwelling unit addressed as 525 21st Street, Unit A, 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 resident passes only. Guest and temporary passes 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 Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.

5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times three) on the property where the Short Term Rental 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 Planning Department 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) 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.

The verbatim of the May 27, 2020 Planning Commission meeting is provided below; however, the Planning Commission will consider the application on September 8, 2020, again due to advertising error.

**Item #14
Allen Prince
Conditional Use Permit (Short Term Rental)
525 21st Street, Unit B**

May 27, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: The next order of business is the consent agenda. These are applications that are recommended for approval by staff and the Planning Commission concurred and there are no speaker signed up in opposition. Based on this morning's discussion, the following applications will be placed on the consent agenda. Items number 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23. Thank you, Bill.

Ms. Oliver: Thank you. Do I have a motion?

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Inman. Please pause for three seconds before making your motion verbally.

Mr. Inman: I move forward for the consent agenda items. Also want to disclose by membership of the Virginia Beach Advisory Board of Townebank and have a letter on file as to my status as a member of that advisory, or we do not approve loans make those sorts of decisions and under the conflicts requirements. I am able to vote and will vote.

Mr. Landfair: Thank you. Staff acknowledges the virtual hand raised by Commissioner Weiner as a potential second.

Mr. Weiner: I also move, I need to abstain from items one and two at the Southwest Corner of Princess Anne Road in South Independence Boulevard the applicant is a client of mine.

Mr. Landfair: Commissioner Weiner, have you seconded the motion?

Mr. Weiner: Yes, I have, I second.

Mr. Landfair: Hearing a second a motion to approve the following applications agenda items 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23 by consent has been made by Commissioner Inman and seconded by Commissioner

Weiner. Are any Planning Commissioners abstaining from the vote? Staff notes that Commissioner David Wiener's hand is raised and will be abstaining. Commissioner Wiener the floor is yours.

Mr. Weiner: Yes, I need to abstain on items one and two Southwest Corner of Princess Anne Road in South Independence Boulevard, the applicant is a client of mine.

Mr. Landfair: Staff notes that Commissioner Graham's hand is raised and will be abstaining. Commissioner Graham, the floor is yours. Please provide an explanation for your abstention and pause for three seconds before speaking. Thank you.

Mr. Graham: Mr. Landfair, I will not be abstaining, but I do need to disclose that I am on a board at Townebank, who is the lender on item number 22 that I will be voting today. I do not have a financial interest.

Mr. Landfair: Staff notes that Commissioner Inman's hand is raised and will be abstaining. Commissioner Inman, the floor is yours.

Mr. Inman: I will not be abstaining. Sorry, but I wanted to clarify that this item 22, as mentioned by Mr. Graham that mentions Townebank or actually Townebank mortgage as a lender that is causing me to have to make that disclosure, but I am voting.

Mr. Landfair: Seeing no more hands raised the vote is now open and staff will call each Commissioner individually. If you are in favor of the motion say, yes. If you are opposed say, no. Please pause three seconds after your name is called before speaking. Mr. Alcaraz.

Mr. Alcaraz: Yes, thank you.

Ms. Landfair: Mr. Coston.

Mr. Coston: Yes.

Mr. Landfair: Mr. Graham.

Mr. Graham: Yes.

Mr. Landfair: Mr. Horsley.

Ms. Horsley: Yes.

Mr. Landfair: Mr. Inman. Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Oliver.

Ms. Oliver: Yes.

Mr. Landfair: Mr. Redmond.

Mr. Redmond: Yes.

Mr. Landfair: Mr. Wall.

Mr. Wall: Yes.

Mr. Landfair: Mr. Weiner.

Mr. Weiner: Yes.

Mr. Landfair: Marchelle Coleman will announce the vote result.

Ms. Coleman: By a recorded vote of nine for, and zero against, with one abstention vote on items one and two by Commissioner Weiner, the following items 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23 have been approved by consent, Bill.

	AYE 9	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Conditions:

1. The following conditions shall only apply to the dwelling unit addressed as 525 21st Street, Unit A, 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 resident passes only. Guest and temporary passes 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 associated with the Short Term Rental shall be permitted with more than allowed number of people who may stay overnight (number of bedrooms times three) on the property where the Short Term Rental 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 Planning Department 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) 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.

The verbatim of the May 27, 2020 Planning Commission meeting is provided below; however, the Planning Commission will consider the application on September 8, 2020, again due to advertising error.

**Item #15
Mission Enterprises, LLC
Conditional Use Permit (Short Term Rental)
517 Virginia Beach Boulevard**

May 27, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: The next order of business is the consent agenda. These are applications that are recommended for approval by staff and the Planning Commission concurred and there are no speaker signed up in opposition. Based on this morning's discussion, the following applications will be placed on the consent agenda. Items number 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23. Thank you, Bill.

Ms. Oliver: Thank you. Do I have a motion?

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Inman. Please pause for three seconds before making your motion verbally.

Mr. Inman: I move forward for the consent agenda items. Also want to disclose by membership of the Virginia Beach Advisory Board of Townebank and have a letter on file as to my status as a member of that advisory, or we do not approve loans make those sorts of decisions and under the conflicts requirements. I am able to vote and will vote.

Mr. Landfair: Thank you. Staff acknowledges the virtual hand raised by Commissioner Weiner as a potential second.

Mr. Weiner: I also move, I need to abstain from items one and two at the Southwest Corner of Princess Anne Road in South Independence Boulevard the applicant is a client of mine.

Mr. Landfair: Commissioner Weiner, have you seconded the motion?

Mr. Weiner: Yes, I have, I second.

Mr. Landfair: Hearing a second a motion to approve the following applications agenda items 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23 by consent has been made by Commissioner Inman and seconded by Commissioner

Weiner. Are any Planning Commissioners abstaining from the vote? Staff notes that Commissioner David Wiener's hand is raised and will be abstaining. Commissioner Wiener the floor is yours.

Mr. Weiner: Yes, I need to abstain on items one and two Southwest Corner of Princess Anne Road in South Independence Boulevard, the applicant is a client of mine.

Mr. Landfair: Staff notes that Commissioner Graham's hand is raised and will be abstaining. Commissioner Graham, the floor is yours. Please provide an explanation for your abstention and pause for three seconds before speaking. Thank you.

Mr. Graham: Mr. Landfair, I will not be abstaining, but I do need to disclose that I am on a board at Townebank, who is the lender on item number 22 that I will be voting today. I do not have a financial interest.

Mr. Landfair: Staff notes that Commissioner Inman's hand is raised and will be abstaining. Commissioner Inman, the floor is yours.

Mr. Inman: I will not be abstaining. Sorry, but I wanted to clarify that this item 22, as mentioned by Mr. Graham that mentions Townebank or actually Townebank mortgage as a lender that is causing me to have to make that disclosure, but I am voting.

Mr. Landfair: Seeing no more hands raised the vote is now open and staff will call each Commissioner individually. If you are in favor of the motion say, yes. If you are opposed say, no. Please pause three seconds after your name is called before speaking. Mr. Alcaraz.

Mr. Alcaraz: Yes, thank you.

Ms. Landfair: Mr. Coston.

Mr. Coston: Yes.

Mr. Landfair: Mr. Graham.

Mr. Graham: Yes.

Mr. Landfair: Mr. Horsley.

Ms. Horsley: Yes.

Mr. Landfair: Mr. Inman. Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Oliver.

Ms. Oliver: Yes.

Mr. Landfair: Mr. Redmond.

Mr. Redmond: Yes.

Mr. Landfair: Mr. Wall.

Mr. Wall: Yes.

Mr. Landfair: Mr. Weiner.

Mr. Weiner: Yes.

Mr. Landfair: Marchelle Coleman will announce the vote result.

Ms. Coleman: By a recorded vote of nine for, and zero against, with one abstention vote on items one and two by Commissioner Weiner, the following items 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23 have been approved by consent, Bill.

	AYE 9	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Conditions:

1. The following conditions shall only apply to the second floor dwelling unit addressed as 517 Virginia Beach Boulevard, and the Short Term Rental use shall only occur in the existing mixed use building type.

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 associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times three) on the property where the Short Term Rental 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 Planning Department 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) 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.

**Items #16
Mark & Kelley Hansen
Conditional Use Permit (Short Term Rental)
517 Virginia Beach Boulevard**

May 27, 2020

WITHDRAWN

Mr. Landfair: Saying no more hands raised? We will move on to the agenda. The withdrawal agenda item 16. Madam Chair and members of the Planning Commission, the next order of business is the request to withdraw an application. There is one Agenda Item, Item 16 requesting withdrawal, the application of Mark and Kelly Hanson. We have one speaker registered for this item. The applicant Mrs. Kelly Hanson, Mrs. Hansen please make your request to withdrawal after pausing for three seconds.

Mrs. Hansen: My name is Kelly Hansen and I am requesting a withdrawal of my STR.

Mr. Landfair: Thank you. Madam Chair, staff opens the mic to any Planning Commissioner with comments or questions regarding this withdrawal. At this time, please raise your virtual hand to ask a question or make a comment. I will now give the floor to the chair to request a motion.

Ms. Oliver: Do I have any discussion and may I have a motion if not.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Weiner as a motion. Please pause for three seconds before making your motion verbally.

Mr. Weiner: Oh. Yes, Madam Chair, I moved withdrawal of item number 16.

Mr. Landfair: Madam Chair staff opens the mic to you to call for a second.

Ms. Oliver: Do I have a second?

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Alcaraz has a potential second. Commissioner Alcaraz your mic is now open.

Mr. Alcaraz: I will second that motion. Thank you.

Mr. Landfair: Area second, a motion to withdraw the application of Mark and Kelly Hanson has been made by Commissioner Wiener and seconded by Commissioner Alcaraz. Are there any Planning Commissioners abstaining on this item to be withdrawn? At this time, please raise your virtual hand for staff to recognize you so that you may provide an explanation for your abstention. The vote is now open and staff will call each Commissioner individually. If you are in favor of the motion say,

Yes. If you are opposed say, No. Please remember to pause for three seconds after your name is called before speaking. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston. Mr. Coston. Mr. Graham.

Mr. Graham: Yes.

Mr. Landfair: Mr. Horsley.

Mr. Horsley: Yes.

Mr. Landfair: Mr. Inman. Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Oliver. Mr. Redmond.

Mr. Redmond: Yes.

Mr. Landfair: Mr. Wall.

Mr. Wall: Yes.

Mr. Landfair: Mr. Weiner.

Mr. Weiner: Yeah.

Mr. Landfair: Marchelle Coleman will announce the vote result.

Ms. Coleman: By recorded vote of eight, four and zero against item 16 has been withdrawn, Bill.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston				ABSENT
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Conditions:

1. The following conditions shall only apply to the second floor dwelling unit addressed as 517 Virginia Beach Boulevard, and the Short Term Rental use shall only occur in the existing mixed use building type.

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 associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times three) on the property where the Short Term Rental 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 Planning Department 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) 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.

The verbatim of the May 27, 2020 Planning Commission meeting is provided below; however, the Planning Commission will consider the application on September 8, 2020, again due to advertising error.

**Item #17
Janet Marino
Conditional Use Permit (Short Term Rental)
951 Maryland Avenue**

May 27, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: The next order of business is the consent agenda. These are applications that are recommended for approval by staff and the Planning Commission concurred and there is no speaker signed up in opposition. Based on this morning's discussion, the following applications will be placed on the consent agenda. Items number 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23. Thank you, Bill.

Ms. Oliver: Thank you. Do I have a motion?

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Inman. Please pause for three seconds before making your motion verbally.

Mr. Inman: I move forward for the consent agenda items. Also want to disclose by membership of the Virginia Beach Advisory Board of Townebank and have a letter on file as to my status as a member of that advisory, or we do not approve loans make those sorts of decisions and under the conflicts requirements. I am able to vote and will vote.

Mr. Landfair: Thank you. Staff acknowledges the virtual hand raised by Commissioner Weiner as a potential second.

Mr. Weiner: I also move, I need to abstain from items one and two at the Southwest Corner of Princess Anne Road in South Independence Boulevard the applicant is a client of mine.

Mr. Landfair: Commissioner Weiner, have you seconded the motion?

Mr. Weiner: Yes, I have, I second.

Mr. Landfair: Hearing a second a motion to approve the following applications agenda items 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23 by consent has been made by Commissioner Inman and seconded by Commissioner

Weiner. Are any Planning Commissioners abstaining from the vote? Staff notes that Commissioner David Wiener's hand is raised and will be abstaining. Commissioner Wiener the floor is yours.

Mr. Weiner: Yes, I need to abstain on items one and two Southwest Corner of Princess Anne Road in South Independence Boulevard, the applicant is a client of mine.

Mr. Landfair: Staff notes that Commissioner Graham's hand is raised and will be abstaining. Commissioner Graham, the floor is yours. Please provide an explanation for your abstention and pause for three seconds before speaking. Thank you.

Mr. Graham: Mr. Landfair, I will not be abstaining, but I do need to disclose that I am on a board at Townebank, who is the lender on item number 22 that I will be voting today. I do not have a financial interest.

Mr. Landfair: Staff notes that Commissioner Inman's hand is raised and will be abstaining. Commissioner Inman, the floor is yours.

Mr. Inman: I will not be abstaining. Sorry, but I wanted to clarify that this item 22, as mentioned by Mr. Graham that mentions Townebank or actually Townebank mortgage as a lender that is causing me to have to make that disclosure, but I am voting.

Ms. Landfair: See, no more hands raised the vote is now open and staff will call each Commissioner individually. If you are in favor of the motion say, yes. If you are opposed say, no. Please pause three seconds after your name is called before speaking. Mr. Alcaraz.

Mr. Alcaraz: Yes, thank you.

Ms. Landfair: Mr. Coston.

Mr. Coston: Yes.

Mr. Landfair: Mr. Graham.

Mr. Graham: Yes.

Mr. Landfair: Mr. Horsley.

Ms. Horsley: Yes.

Mr. Landfair: Mr. Inman. Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Oliver.

Ms. Oliver: Yes.

Mr. Landfair: Mr. Redmond.

Mr. Redmond: Yes.

Mr. Landfair: Mr. Wall.

Mr. Wall: Yes.

Mr. Landfair: Mr. Weiner.

Mr. Weiner: Yes.

Mr. Landfair: Marchelle Coleman will announce the vote result.

Ms. Coleman: By recorded vote of nine, for and zero, against with one abstention vote on items one and two by Commissioner Weiner. The following items 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23 have been approved by consent, Bill.

	AYE 9	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Conditions:

1. The following conditions shall only apply to the dwelling unit addressed as 951 Maryland 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. 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 associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times three) on the property where the Short Term Rental 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

The verbatim of the May 27, 2020 Planning Commission meeting is provided below; however, the Planning Commission will consider the application on September 8, 2020, again due to advertising error.

**Item #18
HMC, LLC [Applicant]
Minh Vuong [Owner]
Conditional Use Permit (Short Term Rental)
4669 Merrimac Lane**

May 27, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: The next order of business is the consent agenda. These are applications that are recommended for approval by staff and the Planning Commission concurred and there are no speakers signed up in opposition. Based on this morning's discussion, the following applications will be placed on the consent agenda. Items number 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23. Thank you, Bill.

Ms. Oliver: Thank you. Do I have a motion?

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Inman. Please pause for three seconds before making your motion verbally.

Mr. Inman: I move forward for the consent agenda items. Also want to disclose by membership of the Virginia Beach Advisory Board of Townebank and have a letter on file as to my status as a member of that advisory, or we do not approve loans make those sorts of decisions and under the conflicts requirements. I am able to vote and will vote.

Mr. Landfair: Thank you. Staff acknowledges the virtual hand raised by Commissioner Weiner as a potential second.

Mr. Weiner: I also move, I need to abstain from items one and two at the Southwest Corner of Princess Anne Road in South Independence Boulevard the applicant is a client of mine.

Mr. Landfair: Commissioner Weiner, have you seconded the motion?

Mr. Weiner: Yes, I have, I second.

Mr. Landfair: Hearing a second a motion to approve the following applications agenda items 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23 by consent

has been made by Commissioner Inman and seconded by Commissioner Weiner. Are any Planning Commissioners abstaining from the vote? Staff notes that Commissioner David Wiener's hand is raised and will be abstaining. Commissioner Wiener the floor is yours.

Mr. Weiner: Yes, I need to abstain on items one and two Southwest Corner of Princess Anne Road in South Independence Boulevard, the applicant is a client of mine.

Mr. Landfair: Staff notes that Commissioner Graham's hand is raised and will be abstaining. Commissioner Graham, the floor is yours. Please provide an explanation for your abstention and pause for three seconds before speaking. Thank you.

Mr. Graham: Mr. Landfair, I will not be abstaining, but I do need to disclose that I am on a board at Townebank, who is the lender on item number 22 that I will be voting today. I do not have a financial interest.

Mr. Landfair: Staff notes that Commissioner Inman's hand is raised and will be abstaining. Commissioner Inman, the floor is yours.

Mr. Inman: I will not be abstaining. Sorry, but I wanted to clarify that this item 22, as mentioned by Mr. Graham that mentions Townebank or actually Townebank mortgage as a lender that is causing me to have to make that disclosure, but I am voting.

Ms. Landfair: See, no more hands raised the vote is now open and staff will call each Commissioner individually. If you are in favor of the motion say, yes. If you are opposed say, no. Please pause three seconds after your name is called before speaking. Mr. Alcaraz.

Mr. Alcaraz: Yes, thank you.

Ms. Landfair: Mr. Coston.

Mr. Coston: Yes.

Mr. Landfair: Mr. Graham.

Mr. Graham: Yes.

Mr. Landfair: Mr. Horsley.

Ms. Horsley: Yes.

Mr. Landfair: Mr. Inman. Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Oliver.

Ms. Oliver: Yes.

Mr. Landfair: Mr. Redmond.

Mr. Redmond: Yes.

Mr. Landfair: Mr. Wall.

Mr. Wall: Yes.

Mr. Landfair: Mr. Weiner.

Mr. Weiner: Yes.

Mr. Landfair: Marchelle Coleman will announce the vote result.

Ms. Coleman: By recorded vote of nine, for and zero, against with one abstention vote on items one and two by Commissioner Weiner. The following items 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23 have been approved by consent, Bill.

	AYE 9	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Conditions:

1. The following conditions shall only apply to the dwelling unit addressed as 4669 Merrimac Lane 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 associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times three) on the property where the Short Term Rental 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.

Items #19
The Good Manor Group, LLC
Conditional Use Permit (Short Term Rental)
1721 Rueger Street

May 27, 2020

INDEFINITE DEFERRAL

Mr. Landfair: Thank you. Agenda Item Number 19. The Good Manor Group LLC for conditional use permit request for Short Term Rental at 1712, Rueger Street in the Kemp's Ville district. The applicant is Denise Phipps. Ms. Phipps has signed up to speak, please provide a summary of your request. And remember to identify yourself for the record, and pause three seconds before speaking, so that we can activate your microphone. Ms. Phipps, you have the floor. Thank you.

Ms. Phipps: Hi, good afternoon. I am Denise Phipps. Are you guys hearing the echo? Okay, I will keep going. I just wanted to clarify a couple of things as I listen to the meeting this morning. I did have a permit for the driveway. And, it was the contractor got a permit everything was good, but apparently when they came back to do the inspection, the final. It did not pass, because there was an issue, just at the end of the driveway down. It did not have anything to do with the width of how wide it was. It is just the way the driveway. I am in the process with my contractor, getting into fix that. I also want to say from the pictures, it is a little bit hard to see the whole angle of how it looks. But, I do have landscaping, that is on the side and up towards the front of the house. It looks much nicer than what these pictures are showing. The other thing was one of the reasons I think that it has been beneficial to have a space, even while we were working and doing things there. Nobody in the neighborhood had a problem because there is an issue. Some people have driveway exercises that are not doing all the extra things I have done to make it look nice. And there is a parking issue. So, people will park on their lawns and everything else, which does not look good either. So, I really tried to make the house look nice. And everybody around it seems to really like it. So, I just want to clear that up, that I did have the permit. I was not aware, but it did not get the final done because I did not hear anything until I spoke to Kevin, about getting my additional things in order that I needed for the Airbnb. That is what I have been aware, so I contacted the contractor. And the only reason there has been any delay is just simply because of the virus that I spoke with him again today, and he is getting it resolved.

Mr. Landfair: Thank you. Are there any questions of the applicant by the Planning Commission. If so, please raise your virtual hand. Staff acknowledges the virtual hand raised by

Commissioner Alcaraz. Planning Commissioner Alcaraz, your mic is open for comment, please pause three seconds to be unmuted.

Mr. Alcaraz: Thank you, this is George Alcaraz and in relates to the permit, it is not approved. Kevin do you have anything on that matter. I have a feeling, I know what it is but do you have any record of what the concern is?

Mr. Landfair: Kevin Kemp.

Mr. Kemp: Yes. The issue was with where it hits the street, the driveway came straight down to the street where you are limited to a 20 foot width. So, it has to go from the existing apron and taper back so the issue was all with how the driveway tapered back to meet the property line. So, it was the pavement in the right of way that was the issue, the driveway needs to taper.

Mr. Alcaraz: so that means they have got it tear it out and rip out the curb that is there on the picture. And taper it out and then get approved, correct?

Mr. Landfair: Kevin Kemp.

Mr. Kemp: Yes, that is correct.

Mr. Landfair: Thank you. Are there any more questions of the applicant at this time, I am sorry.

Ms. Oliver: No.

Mr. Landfair: No. Okay.

Ms. Oliver: I do not have any questions for him.

Mr. Landfair: Are there any more questions of the applicant at this time by the Planning Commission. If not, we would like Ric Lowman City Traffic Engineer to provide some additional comment regarding this application. Ric.

Mr. Lowman: Good afternoon, Ric Lowman Public Work Traffic Engineering, it was Kevin just stated kind of what I was going to mention which was that at the right of way line which is 10 foot back from the edge of pavement, the driveway could be no wider than 20 feet. So, it looks like from the aerial view that I have on Google Earth it is about 26 foot wide, so there is a six foot by 10 foot area that would have to be removed. So, I just wanted to point that out because some of the conversations that were being held earlier were that you could pave your entire, you know, the front yard. But, at the right away line, it is limited to 20 feet. So, in generally, and I have measured in this neighborhood the right of way line is 10 feet from the edge of pavement.

Mr. Landfair: Are there any questions of Ric by the Planning Commission. If so, please raise your virtual hand. Staff acknowledges the virtual hand raised by Commissioner Alcaraz. Planning Commissioner Alcaraz, your mic is open for comment, please pause three seconds to be unmuted.

Mr. Alcaraz: Yeah, it is George Alcaraz again. So, with what the Traffic Engineer just said what does that do to the parking if the first 10 feet has to be ripped out, and no bigger than 20 foot I guess apron. But, on the drawing it has some of the parking shown off the property. So, is that going to affect it anymore. Thank you.

Mr. Landfair: Kevin can you please respond.

Mr. Kevin: Yes, absolutely it should not impact the parking, the portion of the parking that is into the public right of way, is where the existing apron is, there should still be space in the paved area, the new paved area on the property to accommodate the parking as you can see from the diagram, they show the parking kind of coming in at an angle, which would allow for two cars to fit in that, you know, limited space.

Mr. Landfair: Thank you. Staff acknowledges the virtual hand raised by Commissioner Graham. Planning Commissioner Graham your mic is open for comment, please pause three seconds to be unmuted.

Mr. Graham: So Ric, right now. I guess maybe this question really is not for Ric, but right now the applicant is not in compliance, because the driveway is basically a section of it needs to be ripped out. Is that correct?

Mr. Landfair: Please respond.

Mr. Kevin: Sorry, was that question for Ric or myself, Kevin.

Mr. Graham: Kevin you can answer it. I mean, right now the applicant is not in compliance is that correct?

Mr. Kevin: That is correct, a building permit was obtained from our permits and inspections division that showed the proper driveway with the right taper and the right apron length, being installed. So, right now that driveway is in violation of that permit and needs to be corrected. So, on top of you know the consideration today with the Short Term Rental there is also a before that permit is ever finally out it needs to be in compliance with the building permit that was pulled.

Mr. Graham: I mean, they have four spaces, but it really do not have four spaces right now because they have built something that is not in compliance. I do not know how we can we can be able to vote to approve something like this.

Mr. Landfair: Staff acknowledges the hand raised by Commissioner Oliver.

Ms. Oliver: I am inclined to ask to possibly have this deferred until this applicant is in compliance with a permit and the driveway. And then, let us get the house keeping cleaned up on her part, and then we will see how much parking we have.

Mr. Landfair: Would you like the applicant to respond.

Ms. Oliver: Yes, please.

Mr. Landfair: Okay. Ms. Phipps, would you like to respond, please.

Ms. Phipps: once I was aware of this, I did contact Kevin and say maybe I need to delay, so I got this remedy. And, he told me that it would be okay and I would have an additional 30 days to make sure this was productive. And, like I said I have spoken to the contractor and I have spoken to a second contractor, so that if this is does not get fixed right away I will hire, it means that was not my responsibility because he did not do it the way, he should have. I am not a contractor, I hired a conotractor you know that everything was in order. So, I am ready to get it fixed and get it fixed very rapidly.

Mr. Landfair: Thank you. Staff acknowledges is the virtual hand raised by Commissioner Inman. Planning Commissioner Inman your mic is open for comment, please pause three seconds to be unmuted

Mr. Inman: I just want to Ms. Oliver's suggestion of a deferral, if we have any problems with any of these application is particularly about parking it is just need to be straightened out of back.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Wall. Planning Commissioner Wall your mic is open for comment, please pause three seconds to be unmuted.

Mr. Wall: This is Jack Wall and I support that as well. I think that would be it would enhanced the aesthetics as well as, you know, ensure that this is, you know, in compliance what they are supposed to be doing. So, my support would be for a deferral.

Mr. Landfair: Staff acknowledges the virtual hand raised by Planning Commissioner Graham. Planning Commissioner Graham your mic is open for comment, please pause three seconds to be unmuted.

Mr. Graham: We have had really I guess three motions for a deferral. I would like to motion for a deferral.

Mr. Landfair: Okay. Staff acknowledges the virtual hand raised by Commissioner Redmond. Planning Commissioner Redmond your mic is open for comment, please pause three seconds to be unmuted.

Mr. Redmond: I second the motion.

Mr. Landfair: Hearing a second, a motion to defer the application has been made by Commissioner Oliver and seconded by Commissioner Redmond.

Mr. Tajan: I am sorry, let us correct that for the record by Commissioner Wall and seconded by Commissioner Redmond. I am sorry, I am sorry it was Mr. Graham and seconded by Mr. Redmond. I apologize.

Ms. Oliver: Yeah.

Mr. Landfair: Okay. Thank you. I will repeat the motion, a motion to defer the application has been made by Commissioner Graham and seconded by Commissioner Redmond. Are any planning commissioners abstaining from the vote, please raise your virtual hand. The vote is now open and staff will call each Commissioner individually. If you are in favor of the motion say, yes. If you are opposed say, no. Please pause three seconds after your name is called before speaking. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Mr. Coston: Yes.

Mr. Landfair: Mr. Graham.

Mr. Graham: Yes.

Mr. Landfair: Mr. Horsley.

Mr. Horsley: Yes.

Mr. Landfair: Mr. Inman

Mr. Inman: Yes.

Mr. Landfair: Ms. Oliver.

Ms. Oliver: Yes.

Mr. Landfair: Mr. Redmond.

Mr. Redmond: Yes.

Mr. Landfair: Mr. Wall.

Mr. Wall: Yes.

Mr. Landfair: Mr. Weiner.

Mr. Weiner: Yes.

Mr. Landfair: Marchelle Coleman will announce the vote result.

Ms. Coleman: By recorded vote of nine, four and zero against agenda item 19 is hereby deferred by the Planning Commission, indefinitely differ by the Planning Commission.

	AYE 9	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Conditions:

1. The following conditions shall only apply to the dwelling unit addressed as 1721 Rueger St. and the Short Term Rental use shall only occur in the principal structure.
2. The driveway shall be in conformance with the building permit issued in March 2019. The existing condition where concrete was added to the curb shall be corrected to reflect what was specified in the building permit. This work shall be done prior to any short term rentals at the property.
3. The new driveway shall meet the Public Works Standard. The apron shall be; 20' wide at the property line and 24' wide at the curb.
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 associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times three) on the property where the Short Term Rental 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.

Items #20 & 21
Arica Atkins & Melvin L. Atkins, III
Conditional Use Permit (Short Term Rental)
598 Pinewood Drive, Units 203 & 208

May 27, 2020

RECOMMEND FOR APPROVAL - CONSENT

Mr. Landfair: Agenda Items 20 and 21.

Mr. Tajan: Just for a clarification for the public. The item is deferred indefinitely until the applicant can show that we can get an inspection and get their permit final once then we can then advertise it for the proper public hearing after it has been corrected.

Mr. Landfair: Thank you, Mr. Tajan. Agenda items 20 and 21. Erica Atkins and Melvin Atkins for conditional use permit requests for Short Term Rentals at 598, Pinewood drive, Units 203 and 208 in the Beach District. The applicants are Erica and Melvin Atkins. Both Mr. and Mrs. Atkins have signed up to speak. Mr. and Mrs. Atkins, please provide a summary of your request. And remember to identify yourself for the record and pause three seconds before speaking, so that we can activate your microphone. Mr. and Mrs. Atkins, you have the floor. Thank you.

Mr. Atkins: Hello, good afternoon commissioners. My wife and I were here, and she is with me now, we have purchased two Units in the Shadow Lawn Villas 2 complex and we purchased these two Short Term Rental them during the summertime months. And, you know, we are renting them during the winter months. I want to say kind of as an investment in the winter months, I do a lot of searching. We do a lot of stuff at the beach. We do the runs, we do awesome events down there, so we will take advantage of some of the wintertime stuff but primarily we are planning to run it abide by the rules, all your ordinances, all that good stuff. I just had to get through the process of the conditional use permit. These places have been Short Term Rentals for a very long time I think it used to be a motel home originally four blocks from the beach, it is a great area. We have upgraded up to thousand dollars in each unit, there is very small unit 700 square feet, not a lot of work. We have got ring the doorbells uninstalled and it is improved, I would say, it could improve security. Anyway, I think the Short Term Rentals are the way to go. I think they bring more value to the complex. I think the value to the area. I think they are better for the owners, you know, you get the people in for short amount of time, you take care of the place you are in there. All the time my wife actually manages to do everything in house. Actually, my wife does the cleaning, managing on inspections. We meticulously pick her our people on this summer, or five star they all have to be

government ID verified all kinds of credentials, if they have to have to stay there. It is really cool, we enjoy it. A little bit of money to be made, setting us up for later in life and it is kind of we are out there, and a couple bumps here and there with our association, they do not use the same regulations that you guys do, they do a seven day minimum so we actually do not re-rent within a seven day block. We can only do one guest per week there. So, we are a little bit of a disadvantage there but we still enjoy, so like it and still works for us and that is where we are at with that.

Mr. Landfair: Thank you. Mrs. Atkins like to say anything?

Mrs. Aktins: We actually, this is not like a new thing for us. We do have a Short Term Rental in another community in the Outer Banks it is very similar to this one. We have successfully ran that for the last two years. I actually go down, we have just turned that over to another cleaning lady so she actually does the cleaning, so I am not as hands on with that one. But, I actually managed that one from here we have had zero complaints from the neighbors it is a little bigger community than, what we have here at Shadow Lawn. But, the screening that we do, we do not rent to anybody under the age of 25. We are super picky about how many people stay. We do install the ring doorbells to be able to make sure that we can monitor that situation, make sure that you know we know how many people are going in and out of our unit. It also happens that our unit on the end 208, actually goes directly to it faces the exit. So, the ring doorbell on that actually does help out to see every car that exits the parking. So, it is definitely is a form of security there being able to see every car that comes and goes kind of thing.

Mr. Landfair: Thank you. Are there any questions of the applicant by the Planning Commission? If so, please raise your virtual hand. Are there any questions of the applicant by the Planning Commission. If so, please raise your virtual hand. Staff acknowledges the virtual hand raised by Commissioner Graham. Planning Commissioner Graham, your mic is open for comment, please pause three seconds to be unmuted.

Mr. Graham: This is a question for the applicant, you currently manage the property where do you reside. I do not need the exact address but you close by living.

Mrs. Atkins: We actually live five miles from the community, so we are in Virginia Beach as well we are in Great Neck.

Mr. Graham: Okay. And, how much of an investment did you make into the property, you said you did some work to it.

Mrs. Atkins: Yes, sir. We have put about 10,000, a little bit over into each property just upgrades and just kind of touch ups that needed to be done, paint flooring redoing cabinets, bathrooms, vanities, window treatments, those kind of things, lighting.

Mr. Landfair: This is a really a question for William, it says here that they meet the parking requirement. Is there any issue with that? Will would you like to respond please?

Mr. Graham: This is a question for William Miller.

Mr. Miller: Here we go, it looks like they just unmuted me. I swear I was not ignoring you. So, each unit has one bedroom and there is one parking space for each unit. Like I said in earlier, there are five letters of opposition. I have read through all of them, I do not recall seeing anything about parking concerns that were brought up, it does not mean it was not there, I just do not recall that at this time. The other concerns that I talked about earlier were the ones that I made note of. So, I answered your question, I do not know of any currently.

Mr. Landfair: Okay. Staff acknowledges the virtual hand raised by Commissioner Redmond. Planning Commissioner Redmond, your mic is open for comment, please pause three seconds to be unmuted.

Mr. Redmond: No hand brother, no hand.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Alcaraz. Planning Commissioner Alcaraz your mic is open for comment, please pause three seconds to be unmuted.

Mr. Alcaraz: Thank you. This is George Alcaraz, I should have gotten with Ms. Wilson before but I own the property across the street. And I just wanted to disclose that and I do not know these owners I do not know anything about the property across the street. So, I just want to make sure that it is aware that I am going to adjacent property and I will be voting.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Graham. Planning Commissioner Graham your mic is open for comment, please pause three seconds to be unmuted.

Mr. Graham: So, I meant to unclick my hand I apologize.

Mr. Landfair: Are there any more questions of the applicant at this time by the Commission. Staff acknowledges the virtual hand raised by Commissioner Wall. Planning

Commissioner Wall, your mic is open for comment, Please pause three seconds to be unmuted.

Mr. Wall: Thank you. This is Jack Wall. I am curious how long have you been renting these properties. And maybe you mentioned that I may have missed it but if you could state that again. Thank you.

Mrs. Atkins: A 208 Unit, since January, I believe. The 203, is just now getting completed, we just got flooring in as of last Sunday, so, we have not even started that rental yet.

Mr. Landfair: I am sorry. Staff acknowledges the hand raised by Commissioner Oliver.

Ms. Oliver: Hi, yes. I just want to make sure I am not sure if I heard you because I know you mentioned something about property in Shadow Lawn somewhere else in Shadow Lawn, do you all have another Airbnb?

Mrs. Atkins: Actually, we have a few. The two properties that are located within Shadow Lawn Villas two, but the other property that we have that is an Airbnb is in the Outer Banks and it is in a similar community, but it is not in Virginia Beach.

Ms. Oliver: Okay, thank you.

Mr. Landfair: We have one speaker signed up to comment, Dennis Weber. Mr. Weber, note that you have three minutes to speak. Please identify yourself for the record, and pause three seconds before speaking. Thank you.

Mr. Webber: Thank you very much. My name is Dennis Webber, just to like comment on it and mine will all be security based within the parking lot, there are absolutely no security lights whatsoever. So, it is a dark environment concerns, we do have some issues on break ins as early as just last night, I can forward video to you that there were people walking actually through the parking lot there, as well as went through our cars in our driveway. Fortunately, I did leave my car unlocked, went through it through the glovebox, fortunately they do not play golf. So my golf clubs were still in the trunk. If those are really my only concerns are security driven. If there was some more lighting in the parking lot maybe some more security cameras. I am not objecting to anything it is just, all safety, bringing a lot of people in here that do not live might be concerning. Thank you very, very much and appreciate your time.

Mr. Landfair: There are no more speakers Madam Chair, you have the floor, Ms. Oliver for Planning Commission discussion.

Ms. Oliver: Right, thank you. I would like to close this hearing to open it up to the discussions for the Planning Commission or entertain a motion. So, if you have a comment or motion you will raise your virtual hand so staff can recognize that please.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Graham, your mic is open for comment, please pause for three seconds.

Mr. Graham: I would like to motion that we approve the application for birth number 20 and number 21.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Weiner, your mic is open for comment, please pause for three seconds.

Mr. Weiner: I want to second that motion.

Mr. Landfair: Are any Planning Commissioners abstaining from the vote, please raise your virtual hand. The vote is now open and staff will call each Commissioner individually. If you are in favor of the motion say, yes, if you are opposed say, no. Please pause three seconds after your name is called before speaking. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Mr. Coston: Yes.

Mr. Landfair: Mr. Graham.

Mr. Graham: Yes.

Mr. Landfair: Mr. Horsley.

Mr. Horsley: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Oliver.

Ms. Oliver: Yes.

Mr. Landfair: Mr. Redmond.

Mr. Redmond: Yes.

Mr. Landfair: Mr. Wall.

Mr. Wall: Yes.

Mr. Landfair: Mr. Weiner.

Mr. Weiner: Yes.

Mr. Landfair: Marchelle Coleman will announce the vote result.

Ms. Coleman: By recorded vote of nine, four and zero against agenda item 20 and 21 are hereby recommended for approval by the Planning Commission.

	AYE 9	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Conditions:

1. The following conditions shall only apply to the dwelling units addressed as 598 Pinewood Drive (#203 and #208) 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(s) through the Residential Parking Permit Program (RPPP) shall be limited to two residential passes only. Guest and temporary passes 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 Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal

of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.

5. No events with more than the permitted number of people who may stay overnight (number of bedrooms multiplied by three) shall be held at the Short Term Rental and the property on which it is located. This Short Term Rental property 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.

The verbatim of the May 27, 2020 Planning Commission meeting is provided below; however, the Planning Commission will consider the application on September 8, 2020, again due to advertising error.

Item #22

**Emily Perdoncin & Dennis Smith
Conditional Use Permit (Short Term Rental)
2306 Oak Street**

May 27, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: The next order of business is the consent agenda. These are applications that are recommended for approval by staff and the Planning Commission concurred and there are no speaker signed up in opposition. Based on this morning's discussion, the following applications will be placed on the consent agenda. Items number 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23. Thank you, Bill.

Ms. Oliver: Thank you. Do I have a motion?

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Inman. Please pause for three seconds before making your motion verbally.

Mr. Inman: I move forward for the consent agenda items. Also want to disclose my membership of the Virginia Beach Advisory Board of Towne bank and have a letter on file as to my status as a member of that advisory. We do not approve loans or make those sorts of decisions under the conflicts requirements. I am able to vote and will vote.

Mr. Landfair: Thank you. Staff acknowledges the virtual hand raised by Commissioner Weiner as a potential second.

Mr. Weiner: I also move that I need to abstain from items one and two at the Southwest Corner of Princess Anne Road in South Independence Boulevard the applicant is a client of mine.

Mr. Landfair: Commissioner Weiner, have you seconded the motion?

Mr. Weiner: Yes, I have, I second.

Mr. Landfair: Hearing a second. A motion to approve the following application agenda items 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23 by consent has been made by Commissioner Inman and seconded by Commissioner Weiner. Are any Planning Commissioners abstaining from the vote? Staff notes that Commissioner David

Wiener's hand is raised and will be abstaining. Commissioner Wiener the floor is yours.

Mr. Weiner: Yes, I need to abstain on items 1 and 2 Southwest Corner of Princess Anne Road in South Independence Boulevard. The applicant is a client of mine.

Mr. Landfair: Staff notes that Commissioner Graham's hand is raised and will be abstaining. Commissioner Graham, the floor is yours. Please provide an explanation for your abstention and pause for three seconds before speaking. Thank you.

Mr. Graham: Mr. Landfair, I will not be abstaining, but I do need to disclose that I am on a board at Towne bank, who is the lender on item number 22, but I will be voting today. I do not have a financial interest.

Mr. Landfair: Staff notes that Commissioner Inman's hand is raised and will be abstaining. Commissioner Inman, the floor is yours.

Mr. Inman: I will not be abstaining. Sorry, but I wanted to clarify that this item 22, as mentioned by Mr. Graham that mentions Towne bank or actually Towne bank mortgage as a lender that is causing me to have to make that disclosure, but I am voting.

Ms. Landfair: I see no more hands raised. The vote is now open and staff will call each Commissioner individually. If you are in favor of the motion say, yes. If you are opposed, say, no. Please pause three seconds after your name is called before speaking. Mr. Alcaraz.

Mr. Alcaraz: Yes, thank you.

Ms. Landfair: Mr. Coston.

Mr. Coston: Yes.

Mr. Landfair: Mr. Graham.

Mr. Graham: Yes.

Mr. Landfair: Mr. Horsley.

Ms. Horsley: Yes.

Mr. Landfair: Mr. Inman. Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Oliver.

Ms. Oliver: Yes.

Mr. Landfair: Mr. Redmond.

Mr. Redmond: Yes.

Mr. Landfair: Mr. Wall.

Mr. Wall: Yes.

Mr. Landfair: Mr. Weiner.

Mr. Weiner: Yes.

Mr. Landfair: Marchelle Coleman will announce the vote result.

Ms. Coleman: By recorded vote of nine, for and zero against, with one abstention vote on items 1 and 2 by Commissioner Weiner, the following items 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23 have been approved by consent, Bill.

	AYE 9	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Conditions:

1. The following conditions shall only apply to the dwelling unit addressed as 2306 oak 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. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.

4. No events with more than the permitted number of people who may stay overnight (number of bedrooms multiplied by three) shall be held at the Short Term Rental and the property on which it is located. This Short Term Rental property 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.

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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.

The verbatim of the May 27, 2020 Planning Commission meeting is provided below; however, the Planning Commission will consider the application on September 1, 2020, again due to advertising error.

**Item #23
Geoffrey Whiteside
Conditional Use Permit (Short Term Rental)
131 S. Thalia Road**

May 27, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: The next order of business is the consent agenda. These are applications that are recommended for approval by staff and the Planning Commission concurred and there are no speaker signed up in opposition. Based on this morning's discussion, the following applications will be placed on the consent agenda. Items number 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23. Thank you, Bill.

Ms. Oliver: Thank you. Do I have a motion?

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Inman. Please pause for three seconds before making your motion verbally.

Mr. Inman: I move forward for the consent agenda items. Also want to disclose by membership of the Virginia Beach Advisory Board of Towne bank and have a letter on file as to my status as a member of that advisory, or we do not approve loans make those sorts of decisions and under the conflicts requirements. I am able to vote and will vote.

Mr. Landfair: Thank you. Staff acknowledges the virtual hand raised by Commissioner Weiner as a potential second.

Mr. Weiner: I also move, I need to abstain from items one and two at the Southwest Corner of Princess Anne Road in South Independence Boulevard the applicant is a client of mine.

Mr. Landfair: Commissioner Weiner, have you seconded the motion?

Mr. Weiner: Yes, I have, I second.

Mr. Landfair: Hearing a second, a motion to approve the following application agenda items 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23 by consent has been made by Commissioner Inman and seconded by Commissioner Weiner. Are any Planning Commissioners abstaining from the vote? Staff notes that Commissioner David

Wiener's hand is raised and will be abstaining. Commissioner Wiener the floor is yours.

Mr. Weiner: Yes, I need to abstain on items one and two Southwest Corner of Princess Anne Road in South Independence Boulevard, the applicant is a client of mine.

Mr. Landfair: Staff notes that Commissioner Graham's hand is raised and will be abstaining. Commissioner Graham, the floor is yours. Please provide an explanation for your abstention and pause for three seconds before speaking. Thank you.

Mr. Graham: Mr. Landfair, I will not be abstaining, but I do need to disclose that I am on a board at Towne bank, who is the lender on item number 22 that I will be voting today. I do not have a financial interest.

Mr. Landfair: Staff notes that Commissioner Inman's hand is raised and will be abstaining. Commissioner Inman, the floor is yours.

Mr. Inman: I will not be abstaining. Sorry, but I wanted to clarify that this item 22, as mentioned by Mr. Graham that mentions Towne bank or actually Towne bank mortgage as a lender that is causing me to have to make that disclosure, but I am voting.

Ms. Landfair: Seeing no more hands raised, the vote is now open and staff will call each Commissioner individually. If you are in favor of the motion say, yes. If you are opposed say, no. Please pause three seconds after your name is called before speaking. Mr. Alcaraz.

Mr. Alcaraz: Yes, thank you.

Ms. Landfair: Mr. Coston.

Mr. Coston: Yes.

Mr. Landfair: Mr. Graham.

Mr. Graham: Yes.

Mr. Landfair: Mr. Horsley.

Ms. Horsley: Yes.

Mr. Landfair: Mr. Inman. Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Oliver.

Ms. Oliver: Yes.

Mr. Landfair: Mr. Redmond.

Mr. Redmond: Yes.

Mr. Landfair: Mr. Wall.

Mr. Wall: Yes.

Mr. Landfair: Mr. Weiner.

Mr. Weiner: Yes.

Mr. Landfair: Marchelle Coleman will announce the vote result.

Ms. Coleman: By a recorded vote of nine, for and zero against with one abstention vote on items one and two by Commissioner Weiner, the following items 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 22 and 23 have been approved by consent, Bill.

	AYE 9	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Conditions:

1. The following conditions shall only apply to the dwelling unit addressed as 131 S. Thalia 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 shall remain free of materials to ensure vehicular accessibility to the Short Term Rental tenants.

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

5. No events with more than the permitted number of people who may stay overnight (number of bedrooms multiplied by three) shall be held at the Short Term Rental and the property on which it is located. This Short Term Rental property 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.

The verbatim of the May 27, 2020 Planning Commission meeting is provided below; however, the Planning Commission will consider the application on August 25, 2020, again due to advertising error.

Item #24

**Ocean Rental Properties, LLC
Conditional Use Permit (Short Term Rental)
2216 Baltic Avenue, Unit B**

May 27, 2020

RECOMMEND FOR APPROVAL - HEARD

Mr. Landfair: Agenda Item 24, Ocean Rental Properties, LLC for conditional use permit requests for Short Term Rental at 2216, Baltic Avenue, Unit-B in the Beach District. The applicant's representative is Michael Levy. Mr. Levy has signed up to speak, please provide a summary of your request, and remember to identify yourself for the record, and pause three seconds before speaking, so that we can activate your microphone. Mr. Levy you have the floor. Thank you.

Mr. Levy: Yes. Good afternoon, distinguished commissioners, my name is Michael Levy with the law firm of Sykes, Bourdon, located at 4429, Bonnie Road in Virginia Beach. And I am pleased today to be able to represent the applicant Ocean Rental Properties, LLC in this application for a conditional use permit for Short Term Rental. And I will note for the record as well that I am substituting here for Mr. Bourdon who unfortunately could not join us today due to an unfortunate personal matter that has taken him out of the office. I think I would like to use my time to just address what I understand may have been an issue that arose during your informal hearing, where I think a concern was raised about access to the property in terms of access from Baltic Avenue and parking at the property. And I wanted to make it clear that there is no additional curb cut that will be necessary from Baltic Avenue there is an existing curb cut there today. And this residence is one unit of a two unit condominium on this lot. So, it is subject to a condominium declaration that provides for a shared access easement from Baltic Avenue. And in fact, in the staff report you can see the common area is depicted on page six of the staff report. It is all the slide that is up in front of me, at least on my screen right now, as that cross hatched area that directly leads out to Baltic Avenue and the condo document, provided that that area shall not be blocked by occupants of either unit, except for any sort of temporary unloading or loading of vehicles but. So, basically I wanted to make the point that there should be no need to contact the owner of Unit-A to ask them to move a vehicle in order to be able to get in and out of the parking that is provided and shown as spaces one, two and three on that plan in front of you. All of that parking is on Unit-B it is on our clients property so on.

And again, they will have free access in and out of that area. And as you can see as well the fourth space that is required is going to be accessed off of 22nd and a half street so anyway that is what I wanted to address right now and of course I am here to answer any questions and addressing the other concerns that may be raised. Thank you very much.

Mr. Landfair: Are there any questions of the applicant by the Planning Commission, if so, please raise your virtual hand. Staff acknowledges the virtual hand raised by Commissioner Alcaraz. Planning Commissioner Alcaraz, your mic is open for comment, please pause three seconds to be unmuted.

Mr. Alcaraz: Thank you, this is George Alcaraz, I just want to thank Mr. Levy for bringing that up as far as it is a shared entrance. That is all I need to clear it up. Thank you.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Wiener. Planning Commissioner Wiener, your mic is open for comment, please pause three seconds to be unmuted.

Mr. Weiner: I am sorry, I will think it down, does not supposed to be up

Mr. Landfair: Staff acknowledges the hand raised by Commissioner Oliver.

Ms. Oliver: I have a question and I do not, I guess Bill this is your application. Has the deck been modified to, has that been done.

Mr. Landfair: No, not yet. But in speaking to the applicant they have indicated a willingness to do that, but it has not been done. As of the last time I was on the property.

Ms. Oliver: So, am I correct to understand that in order to get the parking spaces that they need, they have to adjust, where the deck comes out is that correct?

Mr. Landfair: Correct.

Ms. Oliver: So, they do not have the parking right now. Is that correct?

Mr. Landfair: They have parking available it is in order to accommodate two spaces behind the deck to make it work much better, you really need to truncate the deck, otherwise there would be a lot of jockeying back and forth with the spaces and we feel that it is not really a good situation. So, we feel in order for it to function better, as it should. We have asked for truncation of the deck, which I do not believe has taken place yet, but I believe it is a condition of approval for the application.

Ms. Oliver: Okay. So, in order for this application to be approved that has to be taken care of.

Mr. Landfair: That is correct.

Ms. Oliver: And as far as we know it has not.

Mr. Landfair: That is correct.

Ms. Oliver: Yes.

Mr. Tajan: Madam Chair, it is typical for applications that if they do not need obtain the conditional use permit, they will not be required to have that extra space in the way that staff has recommended them to access it. So they already have all their required parking for their existing residential unit.

Ms. Oliver: Okay. That is what was not sure of.

Mr. Tajan: This is different than the previous item in the Brigadoon area, where there was an existing permit that was in violation that needed to be corrected before that commission felt comfortable with it moving forward. This item here would be a condition of approval they would have to alter the deck in order to properly access that additional parking space. They are not in violation, this is just one that if they do get approval, they will have to be that operate.

Ms. Oliver: Okay, got it. Thank you.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Graham. Planning Commissioner Graham, your mic is open for comment, please pause three seconds to be unmuted.

Mr. Graham: I was removing my hands on that cleared it up for me that it is actually in compliant.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Inman. Planning Commissioner Inman your mic is open for comment, please pause three seconds to be unmuted.

Mr. Inman: I move for approval of this application.

Mr. Landfair: We actually have two speakers Mr. Inman, who would like to speak first. The first speaker is Josh Moto be followed by Patrick McCullagh. Mr. Moto speaking. Thank you.

Mr. Moto: I was signed up on behalf of the applicant if we needed to have any further comment, no further comment is necessary. Thank you.

Mr. Landfair: Thank you. Mr. McCullagh, you have three minutes to speak, please identify yourself for the record and pause three seconds before speaking. Thank you. You have three minutes to speak, please identify yourself for the record and pause three seconds before speaking. Thank you. Mr. McCullagh, you have three minutes to

speaking, please identify yourself for the record and pause three seconds before speaking. Thank you. Okay, thank you. Alright, there are more speakers, Madam Chair, you have the floor Ms. Oliver for planning commission discussion.

Ms. Oliver: Okay, thank you. I will open the floor for discussion by the Planning Commission or entertain a motion by one of the commissioners, so if you will, please raise your virtual hand if you have a comment or motion for city staff. Thank you.

Mr. Landfair: The virtual hand raised by Commissioner Alcaraz your mic is open for comment, please pause for three seconds.

Mr. Alcaraz: Mr. Landfair, I didn't hear that last speaker at all, was that an opposition. I did not hear anything that was said. And, I would like to respond after that.

Mr. Landfair: Mr. Alcaraz there was a speaker signed up, Mr. McCullagh. He was not available to speak at that moment and we believe he was in opposition to the k

Mr. Alcaraz: I have no problem making a motion, I just want to emphasize condition number three what Ms. Oliver brought up. So, I make a motion to approve.

Mr. Landfair: Okay. Staff acknowledges the virtual hand raised by Commissioner Inman your mic is open for comment, please pause for three seconds.

Mr. Inman: A second the motion to approve.

Mr. Landfair: Hearing the second, a motion to approve the application has been made by Commissioner Alcaraz, seconded by Commissioner Inman. Are any Planning Commissioners abstaining from the vote, if so, please raise your virtual hand. The vote is now open, and staff will call each Commissioner individually. If you are in favor of the motion, say, yes. If you are opposed say, no. Please pause three seconds after your name is called before speaking. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Mr. Coston: Yes.

Mr. Landfair: Mr. Graham.

Mr. Graham: Yes.

Mr. Landfair: Mr. Horsley. Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Oliver.

Ms. Oliver: Yes.

Mr. Landfair: Mr. Redmond.

Mr. Redmond: Yes.

Mr. Landfair: Mr. Wall.

Ms. Wall: Yes.

Mr. Landfair: Mr. Weiner.

Ms. Weiner: Yes.

Mr. Landfair: Marchelle Coleman will announce the vote result.

Ms. Coleman: By recorded vote of eight, four and zero Against Item 24 is hereby recommended for approval by the Planning Commission.

Mr. Landfair: Madam Chair, that was the last item on the agenda, the mic is yours. Thank you.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley				ABSENT
Inman	AYE			
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Conditions:

1. The following conditions shall only apply to the dwelling units addressed as 2216 Baltic Avenue, Unit B 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 existing deck will be truncated in accordance with the parking plan to facilitate access via the driveway from Baltic Avenue.

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 associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times three) on the property where the Short Term Rental 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. Recommended Conditions Ocean Rental Properties, LLC Agenda Item 24 Page 5

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.