

Virginia Beach Planning Commission

Public Hearing

June 10, 2020

Ms. Oliver: Virtual Public Meeting 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 on the Planning Commission website. Mr. Steve Barnes and Mr. Don Horsley and Mr. Whitney Graham will not be in attendance today. I have asked staff to describe the order business of today's meeting, Mr. Landfair will you please do that?

Mr. Tajan: Bill hold on one second. I will note for the record that Mr. Redmond is running behind and he has not yet joined the virtual public hearing yet.

Ms. Oliver: Right, thank you.

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, 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. 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 six speakers registered for today's public hearing during the regular agenda for Items 24 and 25. 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. I will note that Mr. Redmond has now joined the group. Also, I would like to remind the Planning Commissioners to unmute their cameras, if they wish to be saying. Say no more hands raised, we will now move on to the Agenda. Madam Chair, there are no items requesting to withdraw. So, we will move on to the two applications requesting to be deferred. Agenda Items six

and twelve. The first application is Agenda Item six, the application of a Truce Lee Richard Jr., trustee of the Truce Lee Richard Jr. revocable living trust for a subdivision variants to Section 4.4-A of the subdivision regulations for the property located at 2968, Holland Road, Princess Anne District. The applicants representative, Mr. Eddie Bourdon has signed up to speak, Mr. Bourdon the floor is now yours. Please pause for three seconds before speaking.

Items #1

**Vogue Lashes & Spa [Applicant] Laskin Road, LLC [Owner]
Conditional Use Permit (Tattoo Parlor)
993 Laskin Road**

June 10, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: Thank you. The next order of business is the Consent Agenda. There are applications that are recommended for approval by staff and the Planning Commission concur, 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 1, 2, 3, 4, 5, 7, 8, 10, 11 with a minute condition number one as noted, 13, 14 with a new condition noted, 15 with a new condition, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Thank you.

Mr. Landfair: Madam Chair, the first Consent Agenda Item is Item one Vogue Lashes and Spa for a conditional use permit for a tattoo parlor for the property located at 993, Laskin Road in the beach district. The applicant's representative is Mr. Ileai Kalikin. Mr. Kalikin when you begin speaking please first identify yourself for the record, and indicate whether you support staffs recommendation. Mr Kalikin, the floor is yours. Please pause three seconds before speaking, so that we can unmute your microphone. Thank you.

Mr. Kalikin: Good afternoon everyone. Yes, we are applying for conditional use permit for this spa. That is our second location, and we are only looking for the permanent make up part for that.

Mr. Landfair: Thank you. The next item on consent is Item number two, Church of the Ascension. I request for a modification of conditions to add a 2800 square foot administrative office to the existing church at property located at 4853, Princess Anne Road in the Kempsville District, the applicant's representative is Mr. Billy Garrington. Mr. Garrington when you begin speaking, please first identify yourself for the record and indicate whether you found the conditions acceptable. Mr. Garrington, the floor is yours. Please pause three seconds before speaking, so that we can unmute your microphone. Thank you.

Mr. Garrington: Madam Chair and members of the Planning Commission for the record Billy Garrington on behalf of the applicant in this request Church of the Ascension property known as 4853, Princess Anne Road. I have read the staff report, the four conditions that are in the report are agreeable and we thank you for putting this on the consent agenda, I am standing by.

Mr. Landfair: Thank you. The next item on consent is item number three, Emmanuel B. Platon for a conditional use permit request for an automotive repair garage to install a paint booth at 5044, Cleveland Street in the Bayside district. The applicant is Mr. Emmanuel Platon. Mr. Platon, when you begin speaking first identify yourself for the record and indicate whether you found the conditions acceptable. Mr. Platon, the floor is yours. Please pause three seconds before speaking, so that we can unmute your microphone. Thank you.

Mr. Platon: Good afternoon, sir and madam. My name is Emmanuel Platon, applying for Auto Body Repair Shop paint booth permit, which located at 5044, Cleveland Street, Virginia Beach.

Mr. Landfair: Thank you. The next item on consent is item number four Rychea Reed for a conditional use permit request for a family daycare home at 1674, Dylan Drive in the Kempsville District. The applicant is Ms. Rychea Reed. Ms. Reed when you begin speaking please first identify yourself for the record, and indicate whether you found the conditions acceptable. Ms. Reed the floor is yours. Please pause three seconds before speaking, so that we can unmute your microphone. Thank you.

Ms. Reed: Good evening, I am requesting a conditional use permit for my in home daycare at 1674, Dylan Drive in Virginia Beach, Virginia. My name is Rychea Reed and I do find an acceptable. Thank you.

Mr. Landfair: Thank you. The next item on consent is item number five, Inkcredible Tattoo, LLC for conditional use permit request for tattoo parlor at 1630, General Booth, Boulevard suite 112 in Princess Anne District. The applicant's representative is Mr. Eddie Bourdon. Mr. Bourdon when you begin speaking please first identify yourself for the record, and indicate whether you found the conditions acceptable. Mr. Bourdon the floor is yours. Please pause three seconds before speaking, so that we can unmute your microphone. Thank you.

Mr. Bourdon: Thank you, Mr. Landfair, Madam Chair, and members of Commission for the record Eddie Bourdon Virginia Beach Attorney representing Inkcredible Tattoo, LLC. We appreciate the item being on the consent agenda, all three conditions are acceptable and also want to thank Jonathan Sanders for his work on the request.

Mr. Landfair: The next item on consent is item number seven. Lorna C. Donatone, QPRT for a conditional use permit request for community pier at 1421 and 1423, Blue Heron Road in the Lynnhaven District. The applicant's representative is Mr. Bob Simon. Mr. Simon, when you begin speaking, please first identify yourself for the record, and indicate whether you found the conditions acceptable. Mr. Simon, the floor is

yours. Please pause three seconds before speaking, so that we can unmute your microphone. Thank you.

Mr. Simon: Good afternoon, members of the Planning Commission, Robert Simon for the record representing Donatone on this application. We are in agreement with the conditions. Thank you for placing this agenda.

Mr. Landfair: Thank you. The next item on consent is item number eight, City of Virginia Beach. Item eight is an ordinance to amend section 201 of the City's Zoning Ordinance pertaining to setbacks for in ground pools adjacent to the Atlantic Ocean. Both staff and the Planning Commission recommend approval of this ordinance amendment and since there is no opposition to these requests, the Planning Commission places it on the consent agenda. The planning commission places the following applications for conditional use permit for Short Term Rental on the consent agenda, as they meet the applicable requirements for section, 241.2 of the zoning ordinance. Staff and the Planning Commission support the applications and there are no speakers signed up to comment. Items 10, 11 with amended condition number one as noted. 13 and 14, with a new condition. 15 with a new condition. 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Madam Chair, that concludes the consent agenda, noting that items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33, and 34 are all on the consent agenda. Are there any questions from the Planning Commission. Staff notes that Commissioner Inman raised his hand. Commissioner Inman, the floor is yours. Thank you.

Mr. Inman: Thank you, Bill. I need to disclose that I am an Advisory Board Member for Towne Bank. We do not have any loan approval function. And I do not have any other conflict in this regard and I am permitted to vote, but I have made that disclosure and I will vote. Thank you.

Mr. Landfair: Staff notes that Commissioner Coston raised his hand. Commissioner Coston, the floor is yours. Thank you.

Mr. Coston: John Coston just wanting to notify everyone that I am an officer at Item 18 and I am noted in the documents as an officer, but I will be voting.

Mr. Landfair: Thank you. Staff noted that Commissioner Inman has raised his hand. Commissioner Inman the floor is yours.

Mr. Inman: Thank you, Bill. I am not sure I noted that, it was item one that presents the Towne Bank issue.

Mr. Landfair: Thank you. Madam Chair, staff does not see any further questions of the Commission, so I will open up your mic for you to call for a motion.

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

Mr. Landfair: Commissioner Wiener your mic is now open.

Mr. Wiener: I may approval the consent agenda.

Mr. Landfair: Staff opens the mic for you to call for a second.

Ms. Oliver: Thank you. Do I have a second please?

Mr. Landfair: Commissioner Klein, your mic is now open.

Ms. Klein: I second the motion.

Mr. Landfair: Hearing a second, a motion to approve the following applications, Agenda Items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 by consent has been made by Commissioner Weiner and seconded by Commissioner Klein. Are any Planning Commissioners abstaining from the vote? Please raise your virtual hand. Say, no 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. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Ms. Coston: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Ms. Klein: 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: I recorded vote of eight, four and zero against the following Items 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 have been approved by consent with the condition changes noted on item 11 to remove unit 112-B and items 14 and 15 to indicate no vehicles longer and no wider than 18 feet. If you have an application that was on the consent agenda and your request will now be scheduled for an upcoming City Council Meeting, staff will contact you about that date. Feel free to exit meeting if you like thank you for your participation and I will hand the meeting back over to Bill.

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

Conditions:

1. A business license for the Tattoo Parlor shall not be issued to the applicant without the approval of the Health Department to ensure consistency with the provisions of Chapter 23 of the City Code.
2. This Conditional Use Permit for a Tattoo Parlor shall be limited to only microblading, a tattooing technique used in the application of permanent make-up. No other form of tattooing shall be permitted.

3. The actual application of permanent make-up shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.

4. The freestanding billboard sign along Laskin Road, as shown in the photographs on pages 12 & 13 of this report, shall be demolished and removed from the property within 90 days of City Council approval.

5. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar sign installed on the exterior of the building or in any window, or on the doors. A separate sign permit shall be obtained from the Planning Department for the installation of any new signs.

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..

Items #2

**Church of the Ascension [Applicant] The Roman Catholic Diocese of Richmond [Owner]
Modification of Conditions (Religious Use)
4853 Princess Anne Road**

June 10, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: Thank you. The next order of business is the Consent Agenda. There are applications that are recommended for approval by staff and the Planning Commission concur, 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 1, 2, 3, 4, 5, 7, 8, 10, 11 with a minute condition number one as noted, 13, 14 with a new condition noted, 15 with a new condition, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Thank you.

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Mr. Bourdon: Thank you, Mr. Landfair, Madam Chair, and members of Commission for the record Eddie Bourdon Virginia Beach Attorney representing Inkcredible Tattoo, LLC. We appreciate the item being on the consent agenda, all three conditions are acceptable and also want to thank Jonathan Sanders for his work on the request.

Mr. Landfair: The next item on consent is item number seven. Lorna C. Donatone, QPRT for a conditional use permit request for community pier at 1421 and 1423, Blue Heron Road in the Lynnhaven District. The applicant's representative is Mr. Bob Simon. Mr. Simon, when you begin speaking, please first identify yourself for the record, and indicate whether you found the conditions acceptable. Mr. Simon, the floor is yours. Please pause three seconds before speaking, so that we can unmute your microphone. Thank you.

Mr. Simon: Good afternoon, members of the Planning Commission, Robert Simon for the record representing Donatone on this application. We are in agreement with the conditions. Thank you for placing this agenda.

Mr. Landfair: Thank you. The next item on consent is item number eight, City of Virginia Beach. Item eight is an ordinance to amend section 201 of the City's Zoning Ordinance pertaining to setbacks for in ground pools adjacent to the Atlantic Ocean. Both staff and the Planning Commission recommend approval of this ordinance amendment and since there is no opposition to these requests, the Planning Commission places it on the consent agenda. The planning commission places the

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Mr. Inman: Thank you, Bill. I need to disclose that I am an Advisory Board Member for Towne Bank. We do not have any loan approval function. And I do not have any other conflict in this regard and I am permitted to vote, but I have made that disclosure and I will vote. Thank you.

Mr. Landfair: Staff notes that Commissioner Coston raised his hand. Commissioner Coston, the floor is yours. Thank you.

Mr. Coston: John Coston just wanting to notify everyone that I am an officer at Item 18 and I am noted in the documents as an officer, but I will be voting.

Mr. Landfair: Thank you. Staff noted that Commissioner Inman has raised his hand. Commissioner Inman the floor is yours.

Mr. Inman: Thank you, Bill. I am not sure I noted that, it was item one that presents the Towne Bank issue.

Mr. Landfair: Thank you. Madam Chair, staff does not see any further questions of the Commission, so I will open up your mic for you to call for a motion.

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

Mr. Landfair: Commissioner Wiener your mic is now open.

Mr. Wiener: I may approval the consent agenda.

Mr. Landfair: Staff opens the mic for you to call for a second.

Ms. Oliver: Thank you. Do I have a second please?

Mr. Landfair: Commissioner Klein, your mic is now open.

Ms. Klein: I second the motion.

Mr. Landfair: Hearing a second, a motion to approve the following applications, Agenda Items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 by consent has been made by Commissioner Weiner and seconded by Commissioner Klein. Are any Planning Commissioners abstaining from the vote? Please raise your virtual hand. Say, no 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. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Ms. Coston: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Ms. Klein: 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: I recorded vote of eight, four and zero against the following Items 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 have been approved by consent with the condition changes noted on item 11 to remove unit 112-B and items 14 and 15 to indicate no vehicles longer and no wider than 18 feet. If you have an application that was on the consent agenda and your request

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

Conditions:

1. When the site is developed, it shall be in substantial conformance with the site layout entitled “Building Addition Site Plan - Grading and Improvement Plan,” dated January 10, 2020, and prepared by WPL. Said plan has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning & Community Development.
2. The exterior of the proposed church addition building shall be in substantial conformance to the architectural style, colors, and materials depicted on the renderings entitled “Administration Addition for Church of the Ascension,” dated April 20, 2020, and prepared by Altruistic Design. Said renderings have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning & Community Development.
3. The applicant shall obtain all necessary permits and inspections from the Department of Planning and Community Development, Permit and Inspections Division; the Health Department; and the Fire Department. The applicant shall obtain a Certificate of Occupancy from the Building Official’s Office prior to use of the 2,800 square foot addition.

4. All signage on-site shall meet the requirements of the City Zoning Ordinance. There shall be no neon or electronic display signs or accents installed on any wall area of the exterior of the building, in or on the windows, or on the doors. A sign plan shall be submitted to the Virginia Beach Department of Planning & Community Development, Zoning Office for review and permitting prior to the installation of any new signage.

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

Items #3

**Emmanuel B. Platon [Applicant] Metro Holdings, LLC [Owner]
Modification of Conditions (Religious Use)
4853 Princess Anne Road**

June 10, 2020

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Mr. Simon: Good afternoon, members of the Planning Commission, Robert Simon for the record representing Donatone on this application. We are in agreement with the conditions. Thank you for placing this agenda.

Mr. Landfair: Thank you. The next item on consent is item number eight, City of Virginia Beach. Item eight is an ordinance to amend section 201 of the City's Zoning Ordinance pertaining to setbacks for in ground pools adjacent to the Atlantic Ocean. Both staff and the Planning Commission recommend approval of this ordinance amendment and since there is no opposition to these requests, the Planning Commission places it on the consent agenda. The planning commission places the

following applications for conditional use permit for Short Term Rental on the consent agenda, as they meet the applicable requirements for section, 241.2 of the zoning ordinance. Staff and the Planning Commission support the applications and there are no speakers signed up to comment. Items 10, 11 with amended condition number one as noted. 13 and 14, with a new condition. 15 with a new condition. 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Madam Chair, that concludes the consent agenda, noting that items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33, and 34 are all on the consent agenda. Are there any questions from the Planning Commission. Staff notes that Commissioner Inman raised his hand. Commissioner Inman, the floor is yours. Thank you.

Mr. Inman: Thank you, Bill. I need to disclose that I am an Advisory Board Member for Towne Bank. We do not have any loan approval function. And I do not have any other conflict in this regard and I am permitted to vote, but I have made that disclosure and I will vote. Thank you.

Mr. Landfair: Staff notes that Commissioner Coston raised his hand. Commissioner Coston, the floor is yours. Thank you.

Mr. Coston: John Coston just wanting to notify everyone that I am an officer at Item 18 and I am noted in the documents as an officer, but I will be voting.

Mr. Landfair: Thank you. Staff noted that Commissioner Inman has raised his hand. Commissioner Inman the floor is yours.

Mr. Inman: Thank you, Bill. I am not sure I noted that, it was item one that presents the Towne Bank issue.

Mr. Landfair: Thank you. Madam Chair, staff does not see any further questions of the Commission, so I will open up your mic for you to call for a motion.

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

Mr. Landfair: Commissioner Wiener your mic is now open.

Mr. Wiener: I may approval the consent agenda.

Mr. Landfair: Staff opens the mic for you to call for a second.

Ms. Oliver: Thank you. Do I have a second please?

Mr. Landfair: Commissioner Klein, your mic is now open.

Ms. Klein: I second the motion.

Mr. Landfair: Hearing a second, a motion to approve the following applications, Agenda Items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 by consent has been made by Commissioner Weiner and seconded by Commissioner Klein. Are any Planning Commissioners abstaining from the vote? Please raise your virtual hand. Say, no 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. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Ms. Coston: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Ms. Klein: 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: I recorded vote of eight, four and zero against the following Items 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 have been approved by consent with the condition changes noted on item 11 to remove unit 112-B and items 14 and 15 to indicate no vehicles longer and no wider than 18 feet. If you have an application that was on the consent agenda and your request

will now be scheduled for an upcoming City Council Meeting, staff will contact you about that date. Feel free to exit meeting if you like thank you for your participation and I will hand the meeting back over to Bill.

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

Conditions:

1. The applicant shall obtain all necessary permits for the installation of a paint booth for the proposed use. If the required permits for the paint booth are not obtained, the painting of vehicles shall be prohibited on the site.
2. No motor vehicles in a state of obvious disrepair shall be stored outside of the building. All such vehicles shall only be permitted to be stored within the building.
3. There shall be no outside storage of equipment, parts, tires or materials.
4. No motor vehicle repair work shall take place outside of the building.
5. No motor vehicles shall be parked within any portion of the public right-of-way.
6. The nonconforming freestanding sign shall be removed within 90 days of City Council approval.
7. All on-site signage must meet the requirements and regulations of the Zoning Ordinance. A separate permit from the Department of Planning & Community Development is required for any new signage installed on the site.

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

9. There shall be no portable or nonstructural signs or electronic display signs on the site. 10. Subject to Section 221(k) of the Zoning Ordinance, an administrative review by the Planning Director shall occur 10 years after City Council approval of the Automotive Repair Garage Conditional Use Permit. This use may be allowed to remain on the site subject to a determination by the Planning Director that the presence of the use is not detrimental to public health, safety, and welfare.

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

Items # 4.

**RyChae LyNea Reed [Applicant] Joaquin V. Castro [Owner]
Conditional Use Permit (Family Day-Care Home)
1674 Dylan Drive**

June 10, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: Thank you. The next order of business is the Consent Agenda. There are applications that are recommended for approval by staff and the Planning Commission concur, 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 1, 2, 3, 4, 5, 7, 8, 10, 11 with a minute condition number one as noted, 13, 14 with a new condition noted, 15 with a new condition, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Thank you.

Mr. Landfair: Thank you. The next item on consent is item number four Rychea Reed for a conditional use permit request for a family daycare home at 1674, Dylan Drive in the Kempsville District. The applicant is Ms. Rychea Reed. Ms. Reed when you begin speaking please first identify yourself for the record, and indicate whether you found the conditions acceptable. Ms. Reed the floor is yours. Please pause three seconds before speaking, so that we can unmute your microphone. Thank you.

Ms. Reed: Good evening, I am requesting a conditional use permit for my in home daycare at 1674, Dylan Drive in Virginia Beach, Virginia. My name is Rychea Reed and I do find an acceptable. Thank you.

Mr. Landfair: Thank you. The next item on consent is item number five, Inkcredible Tattoo, LLC for conditional use permit request for tattoo parlor at 1630, General Booth, Boulevard suite 112 in Princess Anne District. The applicant's representative is Mr. Eddie Bourdon. Mr. Bourdon when you begin speaking please first identify yourself for the record, and indicate whether you found the conditions acceptable. Mr. Bourdon the floor is yours. Please pause three seconds before speaking, so that we can unmute your microphone. Thank you.

Mr. Bourdon: Thank you, Mr. Landfair, Madam Chair, and members of Commission for the record Eddie Bourdon Virginia Beach Attorney representing Inkcredible Tattoo, LLC. We appreciate the item being on the consent agenda, all three conditions are acceptable and also want to thank Jonathan Sanders for his work on the request.

Mr. Landfair: The next item on consent is item number seven. Lorna C. Donatone, QPRT for a conditional use permit request for community pier at 1421 and 1423, Blue Heron Road in the Lynnhaven District. The applicant's representative is Mr. Bob Simon. Mr. Simon, when you begin speaking, please first identify yourself for the record, and indicate whether you found the conditions acceptable. Mr. Simon, the floor is yours. Please pause three seconds before speaking, so that we can unmute your microphone. Thank you.

Mr. Simon: Good afternoon, members of the Planning Commission, Robert Simon for the record representing Donatone on this application. We are in agreement with the conditions. Thank you for placing this agenda.

Mr. Landfair: Thank you. The next item on consent is item number eight, City of Virginia Beach. Item eight is an ordinance to amend section 201 of the City's Zoning Ordinance pertaining to setbacks for in ground pools adjacent to the Atlantic Ocean. Both staff and the Planning Commission recommend approval of this ordinance amendment and since there is no opposition to these requests, the Planning Commission places it on the consent agenda. The planning commission places the following applications for conditional use permit for Short Term Rental on the consent agenda, as they meet the applicable requirements for section, 241.2 of the zoning ordinance. Staff and the Planning Commission support the applications and there are no speakers signed up to comment. Items 10, 11 with amended condition number one as noted. 13 and 14, with a new condition. 15 with a new condition. 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Madam Chair, that concludes the consent agenda, noting that items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33, and 34 are all on the consent agenda. Are there any questions from the Planning Commission. Staff notes that Commissioner Inman raised his hand. Commissioner Inman, the floor is yours. Thank you.

Mr. Inman: Thank you, Bill. I need to disclose that I am an Advisory Board Member for Towne Bank. We do not have any loan approval function. And I do not have any other conflict in this regard and I am permitted to vote, but I have made that disclosure and I will vote. Thank you.

Mr. Landfair: Staff notes that Commissioner Coston raised his hand. Commissioner Coston, the floor is yours. Thank you.

Mr. Coston: John Coston just wanting to notify everyone that I am an officer at Item 18 and I am noted in the documents as an officer, but I will be voting.

Mr. Landfair: Thank you. Staff noted that Commissioner Inman has raised his hand. Commissioner Inman the floor is yours.

Mr. Inman: Thank you, Bill. I am not sure I noted that, it was item one that presents the Towne Bank issue.

Mr. Landfair: Thank you. Madam Chair, staff does not see any further questions of the Commission, so I will open up your mic for you to call for a motion.

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

Mr. Landfair: Commissioner Wiener your mic is now open.

Mr. Wiener: I may approval the consent agenda.

Mr. Landfair: Staff opens the mic for you to call for a second.

Ms. Oliver: Thank you. Do I have a second please?

Mr. Landfair: Commissioner Klein, your mic is now open.

Ms. Klein: I second the motion.

Mr. Landfair: Hearing a second, a motion to approve the following applications, Agenda Items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 by consent has been made by Commissioner Weiner and seconded by Commissioner Klein. Are any Planning Commissioners abstaining from the vote? Please raise your virtual hand. Say, no 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. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Ms. Coston: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Ms. Klein: 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: I recorded vote of eight, four and zero against the following Items 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 have been approved by consent with the condition changes noted on item 11 to remove unit 112-B and items 14 and 15 to indicate no vehicles longer and no wider than 18 feet. If you have an application that was on the consent agenda and your request will now be scheduled for an upcoming City Council Meeting, staff will contact you about that date. Feel free to exit meeting if you like thank you for your participation and I will hand the meeting back over to Bill.

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

Conditions:

1. Arrival and departure times shall be staggered to avoid vehicular congestion.
2. The family day-care home shall be limited to the total of twelve (12) children, other than children living in the home.

3. The applicant shall maintain a license with the Virginia Department of Social Services for childcare.
4. No more than one (1) person, other than the applicant, shall assist with the operation of the family day-care home at any one time.
5. Any sign identifying the home occupation shall be non-illuminated, not more than (1) square foot in area and mounted flat against the residence.
6. The applicant shall obtain all necessary permits and inspections from the City of Virginia Beach. Prior to operation, the applicant shall obtain a Certificate of Occupancy from the Building Official's Office for use of the house as a family day-care home.
7. The fence enclosing the outdoor play area shall remain in place and shall be maintained.

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

Items # 5.

**INKcredible Tattoo, LLC [Applicant] Dam Neck Crossing, LLC [Owner]
Conditional Use Permit (Tattoo Parlor)
1630 General Booth Boulevard, Suite 112**

June 10, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: Thank you. The next order of business is the Consent Agenda. There are applications that are recommended for approval by staff and the Planning Commission concur, 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 1, 2, 3, 4, 5, 7, 8, 10, 11 with a minute condition number one as noted, 13, 14 with a new condition noted, 15 with a new condition, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Thank you.

Mr. Landfair: Thank you. The next item on consent is item number four Rychea Reed for a conditional use permit request for a family daycare home at 1674, Dylan Drive in the Kempsville District. The applicant is Ms. Rychea Reed. Ms. Reed when you begin speaking please first identify yourself for the record, and indicate whether you found the conditions acceptable. Ms. Reed the floor is yours. Please pause three seconds before speaking, so that we can unmute your microphone. Thank you.

Ms. Reed: Good evening, I am requesting a conditional use permit for my in home daycare at 1674, Dylan Drive in Virginia Beach, Virginia. My name is Rychea Reed and I do find an acceptable. Thank you.

Mr. Landfair: Thank you. The next item on consent is item number five, Inkcredible Tattoo, LLC for conditional use permit request for tattoo parlor at 1630, General Booth, Boulevard suite 112 in Princess Anne District. The applicant's representative is Mr. Eddie Bourdon. Mr. Bourdon when you begin speaking please first identify yourself for the record, and indicate whether you found the conditions acceptable. Mr. Bourdon the floor is yours. Please pause three seconds before speaking, so that we can unmute your microphone. Thank you.

Mr. Bourdon: Thank you, Mr. Landfair, Madam Chair, and members of Commission for the record Eddie Bourdon Virginia Beach Attorney representing Inkcredible Tattoo, LLC. We appreciate the item being on the consent agenda, all three conditions are acceptable and also want to thank Jonathan Sanders for his work on the request.

Mr. Landfair: The next item on consent is item number seven. Lorna C. Donatone, QPRT for a conditional use permit request for community pier at 1421 and 1423, Blue Heron

Road in the Lynnhaven District. The applicant's representative is Mr. Bob Simon. Mr. Simon, when you begin speaking, please first identify yourself for the record, and indicate whether you found the conditions acceptable. Mr. Simon, the floor is yours. Please pause three seconds before speaking, so that we can unmute your microphone. Thank you.

Mr. Simon: Good afternoon, members of the Planning Commission, Robert Simon for the record representing Donatone on this application. We are in agreement with the conditions. Thank you for placing this agenda.

Mr. Landfair: Thank you. The next item on consent is item number eight, City of Virginia Beach. Item eight is an ordinance to amend section 201 of the City's Zoning Ordinance pertaining to setbacks for in ground pools adjacent to the Atlantic Ocean. Both staff and the Planning Commission recommend approval of this ordinance amendment and since there is no opposition to these requests, the Planning Commission places it on the consent agenda. The planning commission places the following applications for conditional use permit for Short Term Rental on the consent agenda, as they meet the applicable requirements for section, 241.2 of the zoning ordinance. Staff and the Planning Commission support the applications and there are no speakers signed up to comment. Items 10, 11 with amended condition number one as noted. 13 and 14, with a new condition. 15 with a new condition. 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Madam Chair, that concludes the consent agenda, noting that items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33, and 34 are all on the consent agenda. Are there any questions from the Planning Commission. Staff notes that Commissioner Inman raised his hand. Commissioner Inman, the floor is yours. Thank you.

Mr. Inman: Thank you, Bill. I need to disclose that I am an Advisory Board Member for Towne Bank. We do not have any loan approval function. And I do not have any other conflict in this regard and I am permitted to vote, but I have made that disclosure and I will vote. Thank you.

Mr. Landfair: Staff notes that Commissioner Coston raised his hand. Commissioner Coston, the floor is yours. Thank you.

Mr. Coston: John Coston just wanting to notify everyone that I am an officer at Item 18 and I am noted in the documents as an officer, but I will be voting.

Mr. Landfair: Thank you. Staff noted that Commissioner Inman has raised his hand. Commissioner Inman the floor is yours.

Mr. Inman: Thank you, Bill. I am not sure I noted that, it was item one that presents the Towne Bank issue.

Mr. Landfair: Thank you. Madam Chair, staff does not see any further questions of the Commission, so I will open up your mic for you to call for a motion.

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

Mr. Landfair: Commissioner Wiener your mic is now open.

Mr. Wiener: I may approval the consent agenda.

Mr. Landfair: Staff opens the mic for you to call for a second.

Ms. Oliver: Thank you. Do I have a second please?

Mr. Landfair: Commissioner Klein, your mic is now open.

Ms. Klein: I second the motion.

Mr. Landfair: Hearing a second, a motion to approve the following applications, Agenda Items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 by consent has been made by Commissioner Weiner and seconded by Commissioner Klein. Are any Planning Commissioners abstaining from the vote? Please raise your virtual hand. Say, no 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. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Ms. Coston: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Ms. Klein: 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: I recorded vote of eight, four and zero against the following Items 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 have been approved by consent with the condition changes noted on item 11 to remove unit 112-B and items 14 and 15 to indicate no vehicles longer and no wider than 18 feet. If you have an application that was on the consent agenda and your request will now be scheduled for an upcoming City Council Meeting, staff will contact you about that date. Feel free to exit meeting if you like thank you for your participation and I will hand the meeting back over to Bill.

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

Conditions:

1. A business license for the Tattoo Parlor shall not be issued to the applicant without the approval of the Health Department to ensure consistency with the provisions of Chapter 23 of the City Code.

2. The actual application of tattoos shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.

3. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar sign installed on the exterior of the building or in any window, or on the doors. A separate sign permit shall be obtained from the Planning Department for the installation of any new signs.

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.

**Items # 6.
Atrice Lee Richard, Jr.
Subdivision Variance
2968 Holland Road**

June 10, 2020

DEFERRED TO JULY 8, 2020 MEETING

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, 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. 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 six speakers registered for today's public hearing during the regular agenda for Items 24 and 25. 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. I will note that Mr. Redmond has now joined the group. Also, I would like to remind the Planning Commissioners to unmute their cameras, if they wish to be saying. Say no more hands raised, we will now move on to the Agenda. Madam Chair, there are no items requesting to withdraw. So, we will move on to the two applications requesting to be deferred. Agenda Items six and twelve. The first application is Agenda Item six, the application of a Truce Lee Richard Jr., trustee of the Truce Lee Richard Jr. revocable living trust for a subdivision variants to Section 4.4-A of the subdivision regulations for the property located at 2968, Holland Road, Princess Anne District. The applicants representative, Mr. Eddie Bourdon has signed up to speak, Mr. Bourdon the floor is now yours. Please pause for three seconds before speaking.

Mr. Bourdon: Madam Chair for the record Eddie Bourdon Virginia Beach Attorney representing the applicant. The staff has requested that we make a modification of this application which we are in agreement with and my understanding, it will be on next month's Agenda, we appreciate the Commission deferring the matter today.

Mr. Landfair: Ms. Oliver you have the floor to open it up for Planning Commission if they have any questions for Mr. Bourdon.

Ms. Oliver: I will open up the floor, if there are any questions or comments regarding the request for deferral to July 8, please raise your virtual hand if you have a comment or a motion and staff will recognize you.

Mr. Landfair: The second application requesting deferral is Agenda Item 12 application of Atlantic Development Associates, a conditional use permit for a Short Term Rental for the property located at 112-B, 56th Street, Lynnhaven District. The applicant's representative, Mr. Eddie Bourdon has signed up to speak. Mr. Bourdon the floor is now yours. Please pause for three seconds before speaking.

Mr. Bourdon: Again, Madam Chair for the record Eddie Bourdon, Virginia Beach Attorney representing the application. The subject unit has been sold and the purchaser when they contract it to buy it, agreed, it was already in play, the application have been filed that they wanted to do the Short Term Rental as well. They have since had second thoughts. So, we are doing indefinite deferral on this application, they are a party by their contract and by the documents to the other application. But, this one we are deferring until they determine whether they want to pursue the use permit or not. So it is an indefinite deferral it may or may not come back.

Mr. Landfair: Ms. Oliver you have the floor to open it up for Planning Commission, if they have any questions of the applicant, or if they would like to make a motion.

Ms. Oliver: Thank you. I will open the floor up if there are any questions or comments regarding the request for the deferral or if there is a motion. Please raise your virtual hand and staff will recognize you now.

Mr. Landfair: Commissioner Weiner your mic is open.

Mr. Weiner: Oh. Yes, Madam Chair, I would move that that we refer Item six, and I believe that was until the June 24, meeting and Item 12 indefinite deferral.

Mr. Tajan: To clarify Mr. Wiener the Item number six is differed to the July 8, meeting.

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

Ms. Oliver: Right, thank you. Do I have a second please?

Mr. Landfair: Commissioner Inman your mic is now open.

Mr. Inman: I second the motion.

Mr. Landfair: Hearing a second, a motion to defer applications six and 12, as noted, have been made by Commissioner Weiner and seconded by Commissioner Inman. Are there

any Planning Commissioners abstaining on these items 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. If you are in favor of the motion say, yes. If you are opposed say, no. Please remember to pause after your name is called before speaking.

Mr. Landfair: Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Mr. Coston: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Mr. Klein: 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: I recorded vote of eight, four and zero against Item 6 and 12 have been differed as noted. Item 6 will be differed until the July 8, hearing and Item 12 is indefinitely defer.

Mr. Landfair: Before we proceed, I would like to make a point of clarification. Previously, I had stated that there are six speakers registered for today's public hearing during the

regular agenda. And I cited two Items 24 and 25. It is actually for Items 9, 22, 23, 24, 25 and 30. Thank you.

Ms. Coleman: Thank you. The next order of business is the Consent Agenda. There are applications that are recommended for approval by staff and the Planning Commission concur, 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 1, 2, 3, 4, 5, 7, 8, 10, 11 with a minute condition number one as noted, 13, 14 with a new condition noted, 15 with a new condition, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Thank you.

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

Items # 7.

**Lorna C. Donatone, QPRT [Applicant] Lorna C. Donatone, QPRT and Scott & Katherine Morin [Owners]
Conditional Use Permit (Community Pier)
1421 & 1423 Blue Heron Road**

June 10, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: Thank you. The next order of business is the Consent Agenda. There are applications that are recommended for approval by staff and the Planning Commission concur, 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 1, 2, 3, 4, 5, 7, 8, 10, 11 with a minute condition number one as noted, 13, 14 with a new condition noted, 15 with a new condition, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Thank you.

Mr. Landfair: Thank you. The next item on consent is item number four Rychea Reed for a conditional use permit request for a family daycare home at 1674, Dylan Drive in the Kempsville District. The applicant is Ms. Rychea Reed. Ms. Reed when you begin speaking please first identify yourself for the record, and indicate whether you found the conditions acceptable. Ms. Reed the floor is yours. Please pause three seconds before speaking, so that we can unmute your microphone. Thank you.

Ms. Reed: Good evening, I am requesting a conditional use permit for my in home daycare at 1674, Dylan Drive in Virginia Beach, Virginia. My name is Rychea Reed and I do find an acceptable. Thank you.

Mr. Landfair: Thank you. The next item on consent is item number five, Inkcredible Tattoo, LLC for conditional use permit request for tattoo parlor at 1630, General Booth, Boulevard suite 112 in Princess Anne District. The applicant's representative is Mr. Eddie Bourdon. Mr. Bourdon when you begin speaking please first identify yourself for the record, and indicate whether you found the conditions acceptable. Mr. Bourdon the floor is yours. Please pause three seconds before speaking, so that we can unmute your microphone. Thank you.

Mr. Bourdon: Thank you, Mr. Landfair, Madam Chair, and members of Commission for the record Eddie Bourdon Virginia Beach Attorney representing Inkcredible Tattoo, LLC. We appreciate the item being on the consent agenda, all three conditions are acceptable and also want to thank Jonathan Sanders for his work on the request.

Mr. Landfair: The next item on consent is item number seven. Lorna C. Donatone, QPRT for a conditional use permit request for community pier at 1421 and 1423, Blue Heron

Road in the Lynnhaven District. The applicant's representative is Mr. Bob Simon. Mr. Simon, when you begin speaking, please first identify yourself for the record, and indicate whether you found the conditions acceptable. Mr. Simon, the floor is yours. Please pause three seconds before speaking, so that we can unmute your microphone. Thank you.

Mr. Simon: Good afternoon, members of the Planning Commission, Robert Simon for the record representing Donatone on this application. We are in agreement with the conditions. Thank you for placing this agenda.

Mr. Landfair: Thank you. The next item on consent is item number eight, City of Virginia Beach. Item eight is an ordinance to amend section 201 of the City's Zoning Ordinance pertaining to setbacks for in ground pools adjacent to the Atlantic Ocean. Both staff and the Planning Commission recommend approval of this ordinance amendment and since there is no opposition to these requests, the Planning Commission places it on the consent agenda. The planning commission places the following applications for conditional use permit for Short Term Rental on the consent agenda, as they meet the applicable requirements for section, 241.2 of the zoning ordinance. Staff and the Planning Commission support the applications and there are no speakers signed up to comment. Items 10, 11 with amended condition number one as noted. 13 and 14, with a new condition. 15 with a new condition. 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Madam Chair, that concludes the consent agenda, noting that items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33, and 34 are all on the consent agenda. Are there any questions from the Planning Commission. Staff notes that Commissioner Inman raised his hand. Commissioner Inman, the floor is yours. Thank you.

Mr. Inman: Thank you, Bill. I need to disclose that I am an Advisory Board Member for Towne Bank. We do not have any loan approval function. And I do not have any other conflict in this regard and I am permitted to vote, but I have made that disclosure and I will vote. Thank you.

Mr. Landfair: Staff notes that Commissioner Coston raised his hand. Commissioner Coston, the floor is yours. Thank you.

Mr. Coston: John Coston just wanting to notify everyone that I am an officer at Item 18 and I am noted in the documents as an officer, but I will be voting.

Mr. Landfair: Thank you. Staff noted that Commissioner Inman has raised his hand. Commissioner Inman the floor is yours.

Mr. Inman: Thank you, Bill. I am not sure I noted that, it was item one that presents the Towne Bank issue.

Mr. Landfair: Thank you. Madam Chair, staff does not see any further questions of the Commission, so I will open up your mic for you to call for a motion.

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

Mr. Landfair: Commissioner Wiener your mic is now open.

Mr. Wiener: I may approval the consent agenda.

Mr. Landfair: Staff opens the mic for you to call for a second.

Ms. Oliver: Thank you. Do I have a second please?

Mr. Landfair: Commissioner Klein, your mic is now open.

Ms. Klein: I second the motion.

Mr. Landfair: Hearing a second, a motion to approve the following applications, Agenda Items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 by consent has been made by Commissioner Weiner and seconded by Commissioner Klein. Are any Planning Commissioners abstaining from the vote? Please raise your virtual hand. Say, no 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. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Ms. Coston: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Ms. Klein: 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: I recorded vote of eight, four and zero against the following Items 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 have been approved by consent with the condition changes noted on item 11 to remove unit 112-B and items 14 and 15 to indicate no vehicles longer and no wider than 18 feet. If you have an application that was on the consent agenda and your request will now be scheduled for an upcoming City Council Meeting, staff will contact you about that date. Feel free to exit meeting if you like thank you for your participation and I will hand the meeting back over to Bill.

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

Conditions:

1. Permits shall be secured from the appropriate regulatory agencies through the Joint Permit Application (JPA) process prior to any development or construction of the pier extensions and boatlifts.

2. The boat dock revisions and extensions shall be substantially constructed as depicted on the plan entitled "Proposed Pier Maintenance at 1421 Blue Heron Road", prepared by Waterfront Consulting, Inc., sealed October 9, 2019 or as modified by the JPA Permit.

3. No commercial use of the pier shall be permitted.

Items # 8.
City of Virginia Beach

June 10, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: Thank you. The next order of business is the Consent Agenda. There are applications that are recommended for approval by staff and the Planning Commission concur, 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 1, 2, 3, 4, 5, 7, 8, 10, 11 with a minute condition number one as noted, 13, 14 with a new condition noted, 15 with a new condition, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Thank you.

Mr. Landfair: Thank you. The next item on consent is item number eight, City of Virginia Beach. Item eight is an ordinance to amend section 201 of the City's Zoning Ordinance pertaining to setbacks for in ground pools adjacent to the Atlantic Ocean. Both staff and the Planning Commission recommend approval of this ordinance amendment and since there is no opposition to these requests, the Planning Commission places it on the consent agenda. The planning commission places the following applications for conditional use permit for Short Term Rental on the consent agenda, as they meet the applicable requirements for section, 241.2 of the zoning ordinance. Staff and the Planning Commission support the applications and there are no speakers signed up to comment. Items 10, 11 with amended condition number one as noted. 13 and 14, with a new condition. 15 with a new condition. 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Madam Chair, that concludes the consent agenda, noting that items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33, and 34 are all on the consent agenda. Are there any questions from the Planning Commission. Staff notes that Commissioner Inman raised his hand. Commissioner Inman, the floor is yours. Thank you.

Mr. Inman: Thank you, Bill. I need to disclose that I am an Advisory Board Member for Towne Bank. We do not have any loan approval function. And I do not have any other conflict in this regard and I am permitted to vote, but I have made that disclosure and I will vote. Thank you.

Mr. Landfair: Staff notes that Commissioner Coston raised his hand. Commissioner Coston, the floor is yours. Thank you.

Mr. Coston: John Coston just wanting to notify everyone that I am an officer at Item 18 and I am noted in the documents as an officer, but I will be voting.

Mr. Landfair: Thank you. Staff noted that Commissioner Inman has raised his hand. Commissioner Inman the floor is yours.

Mr. Inman: Thank you, Bill. I am not sure I noted that, it was item one that presents the Towne Bank issue.

Mr. Landfair: Thank you. Madam Chair, staff does not see any further questions of the Commission, so I will open up your mic for you to call for a motion.

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

Mr. Landfair: Commissioner Wiener your mic is now open.

Mr. Wiener: I may approval the consent agenda.

Mr. Landfair: Staff opens the mic for you to call for a second.

Ms. Oliver: Thank you. Do I have a second please?

Mr. Landfair: Commissioner Klein, your mic is now open.

Ms. Klein: I second the motion.

Mr. Landfair: Hearing a second, a motion to approve the following applications, Agenda Items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 by consent has been made by Commissioner Weiner and seconded by Commissioner Klein. Are any Planning Commissioners abstaining from the vote? Please raise your virtual hand. Say, no 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. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Ms. Coston: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Ms. Klein: 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: I recorded vote of eight, four and zero against the following Items 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 have been approved by consent with the condition changes noted on item 11 to remove unit 112-B and items 14 and 15 to indicate no vehicles longer and no wider than 18 feet. If you have an application that was on the consent agenda and your request will now be scheduled for an upcoming City Council Meeting, staff will contact you about that date. Feel free to exit meeting if you like thank you for your participation and I will hand the meeting back over to Bill.

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

Items # 9.

**Your Not Alone, LLC [Applicant] Donald & Debra Walker Revocable Trust [Owners]
Conditional Use Permit (Short Term Rental)
207 79th Street, Unit C**

June 10, 2020

RECOMMEND FOR DENIAL - HEARD

Ms. 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. Statements by the applicant or applicant's representative followed by questions by the Planning Commission of the applicant or staff. Statements by any registered speakers followed by questions by the Planning Commission of the speaker or staff. Rebuttal by the applicant or applicant's representative followed by questions by the Planning Commission if desired of the applicant or staff and deliberation of the application by the Planning Commission with a motion followed by a vote. There are six items on the Regular Agenda items 9, 22, 23, 24, 25 and 30. Agenda Item nine, You Are Not Alone, LLC for conditional use permit requests for Short Term Rental at 207, 79th Street Unit-C in the Lynnhaven district. The applicant is Michael Hunt. Mr. Hunt 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. Hunt you have the floor. Thank you.

Mr. Hunt: Thank you, Commission and Commission Members this is Michael Hunt that has a You Are Not Alone, LLC at Unit-C on 79th Street. What I like to say is I am North ender I lived in that home for 15 years. I know most all the neighbors on the whole street, we get along great, we still go to the beach together ride bikes together, even though I moved over to Linkhorn Bay and we are all friends and I started remodeling the place back in February and told them what I was going to do. My intentions were to really move back into my home furniture then in a couple of years and my next door neighbor who is 207B had Short Term Rental which I did not even know about had parking there and they did not have more than two cars that I could ever see. He never had more than a maybe one family there, which I would plan to do and he never have more than one family. Unless their grandkids want to come down and they only have two cars. Never had a problem with parking and I am glad you brought that up because I was thinking about it. So, I talked to him next door and he says he never had more than two cars. I have never seen more than two cars there. And we do not want more than two cars and I did that for the Zoning Commission because they said if you got three bedrooms so that he could put three cars on it. They diagrammed it out as you can see and three cards are

there using a little bit of the apron, not much and as I mentioned, it is not but a foot difference there that the three cars on back to back. Also, for the Zoning Commission put up a sign that said do not block sidewalk in case a mailman comes through and cannot get through. But you cannot see a sidewalk across it and see the pavement. It is an invisible sidewalk, but we put that sign up as Zoning Commission asked. I think we followed all the rules and regulations of the Zoning Commission and they approved it and my thoughts are the gentlemen across the street and my neighbors, one of the gentleman across the street will be my property manager. He will make sure there are no more than two cars there or he will go over and talk to them about it because I will put that in the Airbnb, Short Term Rental lease. We do not want more than two cars I have never seen and watched four years over the guy next door and he said, Mike, I have never had a problem. And as you can see, there has been no rebuttal from anybody on that street because we are all friends, we are all neighbors. And I do not want to become anybody but a good friendly neighbor because we are planning on use now. We have grandkids that live in Richmond, their best friends live around the corner, they come down and want to stay and that too when it was not rented and they just have the one car that they would bring. So, I do not see, I will probably be the better of anybody on that street of controlling and making sure that that is great site has no more than two cars on it and some history shows that the gentleman next door never seen more than two cars on it and he did not wanted, and he is all for me. The neighbors are all for it, they are okay with it. The neighbor next door is going to be helping me with the rental. And she will watch out for, she had an Airbnb also. The sister of the guy that will be checking in the guests that is across the street part-time with a sister who will be watching out for the cars coming and going and people coming and going. So, we will have heavy restrictions on what people will be doing because if we move back in, we certainly do not want to have any conflicts with our neighbors. But we thank the Zoning Commission for figuring out a way to put three cars on there, but we do not see or we will ever more than two cars and we can make that a adapted to the Airbnb guidelines. Thank you all for listening to me. I appreciate you listening to me. And if you have any alternatives for me, please tell me I will be glad to listen anything you would like for me to do, but I want to follow all your rules and regulations. Thank you so much.

Ms. Landfair: Are there any questions of the applicant by the Planning Commission? If so, please raise your virtual hand. Are there any more questions of the applicant at this time by the Commission? There are no more speakers Madam Chair, you have the floor Ms. Oliver for Planning Commission discussion.

Ms. Oliver: Thank you, Bill. I am going to open up the floor for discussion by the Planning Commission or entertain a motion. 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 Inman your mic is open for comment.

Mr. Inman: Thank you, Bill. As I said in the informal session, I have a problem with the fact that there is a parking space in the city right away and I do not that complies with the express provisions in the ordinance, which says it must be onsite parking. I do not have anything against Mr. Hunt's proposal, otherwise, he sounds like a fine fellow who has sort of tested the market so to speak with his neighbors, he has a good plan to try to be a good neighbor while he is using those for Short Term Rental. I do not like setting this precedent of having the parking in the city right away, despite the fact that it looks like it may stay that way for a long time. And I did not have a problem in this case because it is a sidewalk there and while I know Mr. Hunt says he does not expect or want more than two cars, he could still get end up with three cars there when someone's visiting as a Short Term Rental, whether it be occupants who are staying there or visitors who come to see them. And I think it is very likely in many occasions people will park on top of the sidewalk inadvertently on until they get up to the house or maybe never even noticed the sign, there is another vehicle parked in front of it. So I would oppose this application. I am wondering from staff and do not think I heard Mr. Hunt reference, is there another permit that has been issued conditional use permit on this property? That is a question. Thank you.

Mr. Landfair: Mr. Tajan.

Mr. Tajan: Mr. Inman No, there is not another conditional use permit that has been granted to this property. I believe Mr. Hunt was confusing his review with the Zoning Staff, referring to them as a Commission but there is no other approval. Although I do not believe the other unit may be registered and grandfather.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Weiner. Commissioner Weiner your mic is open for comment.

Mr. Weiner: Mr. Landfair, Can you bring up the parking diagram to look at there is a note on yours that there is not a note on the package that I have right there, down at the bottom next to number three public right away begins at the property line on 79th Street I see. Okay, okay. I read that wrong, my fault. You know, this is a North End situation where we have approved these before, and we were consistently approving them. I know we have a situation in North End, we talked about it before. Yes, the driveway does go into the right away, but it is that way. I do not

understand. So you know we are 18 to 27 feet. I do not see a problem with parking there. It is got to be used for something. And if a car's parked there just one car and I do not have a problem with that. I am going to be supporting it.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Alcaraz. Commissioner Mr. Alcaraz, your mic is open for comment.

Ms. Alcaraz: Thanks, Bill this is George Alcaraz. Again as informal I agree with Mr. Inman. We have three bedrooms, three required parking spaces, one parking space is off site. Another parking space is not standard to the nine by 18. So actually, they have one parking space this by the ordinance, so I am going to have to recommend this approval too, I'm not approving it.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Wall. Commissioner Wall your mic is open for comment.

Mr. Wall: Thank you. This is Jack Wall and I can concur with that, but to be consistent, I think we have approved whether it is one foot over the right away or whether it is three feet or 18 feet into the right away if that is a typical parking strategy, then I am fine with it. And that appears to be the case on 79th Street. I think that you know, some of the comments that Mr. Hunt had, he seems to be an outstanding neighbor you know, genuine, sincere. However, in the parking space number two is deficient by one foot and whether it is deficient by six inches, if we are looking not by 18 spaces, or deficient by four feet, you know, where do we draw that line is our standard now 18 by eight and not 18 by nine. So, you know, for that I think that is something you know, we need to decide on and I think you know, that is applicable to this application but it is applicable also to other applications. So, that's a substring by right now for any responses.

Mr. Landfair: Staff acknowledges the virtual hand raised by Planning Commissioner Coston. Commissioner Coston your mic is open for comment.

Mr. Coston: As we look at this item, that the situation exists there that can never be fixed until there is a large developer who would develop the whole thing. And I do not see why we would prohibit this guy from operating in his own driveway. Technically it is his driveway and the sidewalk noted there is really the driveway, I mean, there is not a separate sidewalk in the middle of that right away. I will be supporting it.

Mr. Landfair: Staff acknowledges the virtual hand raised by Planning Commissioner Redmond. Commissioner Redmond your mic is open for comment.

Mr. Redmond: Thank you, Bill. I agree with Mr. Wiener and Mr. Coston. Look, I park my car at the end of my driveway in the city right of way, probably four times a week when

I am pulling out the lawn mower and it just makes it easier for me to get in and out of my garage or to do anything. The idea that in your own garage with this paper designation of city right of way that you are in any way impeding anything strikes me as you know as not terribly credible. So I mean, I understand we can disagree on those things. But, it is a difference without a distinction. Jack to your question about the parking space, the length of the parking space, as I said this morning, I mean, I have never owned an eight foot wide car, let alone a nine foot wide car. And it just seems to me that is we are splitting hairs on stuff like that standard does not make much sense to me. I do not know if there is a better one, but it does not make much sense to me. This is an application where there is no opposition, all his neighbors are friends, they may well be one that exists already as Bobby mentioned with regard to the to the grandfather unit next door, which so far has not had a lot of incidents. So I do not really see what is terribly objectionable about this application to me, I will be supporting it and I thank you.

Mr. Landfair: Staff acknowledges the virtual hand raised by Planning Commissioner Weiner. Commissioner Wiener, your mic is open for comment.

Mr. Weiner: Thank you, Mr. Landfair. I want to go back to being consistent again just want to point out one thing real quick. I have made a bunch of notes here listening to everything today and I did watch the Council Meeting last night most of it, but if something happens and we go back in, staff do not get mad when I say this. I don't think it is good. We can do this in a 100 days my opinion on short term. But this could be something we need to bring up. Because I know it is in the right away but Mr. Coston brought up a good point, it is just driveway. So, something we need to bring up. It is not in our ordinance right now for Short Term Rental. It could be, but I want to be consistent and that is why I am going support this application. Thank you.

Mr. Landfair: Staff acknowledges the virtual hand raised by Planning Commissioner Wall. Commissioner Wall, your mic is open for comment.

Mr. Wall: My apologies, I need to lower my hand.

Mr. Landfair: Staff acknowledges the virtual hand raised by Planning Commissioner Redmond. Commissioner Redmond your mic is open for comment.

Mr. Redmond:I am in Jack's boat, my apologies.

Mr. Landfair: Staff acknowledges the virtual hand raised by Planning Commissioner Inman. Commissioner Inman your mic is open for comment.

Mr. Inman: Thank you, Bill. I hear what everybody is saying it is a tough one. And this is exactly why we need to be consistent. Now, you' will say, Oh, well, we have already done this. Well, we have done it a couple times, but it does not make it right. And we have got 100 more to go, we may or may not have an amendment to the ordinance that takes care of this problem. We may or may not have it. So right now, the ordinance says has to be on site. Each of these ones that has the driveway off site has a little bit difference meaning sometimes it is, you know, 10 feet, sometimes it is the whole car, sometimes there is a sidewalk in between, which is I think, problematic. So, every time we have one of these, we are going to have to have this discussion about, you know, what is the real impact of it on the neighborhood and as it as appropriate for this property and so forth. I would like to make a path forward where we just they make the decision that these are not going to be approved with offsite parking. So, that is the way I feel about it and that way there is no discriminating against anybody and rules are rules and live by the rule or get it change. Thank you.

Mr. Landfair: There are no more speakers Madam Chair. You have the floor Ms. Oliver for Planning to call for a motion.

Ms. Oliver: Great, thank you. Alright, do I have a motion.

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

Mr. Landfair: Commissioner Weiner, you mic is now open. Staff acknowledges the virtual hand raised by Commissioner Wiener as a potential motion. Commissioner Wiener your mic is now open.

Mr. Weiner: I move approval of this application.

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

Ms. Oliver: May I have a second please?

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Redmond. Commissioner Redmond your mic is now open.

Mr. Redmond: Second.

Mr. Landfair: Hearing in a second a motion to approve the application has been made by Commissioner Wiener and seconded by Commissioner Redmond. Are any planning commissioners abstaining from the vote? 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 but more speaking. Mr. Alcaraz.

Mr. Alcaraz: No.

Mr. Landfair: Mr. Coston.

Mr. Coston: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: No.

Mr. Landfair: Ms. Klein.

Ms. Klein: Yes.

Mr. Landfair: Ms. Oliver.

Ms. Oliver: No.

Mr. Landfair: Mr. Redmond.

Mr. Redmond: Yes.

Mr. Landfair: Mr. Wall.

Mr. Wall: No.

Mr. Landfair: Mr. Weiner.

Mr. Weiner: Yes.

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

Ms. Coleman: By recorded vote of four, four and four against agenda item nine is hereby recommended for denial by the Planning Commission. Thank you.

	AYE 4	NAY 4	ABS 0	ABSENT 3
Alcaraz		NAY		
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley				ABSENT
Inman		NAY		
Klein	AYE			
Oliver		NAY		
Redmond	AYE			
Wall		NAY		
Weiner	AYE			

Conditions:

1. The following conditions shall only apply to the dwelling unit addressed as 207 79th Street, Unit C 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. An all-weather “No Blocking Sidewalk” sign shall be erected on the owners private property within clear view of the parking space in the City right-of-way (driveway). The location, material, and content of the sign shall be submitted for review by the Zoning Administrator within 30 days of a favorable decision by City Council. Said sign shall be installed on the property, at a location deemed acceptable to City Staff, within 60 days of the Zoning Administrator’s approval.
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 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 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.

Items # 10.
Lisa C. Eure [Applicant & Owner]
Conditional Use Permit (Short Term Rental)
2312 Red Tide Road, Unit A

June 10, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: Thank you. The next order of business is the Consent Agenda. There are applications that are recommended for approval by staff and the Planning Commission concur, 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 1, 2, 3, 4, 5, 7, 8, 10, 11 with a minute condition number one as noted, 13, 14 with a new condition noted, 15 with a new condition, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Thank you.

Mr. Landfair: Thank you. The next item on consent is item number eight, City of Virginia Beach. Item eight is an ordinance to amend section 201 of the City's Zoning Ordinance pertaining to setbacks for in ground pools adjacent to the Atlantic Ocean. Both staff and the Planning Commission recommend approval of this ordinance amendment and since there is no opposition to these requests, the Planning Commission places it on the consent agenda. The planning commission places the following applications for conditional use permit for Short Term Rental on the consent agenda, as they meet the applicable requirements for section, 241.2 of the zoning ordinance. Staff and the Planning Commission support the applications and there are no speakers signed up to comment. Items 10, 11 with amended condition number one as noted. 13 and 14, with a new condition. 15 with a new condition. 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Madam Chair, that concludes the consent agenda, noting that items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33, and 34 are all on the consent agenda. Are there any questions from the Planning Commission. Staff notes that Commissioner Inman raised his hand. Commissioner Inman, the floor is yours. Thank you.

Mr. Inman: Thank you, Bill. I need to disclose that I am an Advisory Board Member for Towne Bank. We do not have any loan approval function. And I do not have any other conflict in this regard and I am permitted to vote, but I have made that disclosure and I will vote. Thank you.

Mr. Landfair: Staff notes that Commissioner Coston raised his hand. Commissioner Coston, the floor is yours. Thank you.

Mr. Coston: John Coston just wanting to notify everyone that I am an officer at Item 18 and I am noted in the documents as an officer, but I will be voting.

Mr. Landfair: Thank you. Staff noted that Commissioner Inman has raised his hand. Commissioner Inman the floor is yours.

Mr. Inman: Thank you, Bill. I am not sure I noted that, it was item one that presents the Towne Bank issue.

Mr. Landfair: Thank you. Madam Chair, staff does not see any further questions of the Commission, so I will open up your mic for you to call for a motion.

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

Mr. Landfair: Commissioner Wiener your mic is now open.

Mr. Wiener: I may approval the consent agenda.

Mr. Landfair: Staff opens the mic for you to call for a second.

Ms. Oliver: Thank you. Do I have a second please?

Mr. Landfair: Commissioner Klein, your mic is now open.

Ms. Klein: I second the motion.

Mr. Landfair: Hearing a second, a motion to approve the following applications, Agenda Items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 by consent has been made by Commissioner Weiner and seconded by Commissioner Klein. Are any Planning Commissioners abstaining from the vote? Please raise your virtual hand. Say, no 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. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Ms. Coston: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Ms. Klein: 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: I recorded vote of eight, four and zero against the following Items 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 have been approved by consent with the condition changes noted on item 11 to remove unit 112-B and items 14 and 15 to indicate no vehicles longer and no wider than 18 feet. If you have an application that was on the consent agenda and your request will now be scheduled for an upcoming City Council Meeting, staff will contact you about that date. Feel free to exit meeting if you like thank you for your participation and I will hand the meeting back over to Bill.

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

Conditions:

1. The following conditions shall only apply to the dwelling unit addressed as 2312 Red Tide Road, 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. The area for parking spaces 1 & 2, as shown on the Site Layout & Parking Plan, shall remain a minimum of 9-feet by 36-feet, 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.

Items # 11. & 12.
Atlantic Development Associates, LLC
Conditional Use Permits (Short Term Rentals)
112A & 112B 56th Street

June 10, 2020

11 RECOMMEND FOR APPROVAL – CONSENT & 12 DEFFERED INDEFINITELY

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, 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. 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 six speakers registered for today's public

hearing during the regular agenda for Items 24 and 25. 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. I will note that Mr. Redmond has now joined the group. Also, I would like to remind the Planning Commissioners to unmute their cameras, if they wish to be saying. Say no more hands raised, we will now move on to the Agenda. Madam Chair, there are no items requesting to withdraw. So, we will move on to the two applications requesting to be deferred. Agenda Items six and twelve. The first application is Agenda Item six, the application of a Truce Lee Richard Jr., trustee of the Truce Lee Richard Jr. revocable living trust for a subdivision variants to Section 4.4-A of the subdivision regulations for the property located at 2968, Holland Road, Princess Anne District. The applicants representative, Mr. Eddie Bourdon has signed up to speak, Mr. Bourdon the floor is now yours. Please pause for three seconds before speaking.

Mr. Bourdon: Madam Chair for the record Eddie Bourdon Virginia Beach Attorney representing the applicant. The staff has requested that we make a modification of this application which we are in agreement with and my understanding, it will be on next month's Agenda, we appreciate the Commission deferring the matter today.

Mr. Landfair: Ms. Oliver you have the floor to open it up for Planning Commission if they have any questions for Mr. Bourdon.

Ms. Oliver: I will open up the floor, if there are any questions or comments regarding the request for deferral to July 8, please raise your virtual hand if you have a comment or a motion and staff will recognize you.

Mr. Landfair: The second application requesting deferral is Agenda Item 12 application of Atlantic Development Associates, a conditional use permit for a Short Term Rental for the property located at 112-B, 56th Street, Lynnhaven District. The applicant's representative, Mr. Eddie Bourdon has signed up to speak. Mr. Bourdon the floor is now yours. Please pause for three seconds before speaking.

Mr. Bourdon: Again, Madam Chair for the record Eddie Bourdon, Virginia Beach Attorney representing the application. The subject unit has been sold and the purchaser when they contract it to buy it, agreed, it was already in play, the application have been filed that they wanted to do the Short Term Rental as well. They have since had second thoughts. So, we are doing indefinite deferral on this application, they are a party by their contract and by the documents to the other application. But, this one we are deferring until they determine whether they want to pursue the use permit or not. So it is an indefinite deferral it may or may not come back.

Mr. Landfair: Ms. Oliver you have the floor to open it up for Planning Commission, if they have any questions of the applicant, or if they would like to make a motion.

Ms. Oliver: Thank you. I will open the floor up if there are any questions or comments regarding the request for the deferral or if there is a motion. Please raise your virtual hand and staff will recognize you now.

Mr. Landfair: Commissioner Weiner your mic is open.

Mr. Weiner: Oh. Yes, Madam Chair, I would move that that we refer Item six, and I believe that was until the June 24, meeting and Item 12 indefinite deferral.

Mr. Tajan: To clarify Mr. Wiener the Item number six is differed to the July 8, meeting.

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

Ms. Oliver: Right, thank you. Do I have a second please?

Mr. Landfair: Commissioner Inman your mic is now open.

Mr. Inman: I second the motion.

Mr. Landfair: Hearing a second, a motion to defer applications six and 12, as noted, have been made by Commissioner Weiner and seconded by Commissioner Inman. Are there any Planning Commissioners abstaining on these items 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. If you are in favor of the motion say, yes. If you are opposed say, no. Please remember to pause after your name is called before speaking.

Mr. Landfair: Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Mr. Coston: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Mr. Klein: 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: I recorded vote of eight, four and zero against Item 6 and 12 have been differed as noted. Item 6 will be differed until the July 8, hearing and Item 12 is indefinitely defer.

Mr. Landfair: Before we proceed, I would like to make a point of clarification. Previously, I had stated that there are six speakers registered for today's public hearing during the regular agenda. And I cited two Items 24 and 25. It is actually for Items 9, 22, 23, 24, 25 and 30. Thank you.

Ms. Coleman: Thank you. The next order of business is the Consent Agenda. There are applications that are recommended for approval by staff and the Planning Commission concur, 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 1, 2, 3, 4, 5, 7, 8, 10, 11 with a minute condition number one as noted, 13, 14 with a new condition noted, 15 with a new condition, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Thank you.

Mr. Landfair: Thank you. The next item on consent is item number eight, City of Virginia Beach. Item eight is an ordinance to amend section 201 of the City's Zoning Ordinance pertaining to setbacks for in ground pools adjacent to the Atlantic Ocean. Both staff and the Planning Commission recommend approval of this ordinance amendment and since there is no opposition to these requests, the Planning Commission places it on the consent agenda. The planning commission places the following applications for conditional use permit for Short Term Rental on the consent agenda, as they meet the applicable requirements for section, 241.2 of the zoning ordinance. Staff and the Planning Commission support the applications and there are no speakers signed up to comment. Items 10, 11 with amended condition number one as noted. 13 and 14, with a new condition. 15 with a new condition. 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Madam Chair, that concludes the consent agenda, noting that items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33, and 34 are all on the consent agenda. Are there any questions from the Planning Commission. Staff notes that Commissioner Inman raised his hand. Commissioner Inman, the floor is yours. Thank you.

Mr. Inman: Thank you, Bill. I need to disclose that I am an Advisory Board Member for Towne Bank. We do not have any loan approval function. And I do not have any other conflict in this regard and I am permitted to vote, but I have made that disclosure and I will vote. Thank you.

Mr. Landfair: Staff notes that Commissioner Coston raised his hand. Commissioner Coston, the floor is yours. Thank you.

Mr. Coston: John Coston just wanting to notify everyone that I am an officer at Item 18 and I am noted in the documents as an officer, but I will be voting.

Mr. Landfair: Thank you. Staff noted that Commissioner Inman has raised his hand. Commissioner Inman the floor is yours.

Mr. Inman: Thank you, Bill. I am not sure I noted that, it was item one that presents the Towne Bank issue.

Mr. Landfair: Thank you. Madam Chair, staff does not see any further questions of the Commission, so I will open up your mic for you to call for a motion.

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

Mr. Landfair: Commissioner Wiener your mic is now open.

Mr. Wiener: I may approval the consent agenda.

Mr. Landfair: Staff opens the mic for you to call for a second.

Ms. Oliver: Thank you. Do I have a second please?

Mr. Landfair: Commissioner Klein, your mic is now open.

Ms. Klein: I second the motion.

Mr. Landfair: Hearing a second, a motion to approve the following applications, Agenda Items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 by consent has been made by Commissioner Weiner and seconded by Commissioner Klein. Are any Planning Commissioners abstaining from the vote? Please raise your virtual hand. Say, no 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. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Ms. Coston: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Ms. Klein: 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: I recorded vote of eight, four and zero against the following Items 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 have been approved by consent with the condition changes noted on item 11 to remove unit 112-B and items 14 and 15 to indicate no vehicles longer and no wider than 18 feet. If you have an application that was on the consent agenda and your request will now be scheduled for an upcoming City Council Meeting, staff will contact you about that date. Feel free to exit meeting if you like thank you for your participation and I will hand the meeting back over to Bill.

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

Items # 13.
CEBT Properties, LLC
Conditional Use Permit (Short Term Rental)
201 64th Street

June 10, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: Thank you. The next order of business is the Consent Agenda. There are applications that are recommended for approval by staff and the Planning Commission concur, 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 1, 2, 3, 4, 5, 7, 8, 10, 11 with a minute condition number one as noted, 13, 14 with a new condition noted, 15 with a new condition, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Thank you.

Mr. Landfair: Thank you. The next item on consent is item number eight, City of Virginia Beach. Item eight is an ordinance to amend section 201 of the City's Zoning Ordinance pertaining to setbacks for in ground pools adjacent to the Atlantic Ocean. Both staff and the Planning Commission recommend approval of this ordinance amendment and since there is no opposition to these requests, the Planning Commission places it on the consent agenda. The planning commission places the following applications for conditional use permit for Short Term Rental on the consent agenda, as they meet the applicable requirements for section, 241.2 of the zoning ordinance. Staff and the Planning Commission support the applications and there are no speakers signed up to comment. Items 10, 11 with amended condition number one as noted. 13 and 14, with a new condition. 15 with a new condition. 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Madam Chair, that concludes the consent agenda, noting that items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33, and 34 are all on the consent agenda. Are there any questions from the Planning Commission. Staff notes that Commissioner Inman raised his hand. Commissioner Inman, the floor is yours. Thank you.

Mr. Inman: Thank you, Bill. I need to disclose that I am an Advisory Board Member for Towne Bank. We do not have any loan approval function. And I do not have any other conflict in this regard and I am permitted to vote, but I have made that disclosure and I will vote. Thank you.

Mr. Landfair: Staff notes that Commissioner Coston raised his hand. Commissioner Coston, the floor is yours. Thank you.

Mr. Coston: John Coston just wanting to notify everyone that I am an officer at Item 18 and I am noted in the documents as an officer, but I will be voting.

Mr. Landfair: Thank you. Staff noted that Commissioner Inman has raised his hand. Commissioner Inman the floor is yours.

Mr. Inman: Thank you, Bill. I am not sure I noted that, it was item one that presents the Towne Bank issue.

Mr. Landfair: Thank you. Madam Chair, staff does not see any further questions of the Commission, so I will open up your mic for you to call for a motion.

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

Mr. Landfair: Commissioner Wiener your mic is now open.

Mr. Wiener: I may approval the consent agenda.

Mr. Landfair: Staff opens the mic for you to call for a second.

Ms. Oliver: Thank you. Do I have a second please?

Mr. Landfair: Commissioner Klein, your mic is now open.

Ms. Klein: I second the motion.

Mr. Landfair: Hearing a second, a motion to approve the following applications, Agenda Items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 by consent has been made by Commissioner Weiner and seconded by Commissioner Klein. Are any Planning Commissioners abstaining from the vote? Please raise your virtual hand. Say, no 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. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Ms. Coston: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Ms. Klein: 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: I recorded vote of eight, four and zero against the following Items 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 have been approved by consent with the condition changes noted on item 11 to remove unit 112-B and items 14 and 15 to indicate no vehicles longer and no wider than 18 feet. If you have an application that was on the consent agenda and your request will now be scheduled for an upcoming City Council Meeting, staff will contact you about that date. Feel free to exit meeting if you like thank you for your participation and I will hand the meeting back over to Bill.

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

Conditions:

1. The following conditions shall only apply to the dwelling unit addressed as 201 64th 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 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 Rentals.

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. 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.

Items # 14.
William J. Wright, Jr.
Conditional Use Permit (Short Term Rental)
909 Pacific Avenue, Unit A

June 10, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: Thank you. The next order of business is the Consent Agenda. There are applications that are recommended for approval by staff and the Planning Commission concur, 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 1, 2, 3, 4, 5, 7, 8, 10, 11 with a minute condition number one as noted, 13, 14 with a new condition noted, 15 with a new condition, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Thank you.

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Mr. Inman: Thank you, Bill. I need to disclose that I am an Advisory Board Member for Towne Bank. We do not have any loan approval function. And I do not have any other conflict in this regard and I am permitted to vote, but I have made that disclosure and I will vote. Thank you.

Mr. Landfair: Staff notes that Commissioner Coston raised his hand. Commissioner Coston, the floor is yours. Thank you.

Mr. Coston: John Coston just wanting to notify everyone that I am an officer at Item 18 and I am noted in the documents as an officer, but I will be voting.

Mr. Landfair: Thank you. Staff noted that Commissioner Inman has raised his hand. Commissioner Inman the floor is yours.

Mr. Inman: Thank you, Bill. I am not sure I noted that, it was item one that presents the Towne Bank issue.

Mr. Landfair: Thank you. Madam Chair, staff does not see any further questions of the Commission, so I will open up your mic for you to call for a motion.

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

Mr. Landfair: Commissioner Wiener your mic is now open.

Mr. Wiener: I may approval the consent agenda.

Mr. Landfair: Staff opens the mic for you to call for a second.

Ms. Oliver: Thank you. Do I have a second please?

Mr. Landfair: Commissioner Klein, your mic is now open.

Ms. Klein: I second the motion.

Mr. Landfair: Hearing a second, a motion to approve the following applications, Agenda Items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 by consent has been made by Commissioner Weiner and seconded by Commissioner Klein. Are any Planning Commissioners abstaining from the vote? Please raise your virtual hand. Say, no 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. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Ms. Coston: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Ms. Klein: 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: I recorded vote of eight, four and zero against the following Items 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 have been approved by consent with the condition changes noted on item 11 to remove unit 112-B and items 14 and 15 to indicate no vehicles longer and no wider than 18 feet. If you have an application that was on the consent agenda and your request will now be scheduled for an upcoming City Council Meeting, staff will contact you about that date. Feel free to exit meeting if you like thank you for your participation and I will hand the meeting back over to Bill.

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

Conditions:

1. The following conditions shall only apply to the dwelling unit addressed as 909 Pacific Avenue, Unit A, and the Short Term Rental use shall only occur in the principal structure.
2. No vehicles longer than 18-feet shall be permitted in the parking spaces associated with this Short Term Rental.
3. The ingress/egress area along Pacific Avenue shall remain clear in order for vehicles to safely enter and exit the property.
4. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council. Proof of ability to use at least one off-street parking space at a location acceptable to the Zoning Administrator shall be provided to the Planning Department on an annual basis as long as the Conditional Use Permit is active.
5. 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.
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 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.

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) 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.

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.

Items # 15.
Carlin Creative Concepts, LLC
Conditional Use Permit (Short Term Rental)
901 Pacific Avenue Unit B

June 10, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: Thank you. The next order of business is the Consent Agenda. There are applications that are recommended for approval by staff and the Planning Commission concur, 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 1, 2, 3, 4, 5, 7, 8, 10, 11 with a minute condition number one as noted, 13, 14 with a new condition noted, 15 with a new condition, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Thank you.

Mr. Landfair: Thank you. The next item on consent is item number eight, City of Virginia Beach. Item eight is an ordinance to amend section 201 of the City's Zoning Ordinance pertaining to setbacks for in ground pools adjacent to the Atlantic Ocean. Both staff and the Planning Commission recommend approval of this ordinance amendment and since there is no opposition to these requests, the Planning Commission places it on the consent agenda. The planning commission places the following applications for conditional use permit for Short Term Rental on the consent agenda, as they meet the applicable requirements for section, 241.2 of the zoning ordinance. Staff and the Planning Commission support the applications and there are no speakers signed up to comment. Items 10, 11 with amended condition number one as noted. 13 and 14, with a new condition. 15 with a new condition. 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Madam Chair, that concludes the consent agenda, noting that items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33, and 34 are all on the consent agenda. Are there any questions from the Planning Commission. Staff notes that Commissioner Inman raised his hand. Commissioner Inman, the floor is yours. Thank you.

Mr. Inman: Thank you, Bill. I need to disclose that I am an Advisory Board Member for Towne Bank. We do not have any loan approval function. And I do not have any other conflict in this regard and I am permitted to vote, but I have made that disclosure and I will vote. Thank you.

Mr. Landfair: Staff notes that Commissioner Coston raised his hand. Commissioner Coston, the floor is yours. Thank you.

Mr. Coston: John Coston just wanting to notify everyone that I am an officer at Item 18 and I am noted in the documents as an officer, but I will be voting.

Mr. Landfair: Thank you. Staff noted that Commissioner Inman has raised his hand. Commissioner Inman the floor is yours.

Mr. Inman: Thank you, Bill. I am not sure I noted that, it was item one that presents the Towne Bank issue.

Mr. Landfair: Thank you. Madam Chair, staff does not see any further questions of the Commission, so I will open up your mic for you to call for a motion.

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

Mr. Landfair: Commissioner Wiener your mic is now open.

Mr. Wiener: I may approval the consent agenda.

Mr. Landfair: Staff opens the mic for you to call for a second.

Ms. Oliver: Thank you. Do I have a second please?

Mr. Landfair: Commissioner Klein, your mic is now open.

Ms. Klein: I second the motion.

Mr. Landfair: Hearing a second, a motion to approve the following applications, Agenda Items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 by consent has been made by Commissioner Weiner and seconded by Commissioner Klein. Are any Planning Commissioners abstaining from the vote? Please raise your virtual hand. Say, no 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. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Ms. Coston: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Ms. Klein: 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: I recorded vote of eight, four and zero against the following Items 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 have been approved by consent with the condition changes noted on item 11 to remove unit 112-B and items 14 and 15 to indicate no vehicles longer and no wider than 18 feet. If you have an application that was on the consent agenda and your request will now be scheduled for an upcoming City Council Meeting, staff will contact you about that date. Feel free to exit meeting if you like thank you for your participation and I will hand the meeting back over to Bill.

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Alcaraz	AYE			
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Horsley				ABSENT
Inman	AYE			
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Oliver	AYE			
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Weiner	AYE			

Conditions:

1. The following conditions shall only apply to the dwelling unit addressed as 901 Pacific Avenue, Unit B, and the Short Term Rental use shall only occur in the principal structure.
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3. The ingress/egress area along Pacific Avenue shall remain clear in order for vehicles to safely enter and exit the property.
4. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council. Proof of ability to use at least one off-street parking space at a location acceptable to the Zoning Administrator shall be provided to the Planning Department on an annual basis, as long as the Conditional Use Permit is active.
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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 Planning Department 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.

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Items # 16.
Nathan Bolling
Conditional Use Permit (Short Term Rental)
423 21st ½ Street

June 10, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: Thank you. The next order of business is the Consent Agenda. There are applications that are recommended for approval by staff and the Planning Commission concur, 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 1, 2, 3, 4, 5, 7, 8, 10, 11 with a minute condition number one as noted, 13, 14 with a new condition noted, 15 with a new condition, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Thank you.

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Mr. Inman: Thank you, Bill. I need to disclose that I am an Advisory Board Member for Towne Bank. We do not have any loan approval function. And I do not have any other conflict in this regard and I am permitted to vote, but I have made that disclosure and I will vote. Thank you.

Mr. Landfair: Staff notes that Commissioner Coston raised his hand. Commissioner Coston, the floor is yours. Thank you.

Mr. Coston: John Coston just wanting to notify everyone that I am an officer at Item 18 and I am noted in the documents as an officer, but I will be voting.

Mr. Landfair: Thank you. Staff noted that Commissioner Inman has raised his hand. Commissioner Inman the floor is yours.

Mr. Inman: Thank you, Bill. I am not sure I noted that, it was item one that presents the Towne Bank issue.

Mr. Landfair: Thank you. Madam Chair, staff does not see any further questions of the Commission, so I will open up your mic for you to call for a motion.

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

Mr. Landfair: Commissioner Wiener your mic is now open.

Mr. Wiener: I may approval the consent agenda.

Mr. Landfair: Staff opens the mic for you to call for a second.

Ms. Oliver: Thank you. Do I have a second please?

Mr. Landfair: Commissioner Klein, your mic is now open.

Ms. Klein: I second the motion.

Mr. Landfair: Hearing a second, a motion to approve the following applications, Agenda Items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 by consent has been made by Commissioner Weiner and seconded by Commissioner Klein. Are any Planning Commissioners abstaining from the vote? Please raise your virtual hand. Say, no 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. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Ms. Coston: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Ms. Klein: 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: I recorded vote of eight, four and zero against the following Items 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 have been approved by consent with the condition changes noted on item 11 to remove unit 112-B and items 14 and 15 to indicate no vehicles longer and no wider than 18 feet. If you have an application that was on the consent agenda and your request will now be scheduled for an upcoming City Council Meeting, staff will contact you about that date. Feel free to exit meeting if you like thank you for your participation and I will hand the meeting back over to Bill.

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

Conditions:

1. The following conditions shall only apply to the dwelling unit addressed as 423 21st ½ Street, and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. The garage space within the unit must remain a minimum of 9-feet by 18-feet, contain a minimum 8-foot wide vehicle entryway opening, and shall remain free of materials to ensure vehicular accessibility to the Short Term Rental tenants.
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 resident passes only. Guest and temporary passes 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 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.
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 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.

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 Rentals.

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) 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.

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.

Items # 17.
Dawn Wyatt
Conditional Use Permit (Short Term Rental)
609 Bayway Road

June 10, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: Thank you. The next order of business is the Consent Agenda. There are applications that are recommended for approval by staff and the Planning Commission concur, 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 1, 2, 3, 4, 5, 7, 8, 10, 11 with a minute condition number one as noted, 13, 14 with a new condition noted, 15 with a new condition, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Thank you.

Mr. Landfair: Thank you. The next item on consent is item number eight, City of Virginia Beach. Item eight is an ordinance to amend section 201 of the City's Zoning Ordinance pertaining to setbacks for in ground pools adjacent to the Atlantic Ocean. Both staff and the Planning Commission recommend approval of this ordinance amendment and since there is no opposition to these requests, the Planning Commission places it on the consent agenda. The planning commission places the following applications for conditional use permit for Short Term Rental on the consent agenda, as they meet the applicable requirements for section, 241.2 of the zoning ordinance. Staff and the Planning Commission support the applications and there are no speakers signed up to comment. Items 10, 11 with amended condition number one as noted. 13 and 14, with a new condition. 15 with a new condition. 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Madam Chair, that concludes the consent agenda, noting that items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33, and 34 are all on the consent agenda. Are there any questions from the Planning Commission. Staff notes that Commissioner Inman raised his hand. Commissioner Inman, the floor is yours. Thank you.

Mr. Inman: Thank you, Bill. I need to disclose that I am an Advisory Board Member for Towne Bank. We do not have any loan approval function. And I do not have any other conflict in this regard and I am permitted to vote, but I have made that disclosure and I will vote. Thank you.

Mr. Landfair: Staff notes that Commissioner Coston raised his hand. Commissioner Coston, the floor is yours. Thank you.

Mr. Coston: John Coston just wanting to notify everyone that I am an officer at Item 18 and I am noted in the documents as an officer, but I will be voting.

Mr. Landfair: Thank you. Staff noted that Commissioner Inman has raised his hand. Commissioner Inman the floor is yours.

Mr. Inman: Thank you, Bill. I am not sure I noted that, it was item one that presents the Towne Bank issue.

Mr. Landfair: Thank you. Madam Chair, staff does not see any further questions of the Commission, so I will open up your mic for you to call for a motion.

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

Mr. Landfair: Commissioner Wiener your mic is now open.

Mr. Wiener: I may approval the consent agenda.

Mr. Landfair: Staff opens the mic for you to call for a second.

Ms. Oliver: Thank you. Do I have a second please?

Mr. Landfair: Commissioner Klein, your mic is now open.

Ms. Klein: I second the motion.

Mr. Landfair: Hearing a second, a motion to approve the following applications, Agenda Items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 by consent has been made by Commissioner Weiner and seconded by Commissioner Klein. Are any Planning Commissioners abstaining from the vote? Please raise your virtual hand. Say, no 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. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Ms. Coston: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Ms. Klein: 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: I recorded vote of eight, four and zero against the following Items 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 have been approved by consent with the condition changes noted on item 11 to remove unit 112-B and items 14 and 15 to indicate no vehicles longer and no wider than 18 feet. If you have an application that was on the consent agenda and your request will now be scheduled for an upcoming City Council Meeting, staff will contact you about that date. Feel free to exit meeting if you like thank you for your participation and I will hand the meeting back over to Bill.

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

Conditions:

1. The following conditions shall only apply to the dwelling unit addressed as 609 Bayway 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. 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.

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

**Items # 18.
New Jerusalem Church
Conditional Use Permit (Short Term Rental)
101 Bishop Thoroughgood Avenue**

June 10, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: Thank you. The next order of business is the Consent Agenda. There are applications that are recommended for approval by staff and the Planning Commission concur, 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 1, 2, 3, 4, 5, 7, 8, 10, 11 with a minute condition number one as noted, 13, 14 with a new condition noted, 15 with a new condition, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Thank you.

Mr. Landfair: Thank you. The next item on consent is item number eight, City of Virginia Beach. Item eight is an ordinance to amend section 201 of the City's Zoning Ordinance pertaining to setbacks for in ground pools adjacent to the Atlantic Ocean. Both staff and the Planning Commission recommend approval of this ordinance amendment and since there is no opposition to these requests, the Planning Commission places it on the consent agenda. The planning commission places the following applications for conditional use permit for Short Term Rental on the consent agenda, as they meet the applicable requirements for section, 241.2 of the zoning ordinance. Staff and the Planning Commission support the applications and there are no speakers signed up to comment. Items 10, 11 with amended condition number one as noted. 13 and 14, with a new condition. 15 with a new condition. 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Madam Chair, that concludes the consent agenda, noting that items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33, and 34 are all on the consent agenda. Are there any questions from the Planning Commission. Staff notes that Commissioner Inman raised his hand. Commissioner Inman, the floor is yours. Thank you.

Mr. Inman: Thank you, Bill. I need to disclose that I am an Advisory Board Member for Towne Bank. We do not have any loan approval function. And I do not have any other conflict in this regard and I am permitted to vote, but I have made that disclosure and I will vote. Thank you.

Mr. Landfair: Staff notes that Commissioner Coston raised his hand. Commissioner Coston, the floor is yours. Thank you.

Mr. Coston: John Coston just wanting to notify everyone that I am an officer at Item 18 and I am noted in the documents as an officer, but I will be voting.

Mr. Landfair: Thank you. Staff noted that Commissioner Inman has raised his hand. Commissioner Inman the floor is yours.

Mr. Inman: Thank you, Bill. I am not sure I noted that, it was item one that presents the Towne Bank issue.

Mr. Landfair: Thank you. Madam Chair, staff does not see any further questions of the Commission, so I will open up your mic for you to call for a motion.

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

Mr. Landfair: Commissioner Wiener your mic is now open.

Mr. Wiener: I may approval the consent agenda.

Mr. Landfair: Staff opens the mic for you to call for a second.

Ms. Oliver: Thank you. Do I have a second please?

Mr. Landfair: Commissioner Klein, your mic is now open.

Ms. Klein: I second the motion.

Mr. Landfair: Hearing a second, a motion to approve the following applications, Agenda Items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 by consent has been made by Commissioner Weiner and seconded by Commissioner Klein. Are any Planning Commissioners abstaining from the vote? Please raise your virtual hand. Say, no 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. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Ms. Coston: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Ms. Klein: 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: I recorded vote of eight, four and zero against the following Items 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 have been approved by consent with the condition changes noted on item 11 to remove unit 112-B and items 14 and 15 to indicate no vehicles longer and no wider than 18 feet. If you have an application that was on the consent agenda and your request will now be scheduled for an upcoming City Council Meeting, staff will contact you about that date. Feel free to exit meeting if you like thank you for your participation and I will hand the meeting back over to Bill.

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

Conditions:

1. The following conditions shall only apply to the dwelling unit addressed as 101 Bishop Thoroughgood 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 the 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 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 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.

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

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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.

Items # 19.
Austin Boyles & Star Boyles
Conditional Use Permit (Short Term Rental)
1804 Baltic Avenue, Unit E

June 10, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: Thank you. The next order of business is the Consent Agenda. There are applications that are recommended for approval by staff and the Planning Commission concur, 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 1, 2, 3, 4, 5, 7, 8, 10, 11 with a minute condition number one as noted, 13, 14 with a new condition noted, 15 with a new condition, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Thank you.

Mr. Landfair: Thank you. The next item on consent is item number eight, City of Virginia Beach. Item eight is an ordinance to amend section 201 of the City's Zoning Ordinance pertaining to setbacks for in ground pools adjacent to the Atlantic Ocean. Both staff and the Planning Commission recommend approval of this ordinance amendment and since there is no opposition to these requests, the Planning Commission places it on the consent agenda. The planning commission places the following applications for conditional use permit for Short Term Rental on the consent agenda, as they meet the applicable requirements for section, 241.2 of the zoning ordinance. Staff and the Planning Commission support the applications and there are no speakers signed up to comment. Items 10, 11 with amended condition number one as noted. 13 and 14, with a new condition. 15 with a new condition. 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Madam Chair, that concludes the consent agenda, noting that items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33, and 34 are all on the consent agenda. Are there any questions from the Planning Commission. Staff notes that Commissioner Inman raised his hand. Commissioner Inman, the floor is yours. Thank you.

Mr. Inman: Thank you, Bill. I need to disclose that I am an Advisory Board Member for Towne Bank. We do not have any loan approval function. And I do not have any other conflict in this regard and I am permitted to vote, but I have made that disclosure and I will vote. Thank you.

Mr. Landfair: Staff notes that Commissioner Coston raised his hand. Commissioner Coston, the floor is yours. Thank you.

Mr. Coston: John Coston just wanting to notify everyone that I am an officer at Item 18 and I am noted in the documents as an officer, but I will be voting.

Mr. Landfair: Thank you. Staff noted that Commissioner Inman has raised his hand. Commissioner Inman the floor is yours.

Mr. Inman: Thank you, Bill. I am not sure I noted that, it was item one that presents the Towne Bank issue.

Mr. Landfair: Thank you. Madam Chair, staff does not see any further questions of the Commission, so I will open up your mic for you to call for a motion.

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

Mr. Landfair: Commissioner Wiener your mic is now open.

Mr. Wiener: I may approval the consent agenda.

Mr. Landfair: Staff opens the mic for you to call for a second.

Ms. Oliver: Thank you. Do I have a second please?

Mr. Landfair: Commissioner Klein, your mic is now open.

Ms. Klein: I second the motion.

Mr. Landfair: Hearing a second, a motion to approve the following applications, Agenda Items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 by consent has been made by Commissioner Weiner and seconded by Commissioner Klein. Are any Planning Commissioners abstaining from the vote? Please raise your virtual hand. Say, no 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. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Ms. Coston: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Ms. Klein: 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: I recorded vote of eight, four and zero against the following Items 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 have been approved by consent with the condition changes noted on item 11 to remove unit 112-B and items 14 and 15 to indicate no vehicles longer and no wider than 18 feet. If you have an application that was on the consent agenda and your request will now be scheduled for an upcoming City Council Meeting, staff will contact you about that date. Feel free to exit meeting if you like thank you for your participation and I will hand the meeting back over to Bill.

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Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Conditions:

1. The following conditions shall only apply to the dwelling unit addressed as 1804-E Baltic 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. 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. Unless a field change or other form of site plan modification is approved by the Department of Planning and Community Development - Development Services Center Division, the required on-site stormwater management system shall be maintained as shown on the as-built site plan approved by the Planning Department on 07/25/2019 created by John E. Siren and Associates, dated 03/21/2016 (with an as-built date of 05/29/2019), and titled, "Site Plan of Lot 10-A, Resubdivision of Lot 9, 10 and Lot 11, Block B, Plat of Property of Virginia Beach Park Corp for K&B Construction," which is on file with the Department of Planning and Community Development within record numbers 2019-DSC-00257 and 2019-DSC-009500
5. Unless a field change or other site plan modification is approved by the Planning Director, all required tree canopy, landscaping, and outdoor amenity space improvements as shown on sheet 6 of the site plan approved by the Development Services Center Division of the Planning and Community Development Department, more specifically titled, "Landscape Plan," created by Pauline Hundley of Four Seasons Nursery for John E. Sirine and Associated on 01-18-2017, shall remain in place and be maintained in good condition.
6. 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.
7. 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.

8. 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 multiplied by 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).

9. 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.

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

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

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

12. 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.

13. 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.

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

15. 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.

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

17. 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.

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

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

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

Items # 20.

**McLeskey & Associates [Applicant] FWM Residential Rental Properties, LLC [Owner]
Conditional Use Permit (Short Term Rental)
409 Southside Road**

June 10, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: Thank you. The next order of business is the Consent Agenda. There are applications that are recommended for approval by staff and the Planning Commission concur, 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 1, 2, 3, 4, 5, 7, 8, 10, 11 with a minute condition number one as noted, 13, 14 with a new condition noted, 15 with a new condition, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Thank you.

Mr. Landfair: Thank you. The next item on consent is item number eight, City of Virginia Beach. Item eight is an ordinance to amend section 201 of the City's Zoning Ordinance pertaining to setbacks for in ground pools adjacent to the Atlantic Ocean. Both staff and the Planning Commission recommend approval of this ordinance amendment and since there is no opposition to these requests, the Planning Commission places it on the consent agenda. The planning commission places the following applications for conditional use permit for Short Term Rental on the consent agenda, as they meet the applicable requirements for section, 241.2 of the zoning ordinance. Staff and the Planning Commission support the applications and there are no speakers signed up to comment. Items 10, 11 with amended condition number one as noted. 13 and 14, with a new condition. 15 with a new condition. 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Madam Chair, that concludes the consent agenda, noting that items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33, and 34 are all on the consent agenda. Are there any questions from the Planning Commission. Staff notes that Commissioner Inman raised his hand. Commissioner Inman, the floor is yours. Thank you.

Mr. Inman: Thank you, Bill. I need to disclose that I am an Advisory Board Member for Towne Bank. We do not have any loan approval function. And I do not have any other conflict in this regard and I am permitted to vote, but I have made that disclosure and I will vote. Thank you.

Mr. Landfair: Staff notes that Commissioner Coston raised his hand. Commissioner Coston, the floor is yours. Thank you.

Mr. Coston: John Coston just wanting to notify everyone that I am an officer at Item 18 and I am noted in the documents as an officer, but I will be voting.

Mr. Landfair: Thank you. Staff noted that Commissioner Inman has raised his hand. Commissioner Inman the floor is yours.

Mr. Inman: Thank you, Bill. I am not sure I noted that, it was item one that presents the Towne Bank issue.

Mr. Landfair: Thank you. Madam Chair, staff does not see any further questions of the Commission, so I will open up your mic for you to call for a motion.

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

Mr. Landfair: Commissioner Wiener your mic is now open.

Mr. Wiener: I may approval the consent agenda.

Mr. Landfair: Staff opens the mic for you to call for a second.

Ms. Oliver: Thank you. Do I have a second please?

Mr. Landfair: Commissioner Klein, your mic is now open.

Ms. Klein: I second the motion.

Mr. Landfair: Hearing a second, a motion to approve the following applications, Agenda Items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 by consent has been made by Commissioner Weiner and seconded by Commissioner Klein. Are any Planning Commissioners abstaining from the vote? Please raise your virtual hand. Say, no 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. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Ms. Coston: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Ms. Klein: 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: I recorded vote of eight, four and zero against the following Items 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 have been approved by consent with the condition changes noted on item 11 to remove unit 112-B and items 14 and 15 to indicate no vehicles longer and no wider than 18 feet. If you have an application that was on the consent agenda and your request will now be scheduled for an upcoming City Council Meeting, staff will contact you about that date. Feel free to exit meeting if you like thank you for your participation and I will hand the meeting back over to Bill.

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

Conditions:

1. The following conditions shall only apply to the dwelling unit addressed as 409 Southside 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. A copy of the deed of origin or the subdivision plat of origin showing the legal division of 2-feet of the western portion of lot 18 shall be submitted for review to the Development Services Center Division of the Department of Planning and Community Development within 30-days of City Council approval. If it is found that 2-feet of the western portion of lot 18 was subdivided in violation of applicable laws at the time of its creation, then a subdivision plat must be submitted for review and recordation. In this instance, the proposed subdivision plat must be submitted to the Development Services Center Division of the Department of Planning and Community Development within 90-days of any favorable City Council vote relating to this request.
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 multiplied by 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 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.

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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.

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.

Items # 21.

**McLeskey & Associates [Applicant] FWM Residential Rental Properties, LLC [Owner]
Conditional Use Permit (Short Term Rental)
441 Southside Road**

June 10, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: Thank you. The next order of business is the Consent Agenda. There are applications that are recommended for approval by staff and the Planning Commission concur, 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 1, 2, 3, 4, 5, 7, 8, 10, 11 with a minute condition number one as noted, 13, 14 with a new condition noted, 15 with a new condition, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Thank you.

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Mr. Inman: Thank you, Bill. I need to disclose that I am an Advisory Board Member for Towne Bank. We do not have any loan approval function. And I do not have any other conflict in this regard and I am permitted to vote, but I have made that disclosure and I will vote. Thank you.

Mr. Landfair: Staff notes that Commissioner Coston raised his hand. Commissioner Coston, the floor is yours. Thank you.

Mr. Coston: John Coston just wanting to notify everyone that I am an officer at Item 18 and I am noted in the documents as an officer, but I will be voting.

Mr. Landfair: Thank you. Staff noted that Commissioner Inman has raised his hand. Commissioner Inman the floor is yours.

Mr. Inman: Thank you, Bill. I am not sure I noted that, it was item one that presents the Towne Bank issue.

Mr. Landfair: Thank you. Madam Chair, staff does not see any further questions of the Commission, so I will open up your mic for you to call for a motion.

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

Mr. Landfair: Commissioner Wiener your mic is now open.

Mr. Wiener: I may approval the consent agenda.

Mr. Landfair: Staff opens the mic for you to call for a second.

Ms. Oliver: Thank you. Do I have a second please?

Mr. Landfair: Commissioner Klein, your mic is now open.

Ms. Klein: I second the motion.

Mr. Landfair: Hearing a second, a motion to approve the following applications, Agenda Items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 by consent has been made by Commissioner Weiner and seconded by Commissioner Klein. Are any Planning Commissioners abstaining from the vote? Please raise your virtual hand. Say, no 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. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Ms. Coston: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Ms. Klein: 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: I recorded vote of eight, four and zero against the following Items 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 have been approved by consent with the condition changes noted on item 11 to remove unit 112-B and items 14 and 15 to indicate no vehicles longer and no wider than 18 feet. If you have an application that was on the consent agenda and your request will now be scheduled for an upcoming City Council Meeting, staff will contact you about that date. Feel free to exit meeting if you like thank you for your participation and I will hand the meeting back over to Bill.

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

Conditions:

1. The following conditions shall only apply to the dwelling unit addressed as 441 Southside 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 covered parking space located under the main floor of the dwelling must remain a minimum of 9-feet by 18- feet, contain a minimum 9-foot wide vehicle entryway space, 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 multiplied by 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 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.

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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.

Items # 22. & 23.

**McLeskey & Associates [Applicant] Rudee Heights Properties, LLC [Owner]
Conditional Use Permits (Short Term Rentals)
1405 Cypress Avenue, Units A & B**

June 10, 2020

RECOMMEND FOR APPROVAL - HEARD

Ms. 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. Statements by the applicant or applicant's representative followed by questions by the Planning Commission of the applicant or staff. Statements by any registered speakers followed by questions by the Planning Commission of the speaker or staff. Rebuttal by the applicant or applicant's representative followed by questions by the Planning Commission if desired of the applicant or staff and deliberation of the application by the Planning Commission with a motion followed by a vote. There are six items on the Regular Agenda items 9, 22, 23, 24, 25 and 30. Agenda Item nine, You Are Not Alone, LLC for conditional use permit requests for Short Term Rental at 207, 79th Street Unit-C in the Lynnhaven district. The applicant is Michael Hunt. Mr. Hunt 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. Hunt you have the floor. Thank you.

Mr. Landfair: Agenda Items 22 and 23. McCleskey and Associates for conditional use permit requests for Short Term Rentals at 1405, Cypress Avenue, units A and B in the Beach District. The applicant's representative as Chris Wood. Mr. Wood 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. Wood you have the floor. Thank you.

Mr. Wood: Good afternoon, Madam Chair and members of the Planning Commission. For the record, my name is Chris Wood and I represent the applicant. I am a vice president in charge of all of construction development and property management for McCleskey and Associates. In order in an attempt to be efficient, I also have four other speakers speaking for items, multiple items 23 through 25 and 30. But after speaking with them, I am going be saying pretty much what they said. So, I do not necessarily make it an efficient use of time for them to speak, but they will be available if you all would like to hear from them. Before I began, please let me take the opportunity to thank the staff especially Will Miller, who has worked tirelessly for both the applicant and the concerned citizens and has been a big help. The McCleskey family has owned these properties for decades. The McCleskey

family also has several hundred rental units throughout the area and has been in the property management business for more than 70 years. And we expected you several hundred more over the next 10 years or so. So, it is a very experienced property manager. As you are aware, most of you are aware McCleskey rarely sells any of their property. So, this will be very important that the asset is maintained well and managed well. All of our properties, including any Short Term Rentals will also have a 24-hour a day, seven day a week, call center to handle any complaints from neighbors, residence, or any other maintenance issues. Additionally, they all have my cell phone number, which after 30 years in property management I am used to getting calls in the middle of the night and as long available as well. Specifically, on the south side of properties, we believe these are uniquely appropriate for Short Term Rental. They are near the South Side Marina. I am sorry, this is Cypress isn't it? I apologize. Okay. I did hear some questions during the informal meeting and to be clear, we are going to be building the same duplex whether or not it is used for Short Term Rental. As, I mentioned McCleskey does not sell their properties generally, so this will be a long term rental unit, regardless of what we have done. The duplex has been designed as a rental, not as for sale product, and if you will notice, we have the both garages in the front to eliminate the traditional ocean climbs South End, North End, long live in a concrete to get to the back unit. So, we think that definitely makes it nicer. We started building this but then as part of our common response when we stopped building all projects and feel rental revenues and returned to normal, which obviously, I would assume that were probably would not pick this back up until the fall at the earliest. And that is the reason that we are asking for the Short Term Rental now, is simply because number one we do not know how long it is going to take till we start again. And number two, I think you all would agree with me that the rules are likely going to change and we want to make sure that we have our properties at least in there. All that said, if you all would think than we should defer this until it's built, we can certainly do that. But I can assure you that this is the building, it is going look exactly like this and it is going to look exactly like the plans, whether it is now or later. And we will not and this will be building. So, whether or not we use it for Short Term Rental, this is the way it is going to be. So, I think those are some of the comments that I heard and if you all have any questions I would be happy to answer them.

Mr. Landfair: Are there any questions that the applicant by the Planning Commission. If so, please raise your virtual hand. Staff acknowledges the virtual hand raised by planning Commissioner Wiener. Commissioner Wiener your mic is open for comment.

Mr. Weiner: Yes, Mr. Wood, I understand what you are saying. I know you said you are going to build this no matter what. So, you would not have a problem deferring this indefinitely until we actually go through the ordinance again, because it might be when the ordinance comes out that there is not going to be any more Short Term Rentals allowed in that area, especially we go to an overlay district. I just want to make sure that you are aware of all that information.

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

Mr. Wood: Yeah, hi, that is my a kind of it is a big concern. We would rather have it heard now. Again, the property is going to look this way whether it is now on paper or is done later. And whether or not we use it for long term rental or Short Term Rental, it is going to be this exact property. And I think it's well designed, well thought out. It has been designed as a rental. And McCleskey has a long history of maintaining their properties and doing it. So, I would prefer to hear it now. And especially with the COVID response and assuming that we will not be continuing to build and probably at least September or August, it would be done until probably in early '21. If everything goes right, we would defer to hear it now, but I certainly would consider deferring it. But, I do share the concern that the risk of the moratorium and the rules change.

Mr. Landfair: Thank you. Staff acknowledges the virtual hand raised by Planning Commissioner Redmond. Commissioner Redmond your mic is open for comment.

Mr. Redmond: Yeah, I think we need to be a little bit careful about drifting in this territory where new construction cannot be rental. New Construction can only be something you live in or for long term rental, we just disposed of one application where there was a sidewalk separating parking spaces because it is an existing building. And now they are designing a new building, which they can do precisely to specifications and which presumably, would be more closely attuned. Because you are not trying to fit a building that is already there into regulations that have been written decades after, you know, house was built. It is hardly the only duplex in Virginia Beach. So, I do not think the building itself is particularly unusual. And, you know, we see this on 22nd Street of course, the Miller Group developed, I forgot the name of the project developed property for that and those are very nice units. It is not the first time we have seen this, I do not want to kind of slouch towards this notion that new construction has to be something you live in and nothing else, it just does not make any sense to me so I do not find anything particularly objectionable about it and go from there. Thank you

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

Ms. Oliver: Mr. Wood. So, what I understand about the application is that you are building that specifically for Short Term Rental and I have no objection to the architecture of the building, it is lovely. Would you consider, I mean, since we are talking about Short Term Rental as the impact of the neighborhoods, I mean, you do regular rental property, would you not consider this for a regular rental property as just in a regular summer rental and winter rental or year round rental or does it. Do you feel the need for it to be specifically designated for Short Term Rental?

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

Mr. Wood: Yes, thank you, Madam Chairman. Yeah, if I misspoke, I apologize we did not design this for Short Term Rental. We designed this for a rental, whether it is short term or a monthly, it could be used either the closets are big enough for our regular rent. You know, it is certainly not designed as a Short Term Rental. And I apologize if I misspoke with. It is not designed as a Short Term Rental, it is only designed as a rental. And yes, we might want to be able to use this as a short term even if we get this approval, you are absolutely right. We may choose to just keep this as a regular rental, we do have a demand an in-house demand, we have a lot of large yachts, as you can imagine coming in to the finishing center, they have cruise and not all the cruise want to stay on the on the boats. So, we do have from time-to-time people that want to live in a house while they are here spending money in Virginia Beach and obviously we all want that. So, that is in demand and when we get to the Southside properties, that is probably even more of a demand since it is right by where the boats should be. But I mean, we are not sure we will use this as a Short Term Rental, but when we may. I hope that answers your question.

Ms. Oliver: I think it answers my question. I guess our concern is with the area, especially this particular area with the amount of Short Term Rentals here that the intent to build a building specifically for Short Term Rental is somewhat concerning.

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

Mr. Wood: Yes. And again, please let me be clear this building was not built in any way, shape or form to be a Short Term Rental. We have this design, we have been working on it for a while. You know, it is not designed to be a Short Term Rental. It is designed to be a rental, it will never be sold and it will always be a rental, whether or not as a Short Term Rental, I do not know. But I would also say, I know this is really uncharted territory and it is new for everybody. But I also know, I don't want to be penalized because we are the last guy there and everybody else has got it, because everybody else neighborhood has it, we can get it. So, I appreciate your thought, but you know this was not designed to Short Term Rental. As I said the closets are big, it is designed to be a rental period and I am not sure whether or not

we would use any short term, but we want to have that option especially even we have people that are looking when they come into town.

Mr. Landfair: Thank you. Staff acknowledges the virtual hand raised by Planning Commissioner Inman. Commissioner Inman your mic is open for comment.

Mr. Inman: Thank you, Bill. Chris, I understand exactly what you are proposing and your reasons for it. And if you had followed this Commission and our adventure with Short Term Rentals, you will know that we have developed lots of concerns about the direction it is going and the impact on neighborhoods, and there is no neighborhood more impacted than the one that you're in with this particular property, unfortunately, and we are worried about disrupting neighborhoods and with too many transient uses over and over again, so yes, it is a very nice product I am sure it will rent very nicely. I would like to see you limited to regular types of rentals as opposed to Short Term Rentals in light of what is going on in the neighborhood. I understand you want something different, it is an ordinance it is on the books and but I do not like the idea of approving applications that where the property does not exist yet or the structure does not exist yet. So those are, those are my concerns and I will leave it at that. Thank you.

Mr. Landfair: Mr. Wood would you like to respond?

Mr. Wood: Oh, yeah, real briefly I agree with Mike and I do have share the same thing about properties that are built to be a business or a hotel. But I think everybody there knows that McCleskey has a track record of the last 70 plus years of maintaining their properties being good neighbors, being very proactive and this is going to be no different. Now, I would have been happy to wait until this was built to come in. But again in light of COVID and everything else that is happening, we do not know when we will be back at business, but I appreciate your comments and I do share your concern that people build these as a business, but this is not that, this is going to be something that we would build regardless and we maintain our properties well, but I appreciate your comments.

Mr. Landfair: More questions for the applicant at this time by the Commission. Seeing none, we do have two speakers signed up to comment. The first speaker is Luran Lersch, followed by Cindy Sable. Note that you have three minutes to speak. Please identify yourself for the record and pause three seconds before speaking. Thank you. The next speaker is Cindy Sable, Ms. Sable note that you have three minutes to speak. Please identify yourself for the record and pause three seconds before speaking. Thank you. Madam Chair, neither speakers is online. As such, I will open up the mic for you to call for a motion.

Ms. Oliver: Thank you. So, I will open up the floor for discussion by the Planning Commission or entertain a motion at this time. Please raise your hand if you have a comment or motion. And staff will unmute you.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Wall. Your mic is open for comment.

Mr. Wall: Thank you. This is Jack Wall and I am just here you know it is more of just a comment then the actual, you know straight leaning one way or the other but does it almost appears that it is kind of a commercialization, you know, you are building and you know, I understand Mr. Wood's comments and I kind of applaud him actually for you know, I think it is probably a wise decision just to go ahead and you know, bring it before the city in order to gain the approval. And you know, it is an attractive structure I think blends well with the neighborhood. But at the same time, it kind of wonder you know does it set a trend is there is a pattern that constructing new houses for Short Term Rentals. Now, we saw one a few months ago and they had clearly rental, you know, the garage was six feet wide and that was more for activity, toys and such fantasy toys but for surfboards and for other things such as that but I am just kind of wondering, you are just kind of talking out loud, this kind of new trend that we are going to start seeing our homes being constructed strictly for you know for Short Term Rentals and that is it. Thanks that is all I have it.

Mr. Landfair: Madam Chair. Do we have a motion?

Ms. Oliver: Are they more since we opened it on the floor there any more Commissioners that want to speak.

Mr. Landfair: There are no more Commissioners who want to speak.

Ms. Oliver: Alright. May I have a motion please.

Mr. Landfair: Staff acknowledges the virtual hand raised by planning Commissioner Weiner. Commissioner Weiner your mic is open for comment.

Mr. Weiner: Yes, thank you, Bill. I would really like to have the applicant want to withdraw this or to differ right now, but since like they do not want too and again I am going to go back and look at and deal with, but I just, I know that the applicant does very good work, they are very reputable company and will take care of the project. But the point is it being built for Short Term Rental is kind of confusing but I am going to motion for approval for this application and the only reason why, I want to comment is something we are going to have go back and look at, we approved one a couple before that are being built already and we have approved them in

consistent again and but something we are definitely going to have to look at in the future when we sit down. He keeps saying this, but I do not think we are going to get this done on a 100 days, so I am going to go for a motion for approval on this one.

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

Mr. Redmond: Thank you, Bill. I am a little confused by this conversation, people had been building houses near the beach, every beach on planet earth for rental purposes for a 100 years, the idea that someone would suddenly build a house for a rental near the beach is not exactly you know, crazy to me. It is not like Martians landed, I mean, it is very common. So in this case, strikes me as fine looking house you know, another duplex rather than any other way would not be objectionable. So and, you know, this is a builder with a track record of the excellent management I do not understand that. And I do agree with the things that David just said, so with all that I would second his motion for approval. Thanks.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Coston, your mic is open for comment.

Mr. Coston: Well, Commissioner Redmond has already seconded but I was going to say that I have had the pleasure of going in some of those buildings down there where they rent to people who are off the boats and beautiful properties. I see no problem with what they are trying to do there.

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

Mr. Redmond: Sorry, did it again.

Mr. Landfair: Hearing a second a motion to approve the application has been made by Commissioner Weiner and seconded by Commissioner Redmond. Are any Planning Commissioners abstaining from the vote? Staff acknowledges the virtual hand raised by Commissioner Inman, your mic is open for comment.

Mr. Inman: This is not about an abstention, I just feel a need to respond to Mr. Redmond is that the whole thing has to do with the saturation of a neighborhood with Short Term Rental candidate properties, which I would put this in since they are saying this is not only for Short Term Rental and I take Mr. Wood at his word on that. But, it is what it is and it can be sold in to anyone else and not necessarily always retained by his company. And it is therefore Short Term Rental and it could be very prolific Short Term Rental property very attractive. To the point is not that yes there are

lots of duplexes built in Virginia Beach, yes it is very attractive residence, the point is we are concerned about saturation of the area and to the exclusion of neighborhood feeling anymore for term rentals that is what it is about, it is not about how pretty it is. So that is just want to make sure we all understand what our mission is here as opposed to anything else. Thank you.

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

Mr. Redmond: Yeah, and I understand that, Mike, I understand what your concern as you have been very clear about that and I respect it entirely Mike. My point was about the idea that it was seemed to be kind of a funny idea that it was strange somehow that there would be new construction, you know, in a resort area. For the purposes of rentals that has been happening all over the planet for a very, very long time, but I do understand your concerns and I respect than them as you know and so I appreciate that comment. Thanks.

Mr. Landfair: 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. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Ms. Klein: Yes.

Mr. Landfair: Ms. Oliver.

Ms. Oliver: I am sorry. Could you tell what the motion was one more time, please?

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

Ms. Oliver: No.

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: I recorded vote of seven, four and one against Agenda Items 22 and 23 are hereby recommended for approval by the Planning Commission, thank you.

	AYE 8	NAY 1	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley				ABSENT
Inman	AYE			
Klein	AYE			
Oliver		NAY		
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Conditions:

1. The following conditions shall only apply to the dwelling units addressed as 1405 Cypress Avenue (units A &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. Each garage space within the units 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. 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.

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 # 24. & 25.
La Paz, LLC
Conditional Use Permit (Short Term Rental)
2565 Shore Drive, Units A & B

June 10, 2020

RECOMMEND FOR APPROVAL – HEARD

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, 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. 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 six speakers registered for today's public hearing during the regular agenda for Items 24 and 25. 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. I will note that Mr. Redmond has now joined the group. Also, I would like to remind the Planning Commissioners to unmute their cameras, if they wish to be saying. Say no more hands raised, we will now move on to the Agenda. Madam Chair, there are no items requesting to withdraw. So, we will move on to the two applications requesting to be deferred. Agenda Items six and twelve. The first application is Agenda Item six, the application of a Truce Lee Richard Jr., trustee of the Truce Lee Richard Jr. revocable living trust for a subdivision variants to Section 4.4-A of the subdivision regulations for the property located at 2968, Holland Road, Princess Anne District. The applicants representative, Mr. Eddie Bourdon has signed up to speak, Mr. Bourdon the floor is now yours. Please pause for three seconds before speaking.

Ms. 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. Statements by the applicant or applicant's representative followed by questions by the Planning Commission of the applicant or staff. Statements by any registered speakers followed by questions by the Planning Commission of the speaker or staff. Rebuttal by the applicant or applicant's representative followed

by questions by the Planning Commission if desired of the applicant or staff and deliberation of the application by the Planning Commission with a motion followed by a vote. There are six items on the Regular Agenda items 9, 22, 23, 24, 25 and 30. Agenda Item nine, You Are Not Alone, LLC for conditional use permit requests for Short Term Rental at 207, 79th Street Unit-C in the Lynnhaven district. The applicant is Michael Hunt. Mr. Hunt 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. Hunt you have the floor. Thank you.

Mr.Landfair: Agenda Items 24 and 25 La Paz, LLC for conditional use permit request for Short Term Rental at 2565, Shore Drive, Units A and B in the Lynnhaven District. The applicant's representative is Chris wood. Mr. Wood is the applicant for presented 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. Wood you have the floor. Thank you.

Mr. Wood: Thank you, Mr. Landfair. I apologize when you tried to ask for the other speakers they were not going to speak but I had no way on the last one to tell you that. The same thing is going to happen here. I do not believe any of those people will speak just so you are aware. So, my name again is Chris Wood. I represent an property at 2565, Shore Drive. The property is more than 50 years old, the city thinks it was built in 1965 and I believe it was built before that. And as in the big issue here is the traffic as you all know, in fact, the entire reason I purchased this property was because there was a huge visibility issue and turning out a cape in the shores on to Shore Drive. When I bought it, cars were actually sticking out on your Shore Drive. Since I purchased the property 10 years ago, I made a lot of efforts I rented a bobcat and removed about five foot in the front yard. So now cars can pull up closer to the house and further from Shore Drive. I actually took out as much dirt as they could without jeopardizing the foundation and the structure. Again, let me thank Will Miller, he has been instrumental in helping and he has worked with Todd Solomon of Shore Drive, and Jill Abalone of Cape Henry Shores, and myself to help design the best parking to the extent possible. I have lived in the neighborhood for 22 years. I currently live five houses down from the property. I have been in the property management business for more than 30 years and my wife is a real estate agent also with Atkinson Real Estate, so she has got experience as well. I have reached out to all my neighbors, my neighbors all had my cell phone number. I am available 24/7. I have spoken with the immediate neighbors, and with Cape Story Civic League. And as you all know, I have letters of support from several neighbors including the two of them immediately across the street. I believe this is

an excellent location for Short Term Rental, as there are only two immediate neighbors. And this is not “in the neighborhood” it is on the outside of the neighborhood while on Shore Drive adjacent to First Landing State Park. I agree with the conditions and the change in the parking plan. We are going to do the best we can to make it safe. And we have also requested the city to do a line of sight study from I guess it will be east of this property from Kindle to see if there are some improvements that the city can do along as well. So, that is my presentation. I am happy to answer any questions.

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 planning Commissioner Redmond. Commissioner Redmond your mic is open for comment.

Mr. Redmond: Well, I guess it really isn't for Mr. Wood. I am just curious if that satisfies the neighbors concerns about this building?

Mr. Wood: I guess so.

Mr. Landfair: Are there any more questions of the applicant at this time by the Commission?

Mr. Tajan: If we can get staff online. Mr. Miller. Will Miller, if you are on and you had discussed with those had concerns and has showed them this most recent parking layout, if you could put it for the record your discussion.

Mr. Miller: Thank you, Mr. Tajan. Yes, I got an email from the Cape Henry Shores Civic League President that based on the revised plan, which the only copy of it is what you see there in the PowerPoint, because this all happened late, late yesterday and early this morning. As long as no one, there is no parking in that first nine or 10 feet from the right of way line and there is a an area of planting, where you see that little star in the lower left that is very clear for these rental tenants not to park in that area, or possibly even unable to park again with a raised bed, making it even more challenging for someone to try to drive up and over it. They would be okay with this scheme as you see it. Mr. Solomon, he I think is registered to speak today and he had some questions for Ric Lowman, our City Engineer who has contacted me during this hearing and is prepared to speak on those, I am not as sure about Mr. Solomon, but I am positive about the Cape Henry Shores civically based on this scheme as you see it. So, I am not sure if we need to modify any conditions or add something today to make this a part of the recommended approval. Thank you for your time.

Mr. Landfair: Thank you. Are there any more questions for the applicant at this time by the Commission? Staff acknowledges the virtual hand raised by planning Commissioner Wall. Commissioner wall your mic is open for comment.

Mr. Wall: I have done for the applicant. Now, it was just for general discussions.

Mr. Landfair: Thank you. Staff acknowledges the virtual hand raised by planning Commissioner Inman. Commissioner Inman, your mic is open for comment.

Mr. Inman: Thank you, Bill. My concern is what is going to go on in the front part of the property in terms of parking. I see this one space there and not having physically seen the property, I am understanding there is some sort of landscaping mound on the corner then apparently there is a paved area the rest of its paved appears space it is a question I guess I have got is it paved? If it is, I think I would like to see some no parking signs be required as those vehicles could come in and park straight on and block the view of people coming out of Kendall Street, that is all I got.

Mr. Tajan: It is generalize we try to get the photographs on the on the screen. As you can see, the site is currently under construction. Marchelle, I am sorry, can you go back or Bill see the next photo, the site is currently under construction. They are working on proving the duplex in accordance with the approval from City Council. And based on the parking plan that is here it is noted that there will be a raised planter bed to prohibit parking in that front area which was an area of concern and only allow for the one parking space is typical for the rental of these Short Term Rentals. On certain websites, you do lot of times have to help and show folks where to park and these would be under what he would need to do for his rental agreements if this were to be approved.

Mr. Landfair: Staff acknowledges the virtual hand raised by Planning Commissioner Inman. Commissioner Inman, your mic is open for comment.

Mr. Inman: The area I was concerned about looking at the picture on the screen is area that is not designated as a parking space, but the other area where a car could pull in it is about 20 feet of distance between current front of the house if that is what the green is and the right away. And I am concerned about vehicles parking in there visiting people, whoever. And that is why I was suggesting that the applicant might be required to have no parking signs posted, so the only parking could occur in that one spot.

Mr. Landfair: Planning Director Tajan.

Mr. Tajan: Mr. Wood will direct the question to you, do you be willing to accept the condition that will require you to put no parking signs on that portion of the driveway area?

Mr. Wood: I have no problem with that, but I guess what we need you all need to realize is that this has been a problem for 50 plus years, I have made it infinitely better than it was. No parking sign or not, with the traffic travelling there in well in excess of 50

miles an hour, sometimes in the 35. There will be a time where you know, you are kind of winding up there, I am happy to put up an aesthetically pleasing new parking sign. I mean, this is at the front of the property, so I would want it to be aesthetic, but at the end of the day, this is better than what is there. But I cannot promise you that no one's ever going to park there just because you have got short drive there and it is going to be difficult to park there because this apron that is shown here is what is required by Ric Lowman, Wanda City. And, so it is very tight, it is infinitely better because before you can have five or six cars perpendicular to this all backing out in a short drive. So, this is by no means perfect, but it is a lot better than it has been for 50 years. All that said, I have no problem putting a nice aesthetic small new parking sign low on the on the retaining wall. I just do not want to sign right in front of the rental, you know that that looks, inappropriate. I hope that answers the question.

Mr. Landfair: See no more questions from the Planning Commission. We do have three speakers signed up to comment. The first speaker is Todd Solomon. I am sorry, the first speaker is John Keenan, followed by Todd Solomon. Please identify yourself for the record and pause three seconds before speaking. Thank you.

Mr. Keenan: Yes, my name is John Keenan. Again, I agree with Mr. Wood. This property is 70 years old and the owner has dramatically improved the property. Like he is commented the parking situation is much better than it was the last 50 years prior to owning the bill and buying the property, or as our cars parked on Shore Drive blocking the view of motorists. You know, the owner who lives seven houses away and is available by the seller 24/7. He has been a professional property manager for more than 30 years. It is a great location for Short Term Rentals as it is next to the State Park, not on a neighborhood street and across from the Bay. This will support older families of campers in First Landing will find it difficult to camp with younger families. That is why I am supportive his requests for Short Term Rental.

Mr. Landfair: Are there any questions of Mr. Keenan by the Planning Commission? If so, please raise your virtual hand. The next speaker is Todd Solomon. Please note that you have three minutes to speak. Please identify yourself for the record and pause three seconds before speaking. Thank you.

Mr. Solomon: Good afternoon, Madam Chair and Commission Members. My name is Todd Solomon president of the Cape Story by the Sea, also the current president of Shore Drive Community Coalition. Shore Drive Community Coalition has been in existence for over 20 years. One of our standing positions for the coalition is to make and keep Shore Drive as safe as possible for motorists, pedestrians and cyclists. We do not have an issue with making this a Short Term Rental as I have noted in the email comments to you, our main issue is the visibility and we

understand it came with the property it has been like that forever it has been documented by Cape Henry Shores multiple times and requests to have a stoplight put there too, so it is unfortunate that Mr. Wood has that property and that issue with it. He has made it better that is correct. And it looks like it could get even slightly bit better. I know this thing, it is a moving target as of yesterday. It started with three cars parked out front I think and the two cars, now it is down to one car and that was done like around five o'clock yesterday. So my next question would be it is okay to keep moving the cars everything in the back and stacking them, why not make it perfect now and move that one car that is out front, into the back. Also, have all the cars parked in the back, landscape the whole front and that visibility out there with how to put a sign that says do not park on the grass or whatever. Maybe that could happen too, but at one point, all three of those cars were upfront now in the back. Once again, I am having a line of sight study done. We are shooting it in the dark here to try and explain where the best spot for that property would be and I agree with Mr. Commissioner Inman that as cars would be parked vertically there if you are having a party or you have extra people come in to visit, they could be parked in their perpendicular short drive which would just counteract that whole parallel aspect of parking spot number one. So you know, let us make it perfect, we have the ability to do this. Make it a Short Term Rental with all six car parking spots in the back and no parking upfront. And if it could be done with a line of sight study I think it is still going to need a line study done. And I would hope that engineer Lowman would provide that. I am surprised it has not been done already, the fact that there is multiple accidents all happening there often that would have been one of the first things I think should have been done. So out for, again, you do not have an issue for using Short Term Rental, but it is possible.

Mr. Landfair: Are there any questions for Mr. Solomon by the Planning Commission? If so, please raise your virtual hand. The last speaker is David Williams note that you have three minutes to speak. Please identify yourself for the record and pause three seconds before speaking. Thank you.

Mr. Williams: Good afternoon, everybody. My name is David Williams I hope you can hear me all right. I am a resident of Cape Henry shores and the past president of Shore Drive Community Coalition. I support Todd in his statements, he has been there a long time. Shore Drive Community Coalition has consistently tried to improve the safety along Shore Drive. As a resident of Cape Henry Shores, I have seen very dangerous situations occur because of obstruction in the line of sight vision when you stop at the stop line on Kindle as you try to exit off Kindle onto Shore Drive. There is a problem along this section of Shore Drive with speeders. It was not resolved by lowering the speed limit from 45 to 35, and it continues. Back in 2007, we tried to get a traffic light and we tried to find out our residents were saying to

us that they are having problems. We had one resident that had two traffic accidents trying to get out. We were trying to determine what the problem was. The problem was with line of sight as you look West, that eastbound traffic is hidden by any obstructions from your view. When they are coming at you at 35, 45 or 50 miles an hour, you have very little leeway, very little margin of error, an inexperienced driver or somebody that is not experienced enough to judge that well enough to be in a very perilous position. I am not opposed to this being a Short Term Rental. But I think before this is a Short Term Rental and the parking plan is approved. The city really needs to do an official line of sight survey from the whole position on Kendall looking west. Only from that can we see whether it makes a federal highway standards right as of now is my estimate as a layman if this does not make Federal Highway standards for 35, 45 or 50 miles an hour as these vehicles are coming at you. I would like to see a line of sight an official line of sight survey being done before this is approved. Thank you very much and thank you for your time.

Mr. Landfair: Are there any questions of Mr. Williams by the Planning Commission? If so, please raise your virtual hand. Say none. You have the floor. I'm sorry. Planning Director Tajan.

Mr. Tajan: Yes, thank you, Bill. I believe we have Ric Lowman that is also online. If you would like to comment, I know he is prepped to answer any questions, but Ric, I will hand it over to you there been a lot of discussion about potential studies that need to be done and compliance. So, if you can take a moment, please.

Mr. Lowman: Hey, good afternoon this is Ric Lowman Public Works Traffic Engineering and I have been listening to this and I did get Mr. Solomon's email last night with some of the questions on it regarding Kendall Street in Shore Drive intersection. I am prepared to give you information regarding all four of his questions, but really the only one that plays into what we are considering right now, which is the Short Term Rental of Mr. Woods property, the only question that, you know, really I need to answer is, as shown with the parking plan as shown, the one parked car there will not interfere with the line of sight coming from Kendall Street, you know, looking west. You know, with that area being a green space, a low level green space that the drivers eyes about three and a half feet, so as long as we are, you know, less than three feet, we are in good shape if no cars parked in that green area. So, I could say without a doubt that you know that your sight distance is not impeded by car parking space number one. I did take a look at that this morning. You know, some of the other things I could answer to Mr. Solomon and Mr. Williams, directly with them. But as far as the Short Term Rental goes, you know, if cars are parked per this plan, then site won't be impeded. If you would like me to answers, I can.

Mr. Tajan: Thank you, Ric. I think that is what the Commission needed to have answered for them.

.Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Alcaraz. Commissioner Alcaraz your mic is open for comment.

Mr. Alcaraz: Thanks, Ric. Thanks for answering. I do have one question on like a traffic control parking plan. Are you okay with that 12 foot with the backup on the cars in the back is that sufficient?

Mr. Lowman: Can you put the plan back up. The 12 foot wide driveway going to the back, that is sufficient for a single family or a duplex. It is really a private issue, so traffic engineer really does not have much to say regarding the onsite circular circulation, except for the, you know, for the area there in the front, we would comment on that circulation but with five cars parked in the back, I mean, they are going to have to maneuver themselves in and out if you actually do have five cars in there. But that is not something that traffic engineering generally comments on but a 12 foot driveway with you know, leaving back there is nothing substandard we have seen smaller ones in that. As far as the apron goes, you know, we worked on that apron Monday and Tuesday to get it to work and make it look as much like a standard, you know, Public Works entrance, residential or commercial that you would find on arterial roadway with a speed of 35 miles an hour or higher. So, the entrance I am good with in the driveway to the back that is not really my issue per se.

Mr. Landfair: Staff acknowledges director.

Mr. Tajan: Mr. Alcaraz, Zoning and Planning staff has reviewed that parking layout and is comfortable with the ability to have essentially called the Hammerhead where they can back out into that area. We can put the parking plan back up please. There is an area where they are able to back up and then turn and so staff is comfortable with that they can maneuver this although tight, they can maneuver this with the distances and as it is shown

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Inman. Commissioner Inman your mic is open for comment.

Mr. Inman: I would like to talk to Ric Lowman about the suggestion I made about prohibiting parking in the area in front of the residents that is now shown as grey concrete it that is what going to be so that you could not get cars parked perpendicular to Shore Drive and with that assist and keeping the fuel on clear.

Mr. Landfair: Ric, would you like to respond, please?

Mr. Lowman: Yes. So because this is a, I guess you could put conditions on this, you can always put a condition that says, okay, yeah, no parking was allowed in that area. However, the enforceability of that, from a public point of view, meaning the police or you know, whatever sign you put up would be nothing more than a private recommendation or I mean, it could be a condition of the approval of this that be enforced by zoning or whoever is going to, you know, operate the renewal these of these permits, but as far as an official no parking sign, there will be no grounds to enforce and no parking sign on private property. So, you know, the police could not come and tell anybody, it would just be something that you can put as a condition that says basically, if there is, you know, if there is a problem there and people are starting to park like that, that you could renew it, you get a you know, or you could pull that permit before that.

Mr. Landfair: Thank you. Staff acknowledges the virtual hand raised by planning Commissioner Inman. Commissioner Inman, your mic is open for comment.

Mr. Inman: Well, having heard that, I think that even if you put it in the category of detouring from parking, it would be helpful. And apparently it could also, if it's part of our conditions that it be there and neighbors, other people or drivers who are finding that there are cars violating that parking prohibition that causing a problem with visibility, then that could be enforced through zoning. So it seems like it's this visibility thing is a big problem, we should do everything we can, I think to try to prohibited it or impede it. So I would suggest a condition that no parking signs be posted. And the staff designed those signs and in harmony with what the property owner would like to have in terms of aesthetics, making sure that it is very clear and visible, that is it.

Mr. Landfair: Thank you. There are no more speakers Madam Chair. You have the floor Ms. Oliver for Planning Commission discussion or to entertain a motion.

Ms. Oliver: Thank you, Bill. So I am going to open the floor for discussion by the Planning Commission or entertain a motion at this time. Please raise your hand if you have a comment or motion and the staff will open up your microphone.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Inman your mic is open for comment.

Mr. Inman: I would move for approval of the application with the conditions as stated and the additional condition that there will be no parking signs more than one in the area in front of the residence in a location and design approved by the staff.

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

Ms. Oliver: May I have a second please?

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Redmond your mic is open for comment.

Mr. Redmond: Yeah. So, what is more than one mean Mike? I mean, there is one parking space we are concerned about the front. I do not understand what are you talking? Can you be more specific about what it is you are asking?

Mr. Tajan: Mr. Inman.

Mr. Landfair: Mr. Inman.

Mr. Inman: I am trying to leave it to the staff and the applicant to work together, that they are not be just one sign but I would think that we would need at least two of located on the front. Staff might think it needs to be three, I do not know but more than one, it is up to them. It is up to the staff and the applicant work out the number of sides.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Weiner your mic is open for comment.

Mr. Weiner: I would like to ask Mr. Wood his thought. I know he mentioned something about a new parking sign there, but being that Mr. Lowman said that there is just only one car there they would not mess the line of sight up but I would like to ask Mr. Wood if he is still on or not what his thoughts are again on that.

Ms. Wilson: Kay Wilson, You all have a motion that is hanging. There needs to be a second on this motion before we can have discussion.

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

Ms. Wilson: Somebody just second it.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Redmond your mic is open for comment.

Mr. Redmond: No I am not going to make a second so I will just move on.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Weiner your mic is open for comment.

Mr. Weiner: I do not want to wait a second on this because I am not sure how I want to see this go so I could, can I make another motion to just approve as is the application as is till we talk to Mr. Wood.

Ms. Wilson: Make that substitute motion now I need a second for the substitute.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Alcaraz your mic is open for comment.

Mr. Alcaraz: I second the substitute motion for Mr. Wiener.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Inman your mic is open for comment.

Mr. Inman: I don't know what the substitute motion is. But I do want to make it clear that we have a plan that shows a parking space, which is fine. And Mr. Lowman says that is fine, that is parallel to Shore Drive up against the house. I am trying to address the prohibition of parking of random cars pulling in perpendicular to Shore Drive or any other way, sideways whatever, in that area that might obstruct the view of drivers coming out of Kendall Street. It just does not seem like a no brainer to me. I do not understand why it's causing a problem. So I would be willing to change my motion to say two signs as opposed to leaving it open that seems to be disturbing to anyone.

Mr. Landfair: Staff acknowledges.

Mr. Tajan: At this time we currently have a motion on the floor to approve as submitted, including provide parking layout provided today at the briefing. I believe you have a comment for Mr. Wood or potential for any of those that motion second if they would consider adding a condition to prohibit parking in the front in some manner. I don't know if we want to have Mr. Wood come back on to address Mr. Inman's comments. Mr. Wood Are you available?

Mr. Wood: Yes. I am sorry I have been trying to, is there any feature some way that you could have the applicant raise his hand or something but this conversation has been going on and I have not even had a chance to respond. I do not want to make this new parking signs. The layout on this is infinitely better than it is today. I mean much safer than it is today. This whole thing is a lot safer than it than it is today. I do not want to get into a policing issue with trying to deal with people who seen the no parking sign and worrying about all this. I wish I could take you all out there because the turn is so incredibly sharp, you get to the back because there is telephone pole and everything else that you cannot park there anyway and cannot see it from this picture. I do not think that we need a no parking sign and I do not have a problem if someone was to meet me other there and we can look at it, but I do not make that a condition because number I do not think it is needed and number two, I do not think there's no way to that you can have a no parking sign. You would have to have the sign that this is no parking, you know, eight feet direction and six foot four inches. I mean it is just kind of meaningless and if you look, I have got a cut that wall that is a great picture I cut that site back five feet to provide

more, you know, room off a Shore Drive and the only place to put it will be low on that retaining wall. I absolutely do not want to be post in the middle of the house and this is older picture actually, but you know, it is only place to put it on that lower retaining wall and I just do not see the point of it. I am happy to meet somebody out there but I definitely do not wanted to be in condition of this because again everything I have done here makes it way better and it is currently in way better than last 50 years. So, I think what I have done is certainly better than anybody else has done in 50 years. So, that is my thought on the no parking sign.

Mr. Landfair: Staff acknowledges the hand of Commissioner Oliver.

Ms. Oliver: Thank you. Mr. Wood, I know this property well and I have written by hundreds and hundreds of times and what Mr. Wood has done to improve it is much, much better than the parking condition it was previously. I think it is a huge improvement for Kendall Street and for Shore Drive, and I just do not really have an issue with this at all. I think had he not done any of this, it would continue to be a problem for the neighborhood as they exit that street. So I think it is a great improvement as far as the sight line goes with this piece of property.

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Redmond your mic is open for comment.

Mr. Redmond: Yeah, I just want to say at any given time. Ric Lowman is one of the smartest guys in the room and I do not know a better way to come up with judgments on the issues that we are debating than what he says, I certainly trust his judgment better than I trust my own about something like that I am very comfortable that if he says he is comfortable with it. Then I am too and I hope we can get to a vote here quickly. Thank you.

Mr. Landfair: Alright. We have a substitute motion to approve the application, made by Commissioner Wiener and seconded by Commissioner Alcaraz. Are any planning commissioners abstaining from the vote? 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. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Ms. Klein: 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: I recorded vote of eight, four and zero against Agenda Items 24 and 25 are hereby recommended for approval by the Planning Commission, thank you.

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

Conditions:

1. The following conditions shall only apply to the dwelling units addressed as 2565 Shore Drive (A & B) and the Short Term Rental use shall only occur in the principal structure. Evaluation & Recommendation Recommended Conditions 1

2 LA PAZ, INC. Agenda Items 24 & 25 Page 5 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. An entryway drive apron placed to meet all applicable code requirements must be created as shown on the parking plan illustration within the “Site Layout and Parking Plan” section of the Staff report unless this requirement is waived or modified by the Director of the Department of Planning and Community Development or his designee.

4. The area noted as “Existing and proposed turf and plantings” on the “Site Layout and Parking Plan” section of the Staff report shall be planted in accordance with a detailed planting schedule plan. Such plan shall be submitted to the Zoning Administrator for review within 30-days of any favorable City Council action relating to this Conditional Use Permit Request. The plantings and turf shall be installed within 60-days of the Zoning Administrator’s approval of the submitted planting schedule plan.

5. All City Council approved conditions listed in the 2012 expansion to a non-conforming use request must be met prior to any Short Term Rentals occurring on the property.

6. 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.

7. 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).

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

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

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

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

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

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

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

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

13. Accessory structures shall not be used or occupied as Short Term Rental. LA PAZ, INC.

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

15. The Short Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period. 16. The owner or operator shall

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

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

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

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

Items # 26.

**JADE Vacations, LLC [Applicant] Joseph Clark [Owner]
Conditional Use Permit (Short Term Rental)
329 25th Street**

June 10, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: Thank you. The next order of business is the Consent Agenda. There are applications that are recommended for approval by staff and the Planning Commission concur, 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 1, 2, 3, 4, 5, 7, 8, 10, 11 with a minute condition number one as noted, 13, 14 with a new condition noted, 15 with a new condition, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Thank you.

Mr. Landfair: Thank you. The next item on consent is item number eight, City of Virginia Beach. Item eight is an ordinance to amend section 201 of the City's Zoning Ordinance pertaining to setbacks for in ground pools adjacent to the Atlantic Ocean. Both staff and the Planning Commission recommend approval of this ordinance amendment and since there is no opposition to these requests, the Planning Commission places it on the consent agenda. The planning commission places the following applications for conditional use permit for Short Term Rental on the consent agenda, as they meet the applicable requirements for section, 241.2 of the zoning ordinance. Staff and the Planning Commission support the applications and there are no speakers signed up to comment. Items 10, 11 with amended condition number one as noted. 13 and 14, with a new condition. 15 with a new condition. 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Madam Chair, that concludes the consent agenda, noting that items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33, and 34 are all on the consent agenda. Are there any questions from the Planning Commission. Staff notes that Commissioner Inman raised his hand. Commissioner Inman, the floor is yours. Thank you.

Mr. Inman: Thank you, Bill. I need to disclose that I am an Advisory Board Member for Towne Bank. We do not have any loan approval function. And I do not have any other conflict in this regard and I am permitted to vote, but I have made that disclosure and I will vote. Thank you.

Mr. Landfair: Staff notes that Commissioner Coston raised his hand. Commissioner Coston, the floor is yours. Thank you.

Mr. Coston: John Coston just wanting to notify everyone that I am an officer at Item 18 and I am noted in the documents as an officer, but I will be voting.

Mr. Landfair: Thank you. Staff noted that Commissioner Inman has raised his hand. Commissioner Inman the floor is yours.

Mr. Inman: Thank you, Bill. I am not sure I noted that, it was item one that presents the Towne Bank issue.

Mr. Landfair: Thank you. Madam Chair, staff does not see any further questions of the Commission, so I will open up your mic for you to call for a motion.

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

Mr. Landfair: Commissioner Wiener your mic is now open.

Mr. Wiener: I may approval the consent agenda.

Mr. Landfair: Staff opens the mic for you to call for a second.

Ms. Oliver: Thank you. Do I have a second please?

Mr. Landfair: Commissioner Klein, your mic is now open.

Ms. Klein: I second the motion.

Mr. Landfair: Hearing a second, a motion to approve the following applications, Agenda Items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 by consent has been made by Commissioner Weiner and seconded by Commissioner Klein. Are any Planning Commissioners abstaining from the vote? Please raise your virtual hand. Say, no 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. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Ms. Coston: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Ms. Klein: 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: I recorded vote of eight, four and zero against the following Items 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 have been approved by consent with the condition changes noted on item 11 to remove unit 112-B and items 14 and 15 to indicate no vehicles longer and no wider than 18 feet. If you have an application that was on the consent agenda and your request will now be scheduled for an upcoming City Council Meeting, staff will contact you about that date. Feel free to exit meeting if you like thank you for your participation and I will hand the meeting back over to Bill.

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

Conditions:

1. The following conditions shall only apply to the dwelling unit addressed as 329 25th Street and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. The garage space within the unit must remain a minimum of 9-feet by 18-feet, contain a minimum 8-foot wide vehicle entryway opening, and shall remain free of materials to ensure vehicular accessibility to the Short Term Rental tenants.
4. 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.
5. 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.
6. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (i.e., number of bedrooms multiplied by 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. Recommended Conditions Jade Vacations, LLC.

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 # 27.
Andreas Loizou
Conditional Use Permit (Short Term Rental)
4005 Atlantic Avenue, Unit 102

June 10, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: Thank you. The next order of business is the Consent Agenda. There are applications that are recommended for approval by staff and the Planning Commission concur, 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 1, 2, 3, 4, 5, 7, 8, 10, 11 with a minute condition number one as noted, 13, 14 with a new condition noted, 15 with a new condition, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Thank you.

Mr. Landfair: Thank you. The next item on consent is item number eight, City of Virginia Beach. Item eight is an ordinance to amend section 201 of the City's Zoning Ordinance pertaining to setbacks for in ground pools adjacent to the Atlantic Ocean. Both staff and the Planning Commission recommend approval of this ordinance amendment and since there is no opposition to these requests, the Planning Commission places it on the consent agenda. The planning commission places the following applications for conditional use permit for Short Term Rental on the consent agenda, as they meet the applicable requirements for section, 241.2 of the zoning ordinance. Staff and the Planning Commission support the applications and there are no speakers signed up to comment. Items 10, 11 with amended condition number one as noted. 13 and 14, with a new condition. 15 with a new condition. 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Madam Chair, that concludes the consent agenda, noting that items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33, and 34 are all on the consent agenda. Are there any questions from the Planning Commission. Staff notes that Commissioner Inman raised his hand. Commissioner Inman, the floor is yours. Thank you.

Mr. Inman: Thank you, Bill. I need to disclose that I am an Advisory Board Member for Towne Bank. We do not have any loan approval function. And I do not have any other conflict in this regard and I am permitted to vote, but I have made that disclosure and I will vote. Thank you.

Mr. Landfair: Staff notes that Commissioner Coston raised his hand. Commissioner Coston, the floor is yours. Thank you.

Mr. Coston: John Coston just wanting to notify everyone that I am an officer at Item 18 and I am noted in the documents as an officer, but I will be voting.

Mr. Landfair: Thank you. Staff noted that Commissioner Inman has raised his hand. Commissioner Inman the floor is yours.

Mr. Inman: Thank you, Bill. I am not sure I noted that, it was item one that presents the Towne Bank issue.

Mr. Landfair: Thank you. Madam Chair, staff does not see any further questions of the Commission, so I will open up your mic for you to call for a motion.

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

Mr. Landfair: Commissioner Wiener your mic is now open.

Mr. Wiener: I may approval the consent agenda.

Mr. Landfair: Staff opens the mic for you to call for a second.

Ms. Oliver: Thank you. Do I have a second please?

Mr. Landfair: Commissioner Klein, your mic is now open.

Ms. Klein: I second the motion.

Mr. Landfair: Hearing a second, a motion to approve the following applications, Agenda Items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 by consent has been made by Commissioner Weiner and seconded by Commissioner Klein. Are any Planning Commissioners abstaining from the vote? Please raise your virtual hand. Say, no 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. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Ms. Coston: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Ms. Klein: 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: I recorded vote of eight, four and zero against the following Items 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 have been approved by consent with the condition changes noted on item 11 to remove unit 112-B and items 14 and 15 to indicate no vehicles longer and no wider than 18 feet. If you have an application that was on the consent agenda and your request will now be scheduled for an upcoming City Council Meeting, staff will contact you about that date. Feel free to exit meeting if you like thank you for your participation and I will hand the meeting back over to Bill.

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

Conditions:

1. The following conditions shall only apply to the dwelling unit addressed as 4005 Atlantic Ave, Unit 102 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 multiplied by 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 # 28.
Jacob Short
Conditional Use Permit (Short Term Rental)
4905 Mandan Road

June 10, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: Thank you. The next order of business is the Consent Agenda. There are applications that are recommended for approval by staff and the Planning Commission concur, 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 1, 2, 3, 4, 5, 7, 8, 10, 11 with a minute condition number one as noted, 13, 14 with a new condition noted, 15 with a new condition, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Thank you.

Mr. Landfair: Thank you. The next item on consent is item number eight, City of Virginia Beach. Item eight is an ordinance to amend section 201 of the City's Zoning Ordinance pertaining to setbacks for in ground pools adjacent to the Atlantic Ocean. Both staff and the Planning Commission recommend approval of this ordinance amendment and since there is no opposition to these requests, the Planning Commission places it on the consent agenda. The planning commission places the following applications for conditional use permit for Short Term Rental on the consent agenda, as they meet the applicable requirements for section, 241.2 of the zoning ordinance. Staff and the Planning Commission support the applications and there are no speakers signed up to comment. Items 10, 11 with amended condition number one as noted. 13 and 14, with a new condition. 15 with a new condition. 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Madam Chair, that concludes the consent agenda, noting that items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33, and 34 are all on the consent agenda. Are there any questions from the Planning Commission. Staff notes that Commissioner Inman raised his hand. Commissioner Inman, the floor is yours. Thank you.

Mr. Inman: Thank you, Bill. I need to disclose that I am an Advisory Board Member for Towne Bank. We do not have any loan approval function. And I do not have any other conflict in this regard and I am permitted to vote, but I have made that disclosure and I will vote. Thank you.

Mr. Landfair: Staff notes that Commissioner Coston raised his hand. Commissioner Coston, the floor is yours. Thank you.

Mr. Coston: John Coston just wanting to notify everyone that I am an officer at Item 18 and I am noted in the documents as an officer, but I will be voting.

Mr. Landfair: Thank you. Staff noted that Commissioner Inman has raised his hand. Commissioner Inman the floor is yours.

Mr. Inman: Thank you, Bill. I am not sure I noted that, it was item one that presents the Towne Bank issue.

Mr. Landfair: Thank you. Madam Chair, staff does not see any further questions of the Commission, so I will open up your mic for you to call for a motion.

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

Mr. Landfair: Commissioner Wiener your mic is now open.

Mr. Wiener: I may approval the consent agenda.

Mr. Landfair: Staff opens the mic for you to call for a second.

Ms. Oliver: Thank you. Do I have a second please?

Mr. Landfair: Commissioner Klein, your mic is now open.

Ms. Klein: I second the motion.

Mr. Landfair: Hearing a second, a motion to approve the following applications, Agenda Items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 by consent has been made by Commissioner Weiner and seconded by Commissioner Klein. Are any Planning Commissioners abstaining from the vote? Please raise your virtual hand. Say, no 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. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Ms. Coston: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Ms. Klein: 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: I recorded vote of eight, four and zero against the following Items 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 have been approved by consent with the condition changes noted on item 11 to remove unit 112-B and items 14 and 15 to indicate no vehicles longer and no wider than 18 feet. If you have an application that was on the consent agenda and your request will now be scheduled for an upcoming City Council Meeting, staff will contact you about that date. Feel free to exit meeting if you like thank you for your participation and I will hand the meeting back over to Bill.

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

Conditions:

1. The following conditions shall only apply to the dwelling unit addressed as 4905 Mandan 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. 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.
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11. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
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 # 29.
Prolific Properties, LLC
Conditional Use Permit (Short Term Rental)
1047 Coastaway Drive

June 10, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: Thank you. The next order of business is the Consent Agenda. There are applications that are recommended for approval by staff and the Planning Commission concur, 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 1, 2, 3, 4, 5, 7, 8, 10, 11 with a minute condition number one as noted, 13, 14 with a new condition noted, 15 with a new condition, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Thank you.

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Mr. Inman: Thank you, Bill. I need to disclose that I am an Advisory Board Member for Towne Bank. We do not have any loan approval function. And I do not have any other conflict in this regard and I am permitted to vote, but I have made that disclosure and I will vote. Thank you.

Mr. Landfair: Staff notes that Commissioner Coston raised his hand. Commissioner Coston, the floor is yours. Thank you.

Mr. Coston: John Coston just wanting to notify everyone that I am an officer at Item 18 and I am noted in the documents as an officer, but I will be voting.

Mr. Landfair: Thank you. Staff noted that Commissioner Inman has raised his hand. Commissioner Inman the floor is yours.

Mr. Inman: Thank you, Bill. I am not sure I noted that, it was item one that presents the Towne Bank issue.

Mr. Landfair: Thank you. Madam Chair, staff does not see any further questions of the Commission, so I will open up your mic for you to call for a motion.

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

Mr. Landfair: Commissioner Wiener your mic is now open.

Mr. Wiener: I may approval the consent agenda.

Mr. Landfair: Staff opens the mic for you to call for a second.

Ms. Oliver: Thank you. Do I have a second please?

Mr. Landfair: Commissioner Klein, your mic is now open.

Ms. Klein: I second the motion.

Mr. Landfair: Hearing a second, a motion to approve the following applications, Agenda Items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 by consent has been made by Commissioner Weiner and seconded by Commissioner Klein. Are any Planning Commissioners abstaining from the vote? Please raise your virtual hand. Say, no 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. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Ms. Coston: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Ms. Klein: 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: I recorded vote of eight, four and zero against the following Items 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 have been approved by consent with the condition changes noted on item 11 to remove unit 112-B and items 14 and 15 to indicate no vehicles longer and no wider than 18 feet. If you have an application that was on the consent agenda and your request will now be scheduled for an upcoming City Council Meeting, staff will contact you about that date. Feel free to exit meeting if you like thank you for your participation and I will hand the meeting back over to Bill.

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

Conditions:

1. The following conditions shall only apply to the dwelling unit addressed as 1047 Coastaway Drive 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.
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11. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
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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 # 30.
John Keenan
Conditional Use Permit (Short Term Rental)
410 Terrace Avenue

June 10, 2020

RECOMMEND FOR APPROVAL - HEARD

Ms. 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. Statements by the applicant or applicant's representative followed by questions by the Planning Commission of the applicant or staff. Statements by any registered speakers followed by questions by the Planning Commission of the speaker or staff. Rebuttal by the applicant or applicant's representative followed by questions by the Planning Commission if desired of the applicant or staff and deliberation of the application by the Planning Commission with a motion followed by a vote. There are six items on the Regular Agenda items 9, 22, 23, 24, 25 and 30. Agenda Item nine, You Are Not Alone, LLC for conditional use permit requests for Short Term Rental at 207, 79th Street Unit-C in the Lynnhaven district. The applicant is Michael Hunt. Mr. Hunt 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. Hunt you have the floor. Thank you.

Mr. Landfair: Agenda item 30 John Keenan for conditional use permit request for Short Term Rental at 410, Terrace Avenue in the Beach district. The applicant is John Keenan. Mr. Keenan 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. Keenan, you have the floor. Thank you.

Mr. Keenan: Good afternoon, I would like to thank the Planning Commission for this opportunity to speak to you. I am John Keenan a retired US Navy Lieutenant Commander with 22 years of service, myself and my wife Robbie are graduates of Old Dominion University in Norfolk State University. We built this house three years ago with the intent intention to serve as our retirement home in the near future. We love Virginia Beach. We currently reside in San Diego, California, where I serve as president and CEO of Southern California Anesthesia Services. Let me first say due to the corona virus pandemic I do not have any intention on using my house as a Short Term Rental this year for the safety of any occupants and my family. I am directly exposed to caring for these patients, so I would never want to put any individual at risk. My houses valued at close to three quarters of a million dollars.

My approach to using this house as a Short Term Rental is as a high end expensive rental catering to the more affluent renters. With that said, using a licensed realtor company to serve as property manager. I expect a higher caliber clientele to ensure my neighbors are not disrupted in any way. Our pursuit of Short Term Rental because my clients are still dispense significant amount of time at my residence. Again, thank you for your consideration.

Mr. Landfair: Thank you. Are there any questions of the applicant by the Planning Commission? Staff acknowledges the virtual hand raised by Planning Commissioner Redmond. Commissioner Redmond your mic is open for comment.

Mr. Redmond: No, I am sorry still butterfingers.

Mr. Landfair: We have two speakers signed up to comment. The first speaker is Angela Ratliff, followed by Chris Wood, note that you have three minutes to speak, please identify yourself for the record, and pause three seconds before speaking. Thank you.

Ms. Ratliff: Hi there, my name is Angela Ratliff I live next door to Mr. Keenan. I have lived here for 20 years. The reason why I am speaking today is on behalf of most of the residents on the street have lived here for over 20 years, they are all mostly elderly over the age of 65. They are not, you know, technical savvy so they have asked me to please speak for them on their behalf today so I appreciate everyone's attention and listening to their concerns are, of course, the transientness of the people coming and going. No disrespect to the Keenan's, we do not know them very well. But they do have a lot of concern about the size of the home does occupy a quite a few people and they are concerned about having lots of people renting the Airbnb becoming a party house since it is so in such close proximity to, you know, the Ocean Front with the noise and the disturbance of the elderly folks on the street. So again, thank you for your time and I just wanted to speak on their behalf and our concerns. So, thank you.

Mr. Landfair: Thank you. Are there any questions of Ms. Ratliff by the Planning Commission, if so, please raise your virtual hand. The next speaker is Chris Wood note that you have three minutes to speak, please identify yourself for the record and pause three seconds before speaking. Thank you.

Mr. Wood: Thanks again, this is a Chris Wood and I promise that this will be the last time you hear from me today. I have to tell you I really think this is a very unique property. I have known John and his wife Robbie for probably 30 plus years. They are phenomenal people, they are incredible professionals. John is very humble but he served our country for many, many years for more than 20 years and talking to him about what he has done with these Corona cases in California would really make you make you cry, it is amazing what he has done. I also think it is an amazing

testament that this family lives in San Diego, yet has built a beautiful house in Virginia Beach, which is where they want to retire and I think that is a real testament to our city that he has built this beautiful, beautiful house in Virginia Beach for his family and lives in San Diego, so it is quite amazing. I think the other thing is very important is this home will not be a rental solely, earlier today we were talking about how the houses are built as businesses and that type of thing. And this couldn't be further from that, it will still primarily be their family's second home. They are going to employ a professional manage real estate company, Atkinson Real Estate to manage the Short Term Rentals. In addition to that, they also have a caretaker who comes by the house not even related to the Short Term Rental but the yard is absolutely beautiful it is a phenomenal property. And there's no way there is a mere party house, John has so much invested in this house from the kitchens, to the outside, to the landscaping, to his personal toys and kayaks and things that belong to his family and his kids it will be a party house I can promise you that. I also think the location is perfect as it is really close to the road walk in the fishing center and that has been. I just cannot say enough about the Keenans and their professionalism and their character to tell you that this will be a well-run facility. If you have any questions I am happy to answer them.

Mr. Landfair: Are there any questions that the applicant by the Planning Commission. If so, please raise your virtual hand. Staff acknowledges the virtual hand raised by Commissioner Redmond. Commissioner Redmond your mic is open for comment.

Mr. Redmond: It is not me, man. It is this thing, I apologize.

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

Ms. Oliver: Great, thank you Bill. I am going to open the floor for discussion amongst the Planning Commission Nurse or entertain a motion at this time, if you will, please raise your hand for a comment or emotion on the staff will open up your microphone.

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

Mr. Redmond: Madam Chairwoman I move approval of the application.

Ms. Oliver: Do I have a second please?

Mr. Landfair: Staff acknowledges the virtual hand raised by Commissioner Weiner as potential second. Commissioner Weiner, your mic is now open.

Mr. Weiner: I second that.

Mr. Landfair: Hearing a second a motion to approve the application has been made by Commissioner Redmond and seconded by Commissioner Wiener. Are any Planning Commissioners abstaining from the vote? 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. Inman.

Mr. Landfair: Ms. Klein.

Ms. Klein: Yeah.

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. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Mr. Weiner.

Mr. Weiner: Yes.

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

Ms. Coleman: I recorded vote of eight, four and zero against Agenda Items 30 is hereby recommended for approval by the Planning Commission, thank you.

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

Conditions:

1. The following conditions shall only apply to the dwelling unit addressed as 410 Terrace 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. The garage space within the unit must remain a minimum of 18-feet by 18-feet, contain a minimum 16-foot wide vehicle entryway opening, and shall remain free of materials to ensure vehicular accessibility to the Short Term Rental tenants.
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.

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 # 31, 32, 33, & 34.
Longcreek, LLC
Conditional Use Permit (Short Term Rental)
4005 Atlantic Avenue, Units 110, 111, 210 & 212

June 10, 2020

RECOMMEND FOR APPROVAL - CONSENT

Ms. Coleman: Thank you. The next order of business is the Consent Agenda. There are applications that are recommended for approval by staff and the Planning Commission concur, 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 1, 2, 3, 4, 5, 7, 8, 10, 11 with a minute condition number one as noted, 13, 14 with a new condition noted, 15 with a new condition, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Thank you.

Mr. Landfair: Thank you. The next item on consent is item number eight, City of Virginia Beach. Item eight is an ordinance to amend section 201 of the City's Zoning Ordinance pertaining to setbacks for in ground pools adjacent to the Atlantic Ocean. Both staff and the Planning Commission recommend approval of this ordinance amendment and since there is no opposition to these requests, the Planning Commission places it on the consent agenda. The planning commission places the following applications for conditional use permit for Short Term Rental on the consent agenda, as they meet the applicable requirements for section, 241.2 of the zoning ordinance. Staff and the Planning Commission support the applications and there are no speakers signed up to comment. Items 10, 11 with amended condition number one as noted. 13 and 14, with a new condition. 15 with a new condition. 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34. Madam Chair, that concludes the consent agenda, noting that items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33, and 34 are all on the consent agenda. Are there any questions from the Planning Commission. Staff notes that Commissioner Inman raised his hand. Commissioner Inman, the floor is yours. Thank you.

Mr. Inman: Thank you, Bill. I need to disclose that I am an Advisory Board Member for Towne Bank. We do not have any loan approval function. And I do not have any other conflict in this regard and I am permitted to vote, but I have made that disclosure and I will vote. Thank you.

Mr. Landfair: Staff notes that Commissioner Coston raised his hand. Commissioner Coston, the floor is yours. Thank you.

Mr. Coston: John Coston just wanting to notify everyone that I am an officer at Item 18 and I am noted in the documents as an officer, but I will be voting.

Mr. Landfair: Thank you. Staff noted that Commissioner Inman has raised his hand. Commissioner Inman the floor is yours.

Mr. Inman: Thank you, Bill. I am not sure I noted that, it was item one that presents the Towne Bank issue.

Mr. Landfair: Thank you. Madam Chair, staff does not see any further questions of the Commission, so I will open up your mic for you to call for a motion.

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

Mr. Landfair: Commissioner Wiener your mic is now open.

Mr. Wiener: I may approval the consent agenda.

Mr. Landfair: Staff opens the mic for you to call for a second.

Ms. Oliver: Thank you. Do I have a second please?

Mr. Landfair: Commissioner Klein, your mic is now open.

Ms. Klein: I second the motion.

Mr. Landfair: Hearing a second, a motion to approve the following applications, Agenda Items, 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 by consent has been made by Commissioner Weiner and seconded by Commissioner Klein. Are any Planning Commissioners abstaining from the vote? Please raise your virtual hand. Say, no 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. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Mr. Landfair: Mr. Coston.

Ms. Coston: Yes.

Mr. Landfair: Mr. Inman.

Mr. Inman: Yes.

Mr. Landfair: Ms. Klein.

Ms. Klein: 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: I recorded vote of eight, four and zero against the following Items 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33 and 34 have been approved by consent with the condition changes noted on item 11 to remove unit 112-B and items 14 and 15 to indicate no vehicles longer and no wider than 18 feet. If you have an application that was on the consent agenda and your request will now be scheduled for an upcoming City Council Meeting, staff will contact you about that date. Feel free to exit meeting if you like thank you for your participation and I will hand the meeting back over to Bill.

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

Conditions:

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2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. As shown on the Parking Plan illustration within the “Site Layout & Parking Plan” section of the Staff report, one offstreet, all-weather, hard surface parking space is required and must always be available to the Short-Term Rental occupants renting the unit.
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 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 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.

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