

Virginia Beach Planning Commission

Public Hearing

July 8, 2020

- Ms. Oliver: Good afternoon and I would like to call to order today's Virginia Beach Planning Commission meeting July 8, 2020. My name is Dee Oliver and I am the Chair of the Planning Commission and welcome to everyone. This morning before we have got started, I have asked Commissioner Wall to lead us in prayer and this will be followed by the pledge by Commissioner Inman.
- Mr. Wall: Thank you. Dear Heavenly Father, we come to you today thanking you for your guidance and wisdom. As we begin this hearing today, guide our hearts and our minds in the spirit of fairness, right thought, and speech. Help us to remember our responsibility to serve our community with great insight, guided by understanding, wisdom, and respect for all. As we make decisions today, help us to promote the common good as we work together for the betterment of our great city. As trusted servants, we seek blessings on our deliberations and on our efforts here. Amen.
- Mr. Inman: I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all. "
- Ms. Oliver: Thank you, Commissioner Wall and Commissioner Inman, and I have asked Commissioner Klein if she would introduce our members.
- Ms. Klein: Thank you, Madam Chair. I am Robin Klein, I am a social worker representing the Centerville District. To my right, John Coston, retired Virginia Beach fire captain and Commissioner at large. Whitney Graham, real estate developer representing the Lynnhaven District. Mr. Barnes is not here. Mr. David Redmond, commercial real estate, representing the Bayside District. Mr. Michael Inman, an attorney and Commissioner at large. David Wiener in commercial sales representing the Kempsville District. Dee Oliver, Funeral Director, Chair and Commissioner at large. Don Horsley, a farmer and Commissioner at large. George Alcaraz, a building contractor representing the Beach District, and Jack Wall, a civil engineer representing the Rose Hall District.
- Ms. Oliver: Thank you and our Planning Director Bobby Tajan would you please introduce your staff and also our City Attorney, Kay Wilson.
- Mr. Tajan: Yes. Thank you, Madam Chair. To my right, I have Deputy City Attorney for Land Use, Kay Wilson with us. Starting with the Planning Staff, we have Hoa Dao, Marchelle Coleman, and Bill Landfair on our current Planning Team.

We have Kevin Kemp, our Zoning Administrator, and I have a handful of other staff available that will be presenting in other locations and it is kind of hard to see. We also do on Kevin Fairley with our IT department who is graciously assisting us with our virtual portion of our meeting. I am sorry, and I miss somewhere and somewhere peoples with our zoning division. I am sorry.

Ms. Oliver: Great. Thank you. And, so our first order of business today is Mr. Landfair is going to read our rules to us.

Mr. Landfair: Thank you, Madam Chair. Today's meeting is being held both virtually and in person, in order to comply with proper social distancing guidelines. The Virginia Beach Planning Commission takes pride in being fair and courteous to all parties in attendance. It is important that all involved understand how the commission normally conducts its meetings. This is equally important that everyone treat each other and the members of the Commission with respect and civility. The Commission requests that if you have a cell phone, please either silence it or turn it off while in the chamber. This is an abbreviated explanation of the rules. The complete set of rules is located in the front of the Planning Commission Agenda. The following is the order of business for this public hearing, withdrawals and deferrals. The Chairman will ask if there are any requests to withdraw or defer an item on the agenda. Consideration of these requests will be made first. Consent Agenda, the second order of business is the consideration of the Consent Agenda, which are those items that the Planning Commission believes are unopposed and which have favorable staff recommendations. Regular Agenda, the Commission will then proceed with the remaining items on the agenda. Speakers in support or opposition have an agenda item will have three minutes to speak unless they are solely representing a large group such as a Civic League or Homeowners Association, in which case they will have 10 minutes. Speakers who are participating virtually today 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 before speaking 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. Please note that the actions taken by the Commission today are in the form of a recommendation to the Virginia Beach City Council. The final decision to approve or disapprove an application will be made by the City Council. The Commission thanks you for your attendance and we hope that your experience here today leaves you feeling that you have been heard and treated fairly. Thank you.

The verbatim of the July 8, 2020 Planning Commission meeting is provided below; however, the Planning Commission will consider the application on August 25, 2020, again due to advertising error.

Item # 1.

McLaren Investments, LLC

Subdivision Variance (Section 4.4 (b) of the Subdivision Regulations)

1129 Flobert Drive

July 08, 2020

RECOMMENDED FOR APPROVAL- CONSENT

Mr. Weiner: Thank you, Madam Chair. The next order of business is the Consent Agenda. These are the applications that are recommended for approval by the Staff and the Planning Commission concurred. And, there are no speakers signed up in opposition. The Planning Commission places the following applications on the Consent Agenda, one, three and four. The Planning Commission also places the following applications for a Conditional Use Permit for Short- Term Rental on the Consent Agenda. And, they meet the applicable requirements for Section 241. 2 of the Zoning Ordinance. Staff and Planning Commission supports the applications and there are no speakers signed up to comment on items 11, 13, 15, 16, 17, and 18. Before I make a motion, I want to pause as Staff if there are any other speakers on these items.

Mr. Landfair: There are no known speakers in opposition.

Mr. Weiner: Great. Okay, I moved for the following items to be approved on the Consent Agenda 1, 3, 4, 11, 13, 15, 16, 17, and 18.

Ms. Oliver: Do we have a second?

Ms. Klein: I will second.

Ms. Oliver: Thank you. Are there any other Planning Commissioners that needs to abstain from any of these items? Yes, Mr. Whitney.

Mr. Graham: I am not going to abstain, but I do need to disclose that items 1, 15, 16, 17, and 18 have Towne Bank listed as the lender and I am on a Board at Towne Bank, but I do not have any financial interest in these and I will be voting.

Ms. Oliver: Anyone else, Mr. Inman.

Mr. Inman: Yes, I need to disclose that, I am on the Advisory Board for Towne Bank, Virginia Beach. I do not have any interest in any of the applications. We do not make any decisions on loans and I will be voting.

Ms. Oliver: Alright. We will go ahead and call for the vote please.

Ms. Coleman: Okay. If you are in favor of the motion say, yes. And, if you are opposed please say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver:

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of ten, for and zero against the following items 1, 3, 4, 11, 13, 15, 16, 17, and 18, have been approved by consent. If you

had an application that was on the Consent Agenda, your requests will now be scheduled for an upcoming City Council Meeting. Staff will contact you about the date, so that others may attend in the chamber, please exit via the side door. If you are watching virtually you are free to exit or stay and watch. Thank you all for your participation. The next order of business is the Regular Agenda. Bill Landfair will introduce the first application.

VOTE:

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. When the property is subdivided, it shall be substantially in accordance with the submitted subdivision exhibit entitled "SUBDIVISION OF PROPERTY OF MCLAREN INVESTMENTS, LLC," dated June 22, 2020, and prepared by DKT Associates Land Surveyors. Said exhibit has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development. A final plat shall be recorded with the Clerk of Court reflective of the layout referenced herein.
2. When the property is developed, the residential dwellings constructed shall have architectural features, and appearance of like quality and character of the home depicted on page 6 of this Staff report entitled "ARCHITECTURAL EXHIBIT", which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development. Said exterior building façade materials shall consist of a minimum of 90 percent bricks that are compatible with the surrounding development.
3. When the property is developed, the residential dwellings constructed shall vary in size and shape.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid. The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

The verbatim of the July 8, 2020 Planning Commission meeting is provided below; however, the applicant has elected to withdraw the request from consideration after the Planning Commission public hearing.

Items # 2.

**Centerville Bingo, Inc. [Applicant] WCSC, LLC [Owner]
Modification of Conditions
1920 Centerville Turnpike**

July 08, 2020

DEFERRED TO AUGUST 12, 2020

Ms. Coleman: The next order of business is to defer agenda. We have three applications requesting to be deferred Agenda Items two, five and six. Bill.

Mr. Landfair: The first application is Agenda Item two, the application of Centerville Bingo Incorporated for a modification of conditions for a Bingo Hall, located at 1920, Centerville Turnpike in the Centerville District. The applicant's representative John Richardson has signed up to speak virtually and I understand will be requesting a deferral to the August 12, public hearing. Mr. Richardson, please state your name for the record.

Mr. Richardson: Good afternoon. My name is John Richardson.

Mr. Landfair: I understand you are asking for a deferral to the August 12, public hearing date, is that correct? Mr. Richardson, we understand you are requesting a deferral to the August 12, public hearing date. Is that correct?

Mr. Richardson: Yes, that is correct.

Mr. Landfair: Thank you. The second application is Agenda Item five, the application of Bonney G. Bright Sand Company for a modification of conditions for a borrow pit, for the property located at 200, Princess Anne Road, Princess Anne District. Apparently, there was some confusion about the posting of the required sign. The applicant's representative R. Harold Jones has signed up to speak. And, I understand that the request will also be to defer the August 12, public hearing. Mr. Jones, please state your name for the record. Thank you.

Mr. Jones: Good Morning, Madam Mayor and members of the Commission. My name is Harold Jones. I am with Sigma Environmental and I represent Bonney

Bright today and as mentioned in sort of the preamble to this project, there has been some confusion between our Staff and City Staff in terms of public noticing and the sign notifications and we were of the opinion that we do not meet the current 30-day standards at this point, therefore, we are asking for the deferral to next month agenda. in which we will be sort of legally compliant with public notice procedures.

Ms. Oliver: Great. Thank you very much.

Mr. Jones: Okay, thank you.

Mr. Landfair: Thank you with regard to Agenda Item six, an application of EQUI-KIDS/EQUA-VETS Therapeutic Riding Program for conditional rezoning and conditional P-1 Preservation District, to conditional AG-2 Agricultural District for the property located at 2626, Heritage Park Drive, Princess Anne District. The Planning Commission voted to indefinitely defer this application at the June 24, Planning Commission hearing. The deadline for the advertisement for the July 8, public hearing was prior to the June 24, public hearing. So, due to this timing issue, this application appears on today's agenda, as we were hopeful that there would be enough time to finalize the request. Unfortunately, that has not been the case. No action or vote is necessary for this item, as it was not indefinitely deferred at the June 24, Planning Commission hearing. Thank you.

Ms. Oliver: Thank you, Bill. Do I have a motion to defer items number two and five to August 12?

Mr. Horsley: Madam Chair, I move deferral of items two for 30 days, five for 30 days, and six indefinite deferral.

Ms. Oliver: No, I did not say six, did I?

Mr. Tajan: Just to clarify there is no action required to number six because it was already voted on for indefinite deferral.

Mr. Alcaraz: I need to disclose something.

Ms. Oliver: Let me get a second.

Mr. Alcaraz: Sure.

Ms. Oliver: Hold on. May I have a second please?

Mr. Alcaraz: I will say.

Ms. Oliver: Thank you, do I have any Commissioners that need to abstain from this?

Mr. Alcaraz: I am going to do disclose. I am not going to say I am going to vote, but I have been involved with applicant number six as fundraisers. I am under the threshold for the financial compensation, but I will be voting.

Ms. Oliver: Alright. Thank you. Let me get a call for the vote please?

Ms. Coleman: If you are in favor of the motion say, yes. And, if you are opposed say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver:

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of ten, four and zero against item two and five have been deferred. The next order of business is the Consent Agenda and Vice Chair, David Weiner will handle this portion of the meeting.

VOTE:

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

The verbatim of the July 8, 2020 Planning Commission meeting is provided below; however, the Planning Commission will consider the application on August 25, 2020, again due to advertising error.

Item # 3.

**Kenneth R. Pruitt [Applicant] King's Grant Baptist Church [Owner]
Modification of Conditions (Open-Air Market)
873 Little Neck Road**

July 08, 2020

RECOMMENDED FOR APPROVAL- CONSENT

Mr. Weiner: Thank you. Thank you, Madam Chair. The next order of business is the Consent Agenda. These are the applications that are recommended for approval by the Staff and the Planning Commission concurred. And, there are no speakers signed up in opposition. The Planning Commission places the following applications on the Consent Agenda, one, three and four. The Planning Commission also places the following applications for a conditional use permit for Short- Term Rental on the Consent Agenda. And, they meet the applicable requirements for Section 241. 2 of the zoning ordinance. Staff and Planning Commission supports the applications and there are no speakers signed up to comment on items 11, 13, 15, 16, 17, and 18. Before I make a motion, I want to pause as Staff if there are any other speakers on these items.

Mr. Landfair: There are no known speakers in opposition.

Mr. Weiner: Great. Okay, I moved for the following items to be approved on the Consent Agenda 1, 3, 4, 11, 13, 15, 16, 17, and 18.

Ms. Oliver: Do we have a second?

Ms. Klein: I will second.

Ms. Oliver: Thank you. Are there any other Planning Commissioners that needs to abstain from any of these items? Yes, Mr. Whitney.

Mr. Graham: I am not going to abstain, but I do need to disclose that items 1, 15, 16, 17, and 18 have Towne Bank listed as the lender and I am on a Board at Towne Bank, but I do not have any financial interest in these and I will be voting.

Ms. Oliver: Anyone else, Mr. Inman.

Mr. Inman: Yes, I need to disclose that, I am on the Advisory Board for Towne Bank, Virginia Beach. I do not have any interest in any of the applications. We do not make any decisions on loans and I will be voting.

Ms. Oliver: Alright. We will go ahead and call for the vote please.

Ms. Coleman: Okay. If you are in favor of the motion say, yes. And, if you are opposed please say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver:

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of ten, four and zero against the following items 1, 3, 4, 11, 13, 15, 16, 17, and 18, have been approved by consent. If you

have had an application that was on the Consent Agenda, your requests will now be scheduled for an upcoming City Council Meeting. Staff will contact you about the date, so that others may attend in the chamber, please exit via the side door. If you are watching virtually you are free to exit or stay and watch. Thank you all for your participation. The next order of business is the Regular Agenda. Bill Landfair will introduce the first application.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. All conditions of the Conditional Use Permit for an Open-Air Market dated June 16, 2015 are null and void and are replaced with the following.
2. Activities related to the Open-Air Market shall be located within the areas designated on the site layout entitled “King’s Grant Baptist Church Community Market,” dated July 1, 2020, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
3. Products sold at the market shall be limited to local agricultural, seafood and related food products, as well as homemade and handmade items.
4. Between the months of April and October, the Open-Air Market shall only operate on Thursdays with operating hours limited to between 4:00 p.m. to 7:00 p.m.

5. Between the months of November and March, the Open-Air Market shall only operate no more than once a week with the operating hours limited to between 9:00 a.m. to 5:00 p.m.
6. The market shall only operate when church services are not being held.
7. One (1) sign, no greater than 32 square feet, with a maximum height of 12 feet, and set back at least seven (7) feet from the property line, may be installed on the lot no more than two (2) days prior to the day of the market. Said sign shall be removed after the market closes for the day.
8. The applicant shall ensure that all applicable Health Department requirements are met.
9. Amplified live and pre-recorded music shall only be permitted during the time that the market is in operation as conditioned above.
10. As provided for by Section 239.03(b)(2) of the Zoning Ordinance, there shall be no less than one (1) trash receptacle per one thousand (1,000) feet of sales area.
11. As provided for by Section 239.03(b)(5) of the Zoning Ordinance, during its operation, the market shall not disturb the tranquility of the surrounding residential area or otherwise interfere with the reasonable use and enjoyment of neighboring property by reason of excessive noise, traffic, or overflow parking.

The verbatim of the July 8, 2020 Planning Commission meeting is provided below; however, the Planning Commission will consider the application on August 25, 2020, again due to advertising error.

Item # 4.

**Seniors Unlimited Lifestyles, Inc. [Applicant] City of Virginia Beach [Owner]
Conditional Use Permit (Housing for Seniors and Disabled)
1012 & 1020 Finney Circle, 5837 & 5841 Burton Station Road**

July 08, 2020

RECOMMENDED FOR APPROVAL- CONSENT

Mr. Weiner: Thank you. Thank you, Madam Chair. The next order of business is the Consent Agenda. These are the applications that are recommended for approval by the Staff and the Planning Commission concurred. And, there are no speakers signed up in opposition. The Planning Commission places the following applications on the Consent Agenda, one, three and four. The Planning Commission also places the following applications for a conditional use permit for Short- Term Rental on the Consent Agenda. And, they meet the applicable requirements for Section 241. 2 of the zoning ordinance. Staff and Planning Commission supports the applications and there are no speakers signed up to comment on items 11, 13, 15, 16, 17, and 18. Before I make a motion, I want to pause as Staff if there are any other speakers on these items.

Mr. Landfair: There are no known speakers in opposition.

Mr. Weiner: Great. Okay, I moved for the following items to be approved on the Consent Agenda 1, 3, 4, 11, 13, 15, 16, 17, and 18.

Ms. Oliver: Do we have a second?

Ms. Klein: I will second.

Ms. Oliver: Thank you. Are there any other Planning Commissioners that needs to abstain from any of these items? Yes, Mr. Whitney.

Mr. Graham: I am not going to abstain, but I do need to disclose that items 1, 15, 16, 17, and 18 have Towne Bank listed as the lender and I am on a Board at Towne Bank, but I do not have any financial interest in these and I will be voting.

Ms. Oliver: Anyone else, Mr. Inman.

Mr. Inman: Yes, I need to disclose that, I am on the Advisory Board for Towne Bank, Virginia Beach. I do not have any interest in any of the applications. We do not make any decisions on loans and I will be voting.

Ms. Oliver: Alright. We will go ahead and call for the vote please.

Ms. Coleman: Okay. If you are in favor of the motion say, yes. And, if you are opposed please say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver:

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of ten, for, and zero against, the following items 1, 3, 4, 11, 13, 15, 16, 17, and 18, have been approved by consent. If you

have had an application that was on the Consent Agenda, your requests will now be scheduled for an upcoming City Council Meeting. Staff will contact you about the date. So that others may attend in the chamber, please exit via the side door. If you are watching virtually you are free to exit or stay and watch. Thank you all for your participation. The next order of business is the Regular Agenda. Bill Landfair will introduce the first application.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. With the exception of any modifications required by any of these conditions or as a result of detailed site plan review, the site shall be developed in substantial conformance with the submitted site layout plan entitled Design Studio, dated June 12, 2020, which has been exhibited to the Virginia Beach City Council and is on file with the Planning Department.
2. The proposed building shall be constructed in substantial accordance with the submitted renderings entitled “Tranquility II Renderings,” prepared by Arnold Design Studio, dated June 16, 2020, which have been exhibited to the Virginia Beach City Council and are on file with the Planning Department.
3. When the sale of the property is final, the applicant shall submit a subdivision plat to dedicate the additional right-of-way for Tolliver Road, if not already conveyed through the property sale, and to vacate all interior property lines.
4. An evergreen, landscape buffer shall be installed and maintained on the western property line. The exact dimensions and planting materials will be determined during the

detailed site plan review process. All other landscaping shall be installed and maintained as required by the Site Plan Ordinance.

5. A minimum six-foot high dumpster enclosure shall be constructed of brick matching the brick on the building. Additional planting shall be installed on the east and west sides of the proposed dumpster enclosure to provide additional screening from the adjacent property and from the street. Details of the enclosure and plantings shall be depicted on the final site plan.

6. Trash pick-up for the dumpster shall be prohibited between the hours of 9:00 p.m. and 8:00 a.m.

7. At least one member of the family living in each unit shall be disabled or age 62 or older.

Items # 5.

**Bonney G. Bright Sand Co. [Applicant] Bonney G. Bright [Owner]
Modification of Conditions (Borrow Pit)
200 Princess Anne Road**

July 08, 2020

DEFERRED TO AUGUST 12, 2020

Ms. Coleman: By recorded vote of ten, four and zero against item 9 has been withdrawn. The next order of business is to defer agenda. We have three applications requesting to be deferred Agenda Items two, five and six. Bill.

Mr. Landfair: The first application is Agenda Item two, the application of Centerville Bingo Incorporated for a modification of conditions for a Bingo Hall, located at 1920, Centerville Turnpike in the Centerville District. The applicant's representative John Richardson has signed up to speak virtually and I understand will be requesting a deferral to the August 12, public hearing. Mr. Richardson, please state your name for the record.

Mr. Richardson: Good afternoon. My name is John Richardson.

Mr. Landfair: I understand you are asking for a deferral to the August 12, public hearing date, is that correct? Mr. Richardson, we understand you are requesting a deferral to the August 12, public hearing date. Is that correct?

Mr. Richardson: Yes, that is correct.

Mr. Landfair: Thank you. The second application is Agenda Item five, the application of Bonney G. Bright Sand Company for a modification of conditions for a borrow pit, for the property located at 200, Princess Anne Road, Princess Anne District. Apparently, there was some confusion about the posting of the required sign. The applicant's representative R. Harold Jones has signed up to speak. And, I understand that the request will also be to defer the August 12, public hearing. Mr. Jones, please state your name for the record. Thank you.

Mr. Jones: Good Morning, Madam Mayor and members of the Commission. My name is R. Harold Jones. I am with Sigma Environmental and I represent Bonney Bright today and as mentioned in sort of the preamble to this project, there has been some confusion between our Staff and City Staff in terms of public noticing and the sign notifications and we were of the opinion that we do not meet the current 30-day standards at this point, therefore, we are asking for the deferral to next month

agenda. in which we will be sort of legally compliant with public notice procedures.

Ms. Oliver: Great. Thank you very much.

Mr. Jones: Okay, thank you.

Mr. Landfair: Thank you with regard to Agenda Item six, an application of EQUI-KIDS/EQUA-VETS Therapeutic Riding Program for conditional rezoning and conditional P-1 Preservation District, to conditional AG-2 Agricultural District for the property located at 2626, Heritage Park Drive, Princess Anne District. The Planning Commission voted to indefinitely defer this application at the June 24, Planning Commission hearing. The deadline for the advertisement for the July 8, public hearing was prior to the June 24, public hearing. So, due to this timing issue, this application appears on today's agenda, as we were hopeful that there would be enough time to finalize the request. Unfortunately, that has not been the case. No action or vote is necessary for this item, as it was not indefinitely deferred at the June 24, Planning Commission hearing. Thank you.

Ms. Oliver: Thank you, Bill. Do I have a motion to defer items number two and five to August 12?

Mr. Horsley: Madam Chair, I move deferral of items two for 30 days, five for 30 days, and six indefinite deferral.

Ms. Oliver: No, I did not say six, did I?

Mr. Tajan: Just to clarify there is no action required to number six because it was already voted on for indefinite deferral.

Mr. Alcaraz: I need to disclose something.

Ms. Oliver: Let me get a second.

Mr. Alcaraz: Sure.

Ms. Oliver: Hold on. May I have a second please?

Mr. Alcaraz: I will say.

Ms. Oliver: Thank you, do I have any Commissioners that need to abstain from this?

Mr. Alcaraz: I am going to do disclose. I am not going to say I am going to vote, but I have been involved with applicant number six as fundraisers. I am under the threshold for the financial compensation, but I will be voting.

Ms. Oliver: Alright. Thank you. Let me get a call for the vote please?

Ms. Coleman: If you are in favor of the motion say, yes. And, if you are opposed say, no.
Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver:

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of ten, four and zero against item two and five have been deferred. The next order of business is the Consent Agenda and Vice Chair, David Weiner will handle this portion of the meeting.

Items # 6.

**Equi-Kids/Equi-Vets Therapeutic Riding Program, a Virginia Non-Stock Corporation
Conditional Rezoning (Conditional P-1 Preservation District to Conditional AG-2 Agricultural District)
2626 Heritage Park Drive**

July 08, 2020

DEFERRED INDEFINITELY

Ms. Coleman: By recorded vote of ten, four and zero against item 9 has been withdrawn. The next order of business is to defer agenda. We have three applications requesting to be deferred Agenda Items two, five and six. Bill.

Mr. Landfair: The first application is Agenda Item two, the application of Centerville Bingo Incorporated for a modification of conditions for a Bingo Hall, located at 1920, Centerville Turnpike in the Centerville District. The applicant's representative John Richardson has signed up to speak virtually and I understand will be requesting a deferral to the August 12, public hearing. Mr. Richardson, please state your name for the record.

Mr. Richardson: Good afternoon. My name is John Richardson.

Mr. Landfair: I understand you are asking for a deferral to the August 12, public hearing date, is that correct? Mr. Richardson, we understand you are requesting a deferral to the August 12, public hearing date. Is that correct?

Mr. Richardson: Yes, that is correct.

Mr. Landfair: Thank you. The second application is Agenda Item five, the application of Bonney G. Bright Sand Company for a modification of conditions for a borrow pit, for the property located at 200, Princess Anne Road, Princess Anne District. Apparently, there was some confusion about the posting of the required sign. The applicant's representative R. Harold Jones has signed up to speak. And, I understand that the request will also be to defer the August 12, public hearing. Mr. Jones, please state your name for the record. Thank you.

Mr. Jones: Good Morning, Madam Mayor and members of the Commission. My name is R. Harold Jones. I am with Sigma Environmental and I represent Bonney Bright today and as mentioned in sort of the preamble to this project, there has been some confusion between our Staff and City Staff in terms of public noticing and the sign notifications and we were of the opinion that we do not meet the current 30-day standards at this point, therefore, we are asking for the deferral to next month

agenda. in which we will be sort of legally compliant with public notice procedures.

Ms. Oliver: Great. Thank you very much.

Mr. Jones: Okay, thank you.

Mr. Landfair: Thank you with regard to Agenda Item six, an application of EQUI-KIDS/EQUA-VETS Therapeutic Riding Program for conditional rezoning and conditional P-1 Preservation District, to conditional AG-2 Agricultural District for the property located at 2626, Heritage Park Drive, Princess Anne District. The Planning Commission voted to indefinitely defer this application at the June 24, Planning Commission hearing. The deadline for the advertisement for the July 8, public hearing was prior to the June 24, public hearing. So, due to this timing issue, this application appears on today's agenda, as we were hopeful that there would be enough time to finalize the request. Unfortunately, that has not been the case. No action or vote is necessary for this item, as it was not indefinitely deferred at the June 24, Planning Commission hearing. Thank you.

Ms. Oliver: Thank you, Bill. Do I have a motion to defer items number two and five to August 12?

Mr. Horsley: Madam Chair, I move deferral of items two for 30 days, five for 30 days, and six indefinite deferral.

Ms. Oliver: No, I did not say six, did I?

Mr. Tajan: Just to clarify there is no action required to number six because it was already voted on for indefinite deferral.

Mr. Alcaraz: I need to disclose something.

Ms. Oliver: Let me get a second.

Mr. Alcaraz: Sure.

Ms. Oliver: Hold on. May I have a second please?

Mr. Alcaraz: I will say.

Ms. Oliver: Thank you, do I have any Commissioners that need to abstain from this?

Mr. Alcaraz: I am going to do disclose. I am not going to say I am going to vote, but I have been involved with applicant number six as fundraisers. I am under the threshold for the financial compensation, but I will be voting.

Ms. Oliver: Alright. Thank you. Let me get a call for the vote please?

Ms. Coleman: If you are in favor of the motion say, yes. And, if you are opposed say, no.
Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver:

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of ten, four and zero against item two and five have been deferred. The next order of business is the Consent Agenda and Vice Chair, David Weiner will handle this portion of the meeting.

The verbatim of the July 8, 2020 Planning Commission meeting is provided below; however, the Planning Commission will consider the application on August 25, 2020, again due to advertising error.

Items # 7. & 8.

**Atrice Lee Richard, Jr., Trustee of the Atrice Lee Richard, Jr. Revocable Living Trust
Subdivision Variance (Section 4.4 (b) of the Subdivision Regulations) Rezoning
(AG-1 Agricultural District to I-1 Light Industrial District)
2968 Holland Road**

July 08, 2020

Mr. Landfair: Planning Commissioners, there are six items on the Regular Agenda today. These are items 7, 8, 10, 12, 14, and 19. Madam Chair, the first item on today's Regular Agenda is our items seven and eight. Atrice Lee Richard Jr. for a subdivision variance and a rezoning requests from the AG-2Agricultural to the I-1Light Industrial at 2968, Holland Road in the Princess Anne District. The applicant's representative is Eddie Bourdon. Mr. Bourdon you have up to 10 minutes to present the request. Please state your name for the record. Thank you.

Mr. Bourdon: Thank you Mr. Landfair. Madam Chair, members of the Commission for the record keeper Eddie Bourdon, Virginia Beach Attorney. I am here representing, Mr. AL Richard Jr. as well as his son, Atrice Richard the III they are both here, they come down from Maryland for the hearing, the Richard families own this parcel on Holland Road for over 60 years. The matter was initially going to be on the Consent Agenda and where I want to start with is to read the condition number three that has been modified. You all, I think have copy there has been one subsequent change to the copy that you have. And, I will also apologize for the 11th-hour nature of this. But frankly, we were not aware of the desire on the part of the City to restrict the access until middle of the week, last week and with my clients being in Maryland and the Fox Paintball, people being here and the holiday weekend, we were not able to get all of this done and plus having City Council yesterday etc. so, sorry for the 11th-hour nature of this. The condition number three, which the changes have been based upon the fact that we do not have any plan to develop Lot-A at this time. So, creating an ingress-egress easement across Lot-A could not be done, because we would not know where it would be. So, number three should be worded and it is pretty close to what you have in front of you. During site plan review and access to Holland Road as described above that is in condition number two, and a one-foot no ingress-egress easement shall be required along the

entire length of Holland Road frontage, other than a 60-foot width Lot-A across from the existing median break for a future access point, the word and followed by what is in the printed version, the width of the existing added word existing driveway for vehicular access for Lot-B. The next phrase at the end of that sentence is eliminated and as permitted in condition four below that is being eliminated because condition four below does not reserve or create any access to the subject property. And, then it goes on the remainder is as worded in front of you, a note shall be placed on the subdivision plat requiring as a condition of any site development plan for Lot-A that a cross access easement must be established between the two parcels Lots-A and B. To provide shared access for these Lots to Holland Road. The cross access shall eliminate one of the two points of potential access, as described here in above. So, that is the wording of condition three, which your Staff and the applicant are in agreement with that will ensure that at the time, a development plan does come forward for Lot-A, that the access will go away, that exists today for Fox Paintball. That is exactly what will happen, I mean, theoretically, it could go the Fox Paintball access could be the whole access and the potential access across the median could go away. But, I think any of us who have been around real estate in this property or this roadway it will be where the median break is. Now, the subject property to be very clear, because I think, erroneously there was a representation this morning that there was residential property either adjacent or across the street. There is no residential property, either adjacent or across the street, nor can there be based on Navy restrictive easements and our comprehensive plan and existing zoning, it is all light industrial and all will be light industrial. The issue of not having any say so over what goes on this piece of property, the likelihood given, now let me back up the Navy created this issue to one degree or another, they acquired an egress easement over all of the property except Lot-A and the drive out stem back many years ago by condemnation. They did not condemn the development rights, which were basically residential that they paid for over the front part of the property. So, that is why the property has basically two different potential land uses, some that overlap each other. So, Lot-A at this point is being rezoned Staff is correct. I think they are 100% correct that you should get rid of any opportunity to residential that would be what you do not want to see that is what the comp plan says and that is what the Navy would want to see. But, I would note the Navy did not acquire the right to preclude that. But, the property is not going to be residentially anyway. But, the most likely scenario and I think it is probably 70-80% likely, is that when there is actually a development plan for Lot-A it will most likely involve some

commercial utilization because that is permitted under not every part, but a lot of commercial uses are permitted and or conditional use permit. So, I would suggest it 70-80% likelihood that there will be a follow on rezoning or proffered rezoning to a B1 or B1-A. There may also be some light industrial flex space, who knows but there is truly no plan at all to develop that property at this point in time, and do not know when that might happen. So, with these conditions, what we are achieving is the preservation of this large piece that Fox Paintball has successfully operated for over 13 years on that property. It is perfect use for the property, it is low impact, it does not involve any impervious surface. There are some wetlands and floodplain on Lot-B, but Lot-B does have the potential somewhere in the future, but with a rezoning, that would have to occur to be some light industrial use, but hopefully the paintball use will remain successful and it is under contract with the Richards it is not a not a hope for, they have been pursuing this for a number of years, couple of years. Worked out the contract between Fox and the Richards, and the property Lot-B will be conveyed to the Fox and that deed will include a reservation to the Richards that they have the absolute right to relocate the access to come across Lot-A if and when Lot-A or to develop and these conditions protect that completely. I was going to talk about trying to share the other entrance that the City has an easement for to get to their BMP. But, the reality is the City that has it, which I did not realize instead of V-dot and they are not going to approve it. So, that is not even an issue worth having a conversation about. So, we think that with these conditions, it should remain something that the Planning Commission recommends to Council just as your Staff is recommended to Council and there is no opposition and I think there is support for it in the community. I will be happy to answer any questions.

Ms. Oliver: Thank you, Mr. Bourdon. Do we have any questions, anybody have any questions for Mr. Bourdon? Yes, Jack.

Mr. Wall: Yeah, I thought this has been brought up, the reason for this is because their intend is to sell Lot-B is that the.

Mr. Bourdon: The Fox Paintball folks who have operated there for 13 years are going to buy a Lot-B, we have to create that Lot for them to acquire it, which we should want because we should want that to continue to be a successful recreational business, from an environmental standpoint it is as good as it is going to get and from a flooding standpoint, there is no impervious surface. So, I mean, it is a great use for that piece of property and this is a way to hopefully ensure that it continues to be used in that manner for the

foreseeable future. And that is what this is all about, that is all it was ever about start with.

Ms. Oliver: Anybody else have any other questions for Mr. Bourdon?

Mr. Bourdon: Thank you, Madam Chair.

Ms. Oliver: Thank you.

Mr. Bourdon: I did notice, did I hear you are the Mayor a little earlier in the proceedings.

Ms. Oliver: What?

Mr. Bourdon: I think someone prefer to you as Madam Mayor. I think Herald Jones did.

Ms. Oliver: Thank you.

Mr. Landfair: Madam Chair, there are no speakers signed up to speak. We would like to ask if there are any speakers present in the lobby, building 19 we are in the chamber that would like to speak. Anyone?

Ms. Oliver: Okay.

Mr. Landfair: There are no more known speakers.

Ms. Oliver: Great. Thank you. I am going to close this hearing and open it up to the Planning Commissioners. Yes.

Mr. Horsley: Mr. Tajan, you all comfortable with the way the condition number three is written now.

Mr. Tajan: Yes, sir. Mr. Horsley. We reviewed it with the applicant's representative and we are in agreement with the changes to the condition.

Ms. Oliver: Yeah. Michael.

Mr. Inman: I would support this application I think, we had some discussion at the informal session because it is a rather unusual request. But, having heard from Mr. Bourdon and further discussion at our informal, it makes sense and it is understandable what the goal of the applicant is to create these two lots and while we would like to have some restriction or some ability to approve what goes on Lot-A there is hardly any way to do that at this point. And, the applicant clearly has no idea what might become of Lot-A, who might purchase it or who might develop it. So, just looking at it in the context of

the area of the city that is in and other properties in the vicinity and I think this works, in my opinion.

Ms. Oliver: Okay. Great. Yes, Mr. Redmond.

Mr. Redmond: I will go one further and move approval of the application.

Ms. Oliver: Alright.

Mr. Graham: I am not in opposition, I guess my comments earlier were just that I am not real in favor of the idea of losing control of what the building will look like there. But, it totally makes sense to me I think that the paintball operation is a great use for the property and as Mr. Bourdon said it is not creating any more impervious service. So, I just wanted to say my comment.

Ms. Oliver: Right, thank you. Alright, so we have. I am sorry Jack.

Mr. Wall: Oh yeah, I just going to act it with that, you know, this is not such an recurring nature, but this is going to be something we see throughout the special economic growth area Oceana South. So, I think it is just preserving that front parcel for industrial use while maintaining existing use in the back which is the people use. So, I mean, I will be in favor.

Ms. Oliver: Okay, great. Thanks. Robin.

Ms. Klein: Is it possible to do rezoning or a separate the parcels without rezoning or is that the argument?

Mr. Tajan: The parcels cannot be, you cannot create the two parcels without the subdivision variance.

Ms. Klein: Okay.

Mr. Tajan: Which is the first part of it.

Ms. Klein: Okay, that is what we are trying to understand.

Ms. Oliver: Right. Thank you. So, I have a motion on the floor in a second. I got a second from anyone? Alright, so I am going to call for the vote please.

Ms. Coleman: Sure. If you are in favor of the motion say, yes. And, if you are opposed say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver:

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of ten, four and zero against the Agenda Items seven and eight is hereby recommended for approval by the Planning Commission.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			

Klein	AYE			
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. The property shall be subdivided as shown on the submitted plat exhibit entitled “Subdivision of 23.840 Acre Parcel Property of Atrice L. Richard”, dated January 29, 2020, and prepared by WPL Site Design, a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development.
2. Only one point of vehicular ingress/egress shall be permitted along Holland Road for the two parcels. The shared access may be established on either parcel; however, if relocated from Lot B, the existing access on Lot B shall be eliminated.
3. During final plat recordation, an ingress/egress easement shall be established to provide access to Holland Road as described above and a one-foot no ingress/egress easement shall be required along the entire length of Holland Road frontage other than the length of the driveway for vehicular access and as permitted in Condition 4 below.
4. The access point that straddles the eastern property line for Lot B is for use only to maintain the drainage facilities located in the drainage easement that runs north along the property line. Lot B has no rights to use this access point.

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 # 9.

**Tony J. Saady & Lina A Azar-Saady
Subdivision Variance (Sections 4.1 (m) & 4.4 (b) of the Subdivision Regulations)
5052 Lord Felton Lane**

July 08, 2020

WITHDRAWN

Ms. Oliver: Thank you, Bill. The first order of business is a consideration of requests to withdraw or defer an item. Bill, if you.

Mr. Landfair: There is one item requesting a withdrawal. Agenda item nine, the application of Tony J. Saady and Lena A. Azar-Saady for a subdivision variance request to sections 4. 1-M and 4. 4-B of the subdivision regulations located at 5052, Lord Felton Lane in the Bayside District. The applicant's representative Eddie Bourdon has signed up to speak and will be requesting a withdrawal of the application.

Mr. Bourdon: Madam Chair for the record, Eddie Bourdon. I had occasion to have lunch with the applicant's at their restaurant Azar's last week and they asked me about this, we were there to talk about something else. And, I explained to them that what they were seeking was not something that the City can legally approve or grant because you cannot get a subdivision variance to having less square footage than the zoning of the property requires. So, they can try to get a conditional rezoning and that may come forward in the future, but this application should be withdrawn as it really is not something that could be approved to begin with.

Ms. Oliver: Right. Thank you. Do we have a motion to withdraw item number nine?

Mr. Horsley: Madam Chair, I move approval to withdrawal item number nine.

Ms. Oliver: I need a second please? I have a second from Mr. Horsley. Do I have any Planning Commissioners that need to abstain from this item? Right. None. So, we will go ahead and call for the vote.

Ms. Coleman: If you are in favor of the motion say, yes. And, if you are opposed say, no.
Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Barnes is absent. Mr. Coston.

Mr. Coston: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver:

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of ten, four and zero against item 9 has been withdrawn. The next order of business is to defer agenda. We have three applications requesting to be deferred Agenda Items two, five and six. Bill.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. When subdivided, the property shall be developed as shown on the submitted plan exhibit entitled “Subdivision Plat of Part of Site B-2, Plan of Property Located at Bayside-In-Princess Anne Co., VA.”, dated 04/16/2020, and prepared by MSA, P.C., a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid. The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

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

Item # 10.

**Teri Champion [Applicant] At Sea Cabin, LLC [Owner]
Conditional Use Permit (Short-Term Rental)
323 Norfolk Avenue**

July 08, 2020

RECOMMENDED FOR DENIAL

Mr. Landfair: The next application is item 10. Teri Champion for a Conditional Use Permit for Short- Term Rental at 323 Norfolk Avenue in the Beach District. The applicant is Teri Champion. Ms. Champion you have up to 10 minutes to describe the request. Please state your name for the record. Thank you.

Ms. Champion: Okay. Good afternoon Planning Commissioners. My name is Teri Champion and I am applying for a Conditional Use Permit for Short- Term Rental. My husband and I purchased 323 Norfolk Avenue in January 7, 2020. On January 15, we went down to the City to register it under our LLC, At Sea Cabin, make sure we were signed up to pay all the occupancy taxes, the lodging taxes, and anything else that the City required. We wanted to make sure that we were in compliance with everything prior to renting out. My husband and I managed the property. We purchased it as our second home actually, it is the only home that we owned. We wanted to be able to have friends, family come and visit, as well as have the opportunity to rent it out. I cannot give you a magic number it may only be rented out five times a year. I just do not know, I am a full time real estate agent and one of the reasons I purchased it was I wanted to be able to offer clients to come into town for house hunting a place to go, it would be an option for them. So, renting it out on Airbnb and Vrbo is not really something that was a priority for us. But, if somebody were to stay there for a week that wanted to come into town, I would like to be able to have some income on that. So, just to be clear, this is not our sole income. This is not continued revenue for us that we depend on it is a little bit of a different situation. Also, I want to thank zoning first because this is stressful. I know we have a lot of opposition. It is not falling on my feet, but it is falling on the feet of the prior owner of this property that rented out for 18 months. And, there are others that have been

rented out, all not ideally managed, I understand. And, I am going completely off script, so I will probably miss half this down.

Ms. Oliver: That is alright.

Ms. Champion: Those in opposition I understand. I feel the same things they feel. I do not want our community to go down, 40% of the residents are not even full time. They are here visiting, enjoying their vacation home on weekends, long weekends, and holidays. I personally have not met hardly any of them, I am in that unit every day. My daughter lives here full time, she has since March when she graduated with her master's, and I am there every day. So, I see what goes on, as opposed to some of the people who are not there every day. 31% of the resident's owners run out long-term. I am not going to go into the detail about long-term renters and some of the problems you can have with those, but we have them like any other community, we have them. And, 28% of the owners are full-time, so, they live there year round. Out of my little section my building, there is six units inside our vestibule. I have met one of the owners who lives across the hall from me. So, that is it and I am there every day. I will say there is only three active duty, there is only three active Short- Term Rentals now, and there used to be five to seven, so it has gone down. If I am approved, I would be the fourth to be approved with that condition. But, I guess my point here in saying that people who rent Short- Term Rentals I really feel like have a bad name. They do not all come to party get drunk and disturb the peace. They come to as a family to enjoy the beach to sit down and have a home cooked meal at a table, have separate bedrooms and enjoy the beach. I mean our condos are located at Norfolk Avenue they are not in the quiet Hampton somewhere. You have no idea what goes on in Norfolk Avenue. There are unicycles, there are mopeds, there are dog walkers, joggers, people slopping their beach gear up and down, and then late at night, there are drunk people trying to find their car. It is not quiet, but it is the beach. And, so, when you buy a place there, you kind of know what you are buying. I also let any renter know, hey, this may not be the place for you. I cannot promise you quiet enjoyment. I cannot guarantee that because of the location. But, I can guarantee you that we are hands on. My husband is a retired Marine Colonel, retired from American Airline Pilot he has nothing to do, but have time to help me manage this place. And, I am five minutes down the road. We have spent a lot of money renovating this place and continue to renovate it. There is nobody more than me who wants to see this place taken care of. We have put things in place. We personally greet each guest in the unit, and they thank me for that. We have only rented it

out three times. And, so, they thank me for that. We give them a walkthrough of the property, we go over the rules and regulations to include the condo rules. We require them to sign that they know the rules in the bylaws of the condos, as well as our rules. I annoyingly check in with them all the time. I do not know if they like it or not but, I want to put my face out there and my voice out there all the time. If they need anything, if they want anything, make sure everything is going well. The previous owner did install a video camera in the doorway to be able to see who was coming and going, I left it there. I thought it was useful. So, I was using it to monitor as well, but I was asked to take the camera down and I complied immediately. So, I no longer have a camera there. I cannot really see who comes and goes, although it has not been rented out since the end of February. Moving forward, that is probably something that our Condo Association will need to address. But, our unit only holds five guests. I know that the City ordinance allows you six because we are in a two bedroom, I would not let six people in my unit. So, that is just kind of our rule that we have. We have a strict \$500 security deposit at lease that personally even I would not sign it is strict. And it is meant to keep the people away that are coming to party. The only incident that we have out of the three and I am so regretful of this was we had four ladies from Northern Virginia that were coming to have a peaceful relaxing time with each other and I decided we would not greet them that I did not need to be on top of them and so I never met them face-to-face. And, there was no noise complaint, they were fine. Except for there was an incident and I was immediately notified, I was devastated. I called the President, I called the Secretary, I called and apologized, as addition to the neighbor across the hall profusely, and it made my husband I rethink how we are going to screen future guests, which means probably Airbnb and Vrbo are not going to be an option for us anymore. Even though we are talking to people and we are involved, I just do not know how carefully those are screened in addition to us. Also, the other two that we have there, a mom and dad visiting, saying goodbye to their son, he was leaving on cruise for six months, and they wanted just to be there. They played games, they had all the games out, I mean, they were harmless and they were wonderful. And, after that there were two nurse practitioners from Northern Virginia here for a conference in Norfolk. Their biggest complaint was they like to read and there was not enough light in the living room. So, I am doing the best I can, I did not come into this community disrupted, I have all the same concerns they do. I just feel like, my husband and I should be given a chance to prove that and also to shed some positive light on Short Term Rentals rather than them being a detriment to our community.

Ms. Oliver: Thank you.

Ms. Champion: Yeah.

Ms. Oliver: Appreciate that. Anybody have any questions for the applicant.

Ms. Oliver: Okay. Alright, thank you.

Ms. Champion: Did he have a question?

Ms. Champion: So, I am even embarrassed to say, allegedly they denied but I am going to go with the owner that said it happened. Allegedly, they were out in our deeded parking spot and they were sitting there waiting for the key to the vestibule to go upstairs and they all probably had been drinking I do not know, but two were caught urinating behind the bushes. And, they could not get up to the unit to get to the bathroom, so, I am sure on a whim, they decided to do that, certainly do not in any way condone that, I was devastated but you cannot control adult women, I assume they know better. But, evidently these women did not, so, that was the incident and that is why we need to look at a different place on how we run out our property. Yeah. You are welcome.

Ms. Oliver: Thank you.

Ms. Champion: Thank you.

Mr. Landfair: Madam Chair, there are seven speakers registered to comment. Each speaker has up to three minutes to make comments. The first speaker is Patricia Grossi, followed by Rob Rickard. Ms. Grossi, please state your name for the record. Thank you. Ms. Grossi, we are ready for you.

Ms. Grossi: Okay. My name is Patricia Grossi, and I have lived that lake station for over 23 years, and served on the board of directors for approximately 15 of those years, and I can honestly say that I have never had a problem with parking here. Now, I have also rented out both short-term and long-term, and have never had an issue with Short- Term Rentals. However, I have had an extremely difficult time with long-term rentals with destruction of property and the illegal activities, and they feel that there was more control over Short- Term Rentals, as they can be removed immediately. Also, there is nothing in our condominium documents that prohibits Short- Term Rentals. So, therefore, this is why my support is for Teri Champion to be approved for her permit that is before you today. I thank you for your time.

Ms. Oliver: Thank you. Are there any questions for speaker? No, okay.

Mr. Landfair: Madam Chair, the next speaker on this item is Rob Rickard, followed by Lee Sherlock. Mr. Rickard, please state your name for the record. Thank you. We will make his comments virtually, followed by Benham Malcolm. Mr. Sherlock, please state your name for the record. Thank you.

Mr. Sherlock: This is Lee Sherlock, can you guys hear me? Can you guys hear me?

Mr. Landfair: Yes.

Mr. Sherlock: Perfect, just want to make sure. So I moved here into Lake Station condominiums, I live here. I just want to let it be known that I am a full-time resident here I have a full-time job. And, probably since March, I have actually been working from home, and so, I am here literally, all the time. And, when I initially bought this place, I was aware that it was previously an active Short- Term Rental and I knew that there were several others within the property that were being rented out as Short- Term Rentals. And, actually, I liked the idea that potentially one-day down the road I might have that flexibility to do so as well. Let me tell you about some of the things that I have experienced, since I have been here, but hear me out because it may seem a little counter intuitive, maybe to my position on this thing. And, some of its kind of repetition of what Teri had talked about, but intoxicated people throughout the day, throughout the night, walking up and down the streets, passing through our parking lots. We have the police and fire trucks and ambulance sirens are very regular occurrence, we have protests, with protesters being chased down the street by police both by foot, and on car right. We have got loud engines of cars speeding down the street I do not know if their drag racing or what is going on. We currently have a busted down fence to our property from what I am guessing, is a car running into it or something of that nature. And, some idiot recently just threw some ice cream or something all over the front of my car which I am really appreciative of. And, these examples really are not all encompassing of everything that goes on down here. But, my real point I guess that I am trying to make is, let us take into consideration where we are located right, and we are two blocks from the touristy part of the boardwalk. Our neighbors are the White Marlin Inn and the Beaumont Inn if you guys are familiar. We live across the street from the parking lot of what I believe is a camping ground, and their access to the beach, as well as The Shack, Side Street Cantina, Waterman's Mahi Mah's, Chix, just to name a few of the more popular spots. And I guess the point I am trying to make is, this is not a small quiet beach town community, or even the north end for that matter. So, everyone that purchased here either knew or should have done their

own research to know that these were the types of things that you are going to be experienced when you live here. So, all of these things, I am not even sure why this has to go through the City, I think of, you know-

Ms. Oliver: Thank you, do we have any questions for our speaker. Okay. Thank you.

Mr. Landfair: Madam Chair, the next speaker on this item is Benham Malcolm, followed by Lee Jones-Hubert. Mr. Benham, please state your name for the record. Thank you.

Mr. Malcolm: Good afternoon, first of all, my name is actually, Benham Malcolm it is reversed. Good afternoon. My name is Benham Malcolm, my family is owned 319, Norfolk Avenue since 1998, which is directly below the CUP applicant that is here today. My family and I have been heavily impacted for the last two years by the hotel room has been operating above us. My ask of the Commission is that you deny the CUP in a number of reasons. Number one, this is precedent setting for our community. Right now, we have about 47% of the homes that are in our community have written in opposition, of the 10 that have written in saying that they were support the opposition, five of those are our units that have actually been doing Short-Term Rentals, and it is in their business interest to actually continue doing them. That excludes the one that's been listed today which is unit 323. If you exclude those ones who are doing Short- Term Rentals that brings a number of opposition's been formally applied for the city, down to four are only 12% of our community. Second reason is that the parking mitigation has been proposed, which will my neighbors will address more thoroughly. Really it is not a biggest issue that may seem, but it actually allowing that leasing of the space in the garage amplifies likelihood of overcrowding within the unit. So, as an indirect impact that. There are five violations against location if you include 2019, the ordinance I could see of six exceeds HOA limit of four unrelated persons per unit. Our building, our parking lot, our HOA rules, our match with company contract, or shared utilities are not designed to be Short- Term Rentals. So, focusing for just a moment on the violations which seems to be an area that the Commission is interested in, the staff report shows violations that occurred since January 2020. As the owner of the property correctly pointed out, she bought the property in January of this year, within six weeks of closing she had her first complaint filed against the property. So, in theory, a new applicant should not have any violations against them, because they have no background and no history. She bought the property and merely she applied, they are not going to have any violations in just six weeks' time typically. So, we wanted to go back, take a look at the rest of 2020, we have the COVID-19

things have occurred. She has indeed been residing on her property many days, but she has been doing construction and renovating the property and improving it. There was a full complete gutting of the property done two years ago in the previous investor bought the property. The 2019, violations are indeed relevant with the experience we have had, the new investor was indeed the listing agent, who bought the Short-Term business plan that was provided by the previous investor at a record high purchase price for the property. That business plan likely showed strong booking revenue stream, which created the 2019 violations. My experiences in 2019, include constant noise, overcrowding, stuff raining down from above.

Ms. Oliver: Mr. Malcolm, I am sorry I have to stop here, you had three minutes. Do we have any questions for Mr. Malcolm?

Mr. Alcaraz: Yes, just one. The incident that you just brought up was that the one that she just disclosed to us.

Mr. Malcolm: I am sorry.

Mr. Alcaraz: The incident that you said that happened six weeks after her purchasing was that the one that she had brought up.

Mr. Malcolm: Yes, in 2020.

Mr. Alcaraz: Thank you.

Ms. Oliver: I have a question for you Mr. Malcolm, right.

Mr. Malcolm: Yes, please.

Ms. Oliver: Okay. So, the issues that you had were prior to the applicant, when she purchased it, if I wrote it down right January 7, 2020.

Mr. Malcolm: And then transferred to her limited liability company shortly after that.

Ms. Oliver: Right. In anticipation of using it as a Short- Term Rental.

Mr. Malcolm: That is correct.

Ms. Oliver: Correct. So, truly what we are here for is this particular applicant and I appreciate the problems that you have had and understand them in 2019, but that is not really sort of what we are discussing today, and I understand the impact of Short- Term Rentals and how they are, but during for this application the one incident that has occurred was the one that I read the letter about the four ladies that had to wait so long to get upstairs, correct.

Mr. Malcolm: Yes, that is correct. That is the question I think you just ask by choice.

Ms. Oliver: Right, but have you had any other issues.

Mr. Malcolm: No, there is been very limited rentals, her daughter is indeed there right now.

Ms. Oliver: Okay.

Mr. Malcolm: And, she has been doing construction upstairs for a while.

Ms. Oliver: Renovating them.

Mr. Malcolm: And, also there is COVID-19, there is demand for staying and rentals in general in the entire community is down.

Ms. Oliver: Okay.

Mr. Malcolm: Therefore, there is not an opportunity to generate the violations at the same rate as previous years.

Ms. Oliver: Any other questions for Mr. Malcolm. Yes, Jack.

Mr. Wall: So, Mr. Malcolm, how would you compare the noise from typical Short-Term Rental and it is interesting that it would be before, probably in this application, but to the noise that you typically experience along in the area that you live near the oceanfronts in Norfolk Avenue and near the vicinity.

Mr. Malcolm: Sure. There is lots of noise from Oceana, we all experienced that has a given for the area. But in terms of noise generated by neighbors within the community, most of our neighbors are single. There is no kids in the community, it is relatively quiet. The Short-Term Rental unit people who typically show up, they are on vacation and they are there to have a good time. So, many, many times it is going to be later at night, as when they are coming back, typically when we have problems coming back from the bar area. The oceanfront is when the problems occur, or there will be parties they have on the back of their decks, and there has been reports as many as 12 people on a deck there is a very small three-foot wide area, and they make a lot of noise with music going, they will be having a party out back. But, in general, the Virginia Beach Police does a good job. They do a phenomenal job actually, it has slowed a tone of things down after 10pm or 11pm on weekends, and it is generally pretty quiet within the community. The overall south east end of Norfolk Avenue, but they are there to have fun and my neighbors and I even on telecommuting from there, have to get up and work in the morning, they do not.

Ms. Oliver: Any other questions. Thank you very much.

Mr. Malcolm: Thank you.

Mr. Landfair: Madam Chair, the next speaker on this item is Lee Jones-Hubert, followed by Thomas Belvin. Mr. Jones, please state your name for the record. Thank you.

Mr. Jones: I make a slight correction. My name is Lee Jones-Hubert.

Ms. Oliver: Okay.

Mr. Jones: But, everybody gets that way. Commissioners, I just wanted to say that in November 2013, we purchased the condo at 325, Norfolk Avenue, Lake Station Condominiums. This was to be our place to relax, to get away, to enjoy the new community and we are aware of the investor of Unit 323 is proposing a change to the zoning code, so, that they can legally rent on a commercial short-term basis. So, here is our concerns, water and sewage. Our HOA fee covers the water and sewage, which very nice for us except for the fact that the number of individuals and visitors that you are going to have in Short- Term Rentals here it is going to increase the amount of the utilities. And, that is one reason why the HOA fee will go up. It is not fair for those of us who keep within the number living in one unit to pay for the additional use of water and sewage in another unit and privacy. We know many of the individuals who use or stay in their condos and when we do not, we start seeing people we do not know, we do not know if they are supposed to be in there or are they on the property legitimately or not. We feel a sense of insecurity about our own property and safety. And, speaking to safety as well as the noise, even though, there might be four to six occupants in one unit as in the past. Short-Term renters seem to have their friends and their buddies come on over, in other words, this is one of the larger places when several of them have different hotel rooms along the way. And they go, come on over, we got a deck we got all this and everything. I have seen as many as 12 people standing on the deck that is built for four people. And, then there is large amount of trash at the end of the day, including dog poop, bottles and it is collecting in the parking lot, and in the common areas. And, then there is the parking issue, at Lake Station each condo is assigned a numbered space and two guest passes for unnumbered spaces which are limited. If the City of Virginia Beach allows the investor in 323, to have a space in the garage on Ninth Street and the Pacific, or any other place with the Short- Term Rentals can have up to four cars there, at least for themselves and their guests. These issues

dear to us and we purchased our condo with the idea that we would be in a safe residential community. I know there is some people have done, Short-Term Rentals on the sly. We just do not want this legalized and institutionalized. Thank you very much.

Ms. Oliver: Right. Do we have any questions for the speaker?

Mr. Alcaraz: Mr. Jones at the beginning you had stated that this applicant is requesting a change of the zoning code, can you tell me more about that, I must have missed that.

Mr. Jones: Well, that is when I saw the CUP was. To allow, to permit the use of that unit to be rented on a short-term basis.

Mr. Alcaraz: Yeah, there is a code and we are here to see if they meet that code.

Mr. Jones: Maybe zoning is not the proper word for me to use.

Mr. Alcaraz: Yeah, I am going to make sure. Thank you.

Mr. Jones: Okay.

Ms. Oliver: Yes, Robin.

Ms. Klein: Are these concerns that you have been brought to the HOAs attention.

Mr. Jones: Yes.

Ms. Klein: Are they taking steps to address that?

Mr. Jones: Yes and no.

Ms. Klein: Can you elaborate on it?

Mr. Jones: You have a certain amount of meetings and whatnot. We have officers who might not be there, who live in other places. When I see a bunch of people drinking in the common areas, I think maybe it is not necessarily the right move to call the President of our board at that time. I can bring these things up in our annual meetings, I can bring them up to our individuals, but I am bringing it up right now here.

Ms. Klein: No, I agree with you. I serve on a HOA Board and so, these are the types of things we hold monthly meetings that we would want residents bring to our attention.

Mr. Jones: Sure.

Ms. Klein: So, are these being discussed at your monthly board meetings?

Mr. Jones: At the monthly board meetings, I am not sure. I am not always so sure about that. I mean there is definitely some issues there and we are going to be working on those. But, we are here right now and like to present this to the City.

Ms. Klein: Sure.

Mr. Jones: And, I would like to have the City on our side.

Ms. Klein: Thank you.

Ms. Oliver: Right. Any more questions? Okay. Thank you very much.

Mr. Jones: Thank you.

Mr. Landfair: Madam Chair, the next speaker on this item is Thomas Belvin, followed by Tatiana Green. Mr. Belvin, please state your name for the record. Thank you.

Mr. Belvin: Madam Chair and Commissioners, good afternoon. I am Thomas Belvin, owner of 313 Norfolk Avenue part of the Lake Station Condominiums. I am here today to speak in opposition to the proposed Conditional Use Permit to allow Short- Term Rentals in Unit 323 in my building. And, here are some points that support my opposition. Number one, in our bylaws and rules for the Lake Station Condominium Association, the use of each unit is expressly restricted to single family use and occupancy only. Number two, two dedicated parking spaces are required for this two bedroom unit Short-Term Rental by City Code. Each condominium is assigned one dedicated parking space and there are 18 unassigned parking spaces available for guests on a first come basis. While the mitigation of a rented parking space in a nearby parking garage or maybe adequate solution for Short- Term Rental using a single family detached home. In the case of shared guest parking it does not work. There is no way to hold any short-term renter accountable for not using the guest spaces that is impacting all the other owners. Number three, I personally share the inside stairwell foyer and external single keyed security door with Unit 323. Management of the security door key and the constantly changing short-term renters will greatly increase risk to me and my family. This is particularly troubling during this pandemic. Our community is not a hotel and it is not designed or constructed to be one. So, who do I have my family turned to day or night for issues of noise, trash, confrontation, security or whatever, they always

call 911. The burden then is on me and my family to confront and investigate, and initiate enforcement of any of the conditions placed on this CUP. This application has not been reviewed, discussed, or voted on by Lake Station HOA Board or Unit Owners. There has been no community meeting, discussion, or endorsement of this variance, which will significantly change the entire environment of the community. Number five, the owner of 323, Norfolk Avenue has not attempted to reach out and communicate to me in any way to give notice or ask for support of the variances. So, I am asking you to support me on my neighbor's request to deny the Short- Term Rental Conditional Use Permit for 323 Norfolk Avenue in order to keep Lake Station of family, community, and environment, not a hotel environment. Thanks for your time and attention and stay safe.

Ms. Oliver: Thank you. Do we have any questions for the speaker? Thank you very much.

Mr. Landfair: Madam Chair, the next speaker on this item is Tatiana Green. Ms. Green, please state your name for the record. Thank you.

Ms. Green: Good afternoon, my name is Tatiana Green. I have lived full-time at 321 Norfolk Avenue since January 2001, my unit is directly opposite 323 on the third floor. My walls, common area, front door, stairs and landings, and back deck, are all shared with the strangers that show up at any time in Unit 323. And, the incident that happened in the front entrance way at the end of February, even though, the investor said it was only rented to four women. There were six women there, two of them urinating right in front of me, and four sitting in the car smoking, and it was at 11:30pm in the evening. Why are they locked out at that time, I do not understand. But, this is the kind of activity that frequent turnover Short- Term Rentals often bring, these are the activities. So, I am concerned about the erosion of my security, privacy, the quiet enjoyment of my home, the feeling of community that has been disappearing as Short- Term Rentals increase. I am asking the Planning Commission to deny the Conditional Use Permit application for several reasons. Enforcement, in Lake Station most residential units are occupied by one person or a second family vacation home. The physical design of our buildings, our parking lot, our Home Owners Association rules, our shared water utilities, and our contract with the management company are all designed for residential environment. We do not have a front desk, we do not have a parking lot, we do not have attendant, we do not have a security guard, and we do not have a maintenance team to address the needs of short-term environment. For security, I feel unsafe now coming into the common area of my building. I never know who is going to be on

the stairs or the landings as I walk up to the third floor. Healthwise, I have no idea of strangers are going into Unit 323 and bringing in COVID-19, bedbugs, roaches, and other health issues. It is always been my home, I have lived there for over 20 years and I do not like the changes that I see happening that investors are making a huge profit at the expense of my safety, my peace of mind, my lifestyle I go to work in the morning. It is a wooden unit, you can hear everyone just normally walking up the stairs, it is not very well insulated to have a unit opposite me with six people tromping upstairs after they are coming home from the oceanfront partying is very different from one person that lives there coming in at a regular time. I have to go to work the next day.

Ms. Oliver: Thank you. I am sorry to cut you off.

Ms. Green: Okay, thank you for your time. That is okay.

Ms. Oliver: Thank you. Do you have any questions for our speaker? No. Thank you very much.

Ms. Green: Okay.

Mr. Landfair: Madam Chair, that was the last speaker for this item, we would like to ask if there are any speakers present in the lobby, building 19, or in the chamber that would like to speak, anyone? There are no more known speakers.

Ms. Oliver: Okay. Alright. Sorry, I was going to ask her, she wanted to come up.

Ms. Champion: Now, I wish I had my full 10 minutes back. So, I want to say, first of all to Ms. Greene who just spoke. First of all, it was not 11:30 at night, it was dusk. There were never six women in that unit, I had the cameras, I was able to watch them come and go. I am allowed six people, but there were not six in there. For somebody who despises Short- Term Rentals she was friends with the previous owner. And, she knew for a year-and-a-half, she watched people come and go, I introduced myself when we first moved in. She knew exactly who I was, she knew exactly our intent to possibly turn this into a Short- Term Rental and she never once said to me, there were issues, there were problems, there are concerns, ever. In fact, let me just tell you, I came home one-day after our first renter and she had a stack of books, brochures, she had gone to the visitor center, she had made an effort with a handwritten note to share that with my renters. I thanked her, but I mean she did not have to do that and why did she do it if she saw opposed to renters. As far as the parking goes, we do have one-deeded spot and we

have one guest pass. One visitor spot shared with the other I believe it is 17, I counted 17 unmarked spots. They are first come first serve. My daughter parks in our deeded spot everyday and every day I use the visitor spot, never have a problem, I have never not had parking. In fact, I did send some pictures I do not know if they made the slide, July 4, and it could be the time it could just be everything that was going on. There were eight available spots in the morning of July 4, and again when I left at nine o'clock that night there were just that many left and I took pictures to prove it and they are time stamped. So, our parking is not an issue, it has not been for me at all. Water talking about shared utilities, I guess it could go both ways, the full-time residents take showers every day and use utilities everyday. As opposed to Short- Term Rentals that there is a small window of time really that they are even there, summertime, come fall, winter, early spring, they are pretty much empty. So, we are subsidizing the full-time residents for their use of the utility. So, it all works out in the end in my opinion. I just do not think it is a good argument to go against short-term renters. I am doing some remodeling in there, it is not a complete renovation, it is a renovation. The place was not completely gutted, I will promise you that or I would not be putting the effort into it. There was hardwood floors installed which has been an issue for Mr. Benham, and I have been sensitive to that. I have not seen him, ever met him. I have been there since January, but I know the hardwood floors were an issue with him with the last owner. So, I wear rubber shoes, I make the effort. My daughter knows to walk lightly, but she came home the other night from work on a Friday night, and was accosted by his sister visiting first time I have ever seen anyone in the unit and said she walked heavy. My daughter is 120 pounds soaking wet, but she walked heavy she was a heavy walker.

Ms. Oliver: I hate to cut you off.

Ms. Champion: Okay, okay.

Ms. Oliver: But, do we have any questions? Yes.

Mr. Alcaraz: Yeah. So, I want to ask you before I need to hear from the opposition when the incident happened.

Ms. Champion: Yes.

Mr. Alcaraz: How were you contacted and you said it happened at dusk or sunset.

Ms. Champion: The President called me. I had no idea it happened, I have left all my information with Ms. Green across the house. She is my only contact, so, if there is anything that goes on, please call me, I am proactive.

Mr. Alcaraz: So, what did you do when you were called.

Ms. Champion: Oh, I immediately called them, I texted them, I said this is not acceptable you all need to leave, like I cannot have this happening in our unit and they denied it.

Mr. Alcaraz: I received an email that y'all took drastic action and what did you do.

Ms. Champion: I did not take drastic action, I told them they were to leave in the morning.

Mr. Alcaraz: Yeah, okay.

Ms. Champion: Yeah, I mean that is the best I could do, I told them they need to leave in the morning, I mean this went on into the evening of me calling. I call Ms. Green I profusely apologize. I told her, I had been watching them on the camera because I was concerned just because when they when they checked in, there were five of them instead of four that were registered. So, I was concerned, so, I was watching and monitoring them, not just so much for me but for my neighbors to make sure they were not being loud, and they were not that was just that incident that she found them. Yeah.

Ms. Oliver: Yes, David.

Mr. Weiner: Not that this has anything to do with application. You need to take the camera down to me that is big security for you.

Ms. Champion: I have not had it, it was up when I bought the unit seemed like a good idea, but that particular weekend when Ms. Greene said I feel like my privacy is being invaded the President called me and said Teri I cannot make you, but I am suggesting that you take it down, I said I do not have a bit of problems with that and it has been taken down ever since.

Mr. Weiner: Okay, I was just asking this is one.

Ms. Champion: The pictures that you are seeing are the wedge, the placeholder for the camera, it is not been there as long as I was asked to take it down. Yeah, I don't have an issue with that.

Ms. Oliver: Do we have any other questions? Alright. Thank you.

Ms. Champion: Thanks.

Ms. Oliver: Alright. Oh, yeah. I am going to close this and we will open it up for discussion among the Commissioners and Robyn.

Ms. Klein: Actually, we have-

Mr. Graham: For Short- Term Rentals it seems like when it is in a neighborhood and it is in a single family, community, it is a little more difficult when it is in a condominium complex, if the Condo Associations doing its job and the residents of the Condo Association the majority of them are against it, they have control of this we are not here to, correct me if I'm wrong, I mean the Condo Association has the ability to set rules for each one of those condo owners and it sounds like this Condo Association just had a major failure. If truly, the majority of these people are against it, they have really done a bad job of putting measures in place to prevent it. I mean that is my comment.

Ms. Oliver: Robyn, do you have some. Okay.

Ms. Klein: Yes. So, I completely agree that there is an issue that needs to be brought to the association's attention. My question for Mr. Inman, one of the gentlemen said that within the bylaws and it says that it is for single family occupancy. Does that apply in this case?

Mr. Inman: I have just point out, I am going to need to tell you that I am going to need to abstain from any amatory with regards to this association my law firm does represent this association on the Registered Agent for the corporation.

Ms. Oliver: Okay. Dave.

Ms. Wilson: I was going to cut Mr. Inman he is telling that was my question.

Ms. Oliver: Right, got it.

Ms. Wilson: I don't know if he had done good thing, just think. Yeah Robyn this is Short-Term Rentals are considered a single family use.

Ms. Klein: Okay.

Ms. Wilson: So, we do not interpret their bylaws in any way, we would never interpret anything that they ban or they do not ban. A court of law would have to do that, but the state considers that a Short- Term Rental is a single family use, it is not a commercial use.

Ms. Klein: Okay. Thank you.

Ms. Oliver: Okay. Dave.

Mr. Redmond: Couple of quick points, I do not think that it is necessarily the case that a multifamily building is inherently ill-suited to Short- Term Rentals. I do not think Short- Term Rentals are necessarily evil and everybody there is go to the bathroom in front of the joint or any of that. Nonetheless, this situation looks to me not to be appropriate for this kind of use. I think that lady is exactly right, somebody coming across from her doorway, does not know who it is every day. You go out into the common area of the of the condominium building where you live, and it is somebody who has come back from someplace at the oceanfront at midnight or something like that and it is just too dense and environment to make these pieces fit together. So, I mean, I think this is a legitimate economic use, we would not have them, it would not be allowed under the ordinance but there are places where they make sense better and places where they do not. And, this to me seems one of those places or it just does not make sense to have any more and certainly we are very obviously there has been a problem and been a problem this year if it's not going to be rented but just a brief period of year, why was someone there in February? I am clearly it is going to be rented as much as they can get it rented, and this is something with which a lot of people are very uncomfortable and I myself uncomfortable for and caveat emptor. If you buy a place better expect to own the place, you cannot expect necessarily to have a Short- Term Rental in it, unless you got a contingency in your contract and you work it out that way but just because you buy a place and intend to use it one way it does not mean it is the right place to do it, or you get to do it. We have a process for that and the sooner folks get that in their heads, I think the better off we will all be, so I am not going to support the application, in fact I will oppose the application, and I thank you for your time.

Ms. Oliver: Absolutely. Yes, Jack.

Mr. Wall: Do I question of Ms. Champion.

Ms. Oliver: Yeah, absolutely. Ms. Champion, can you come up to the podium please.

Mr. Wall: Just the patio or the porch, like is it shared or is it.

Ms. Champion: Well, we have a common stairway that we use.

Mr. Wall: Common stairway, but not the exterior, like on the.

Ms. Champion: No, we each have our little deck and then you walk and then you go down the stairs, but it is all been gutted, recladed, expanded our decks are being expanded. There is an entire construction project going on in our units, and they finished one building they are at ours now. So, all the effaces coming off, the decks are all being completely restructured and enlarged. Everything is being torn up at this point. So, our decks will be bigger, it does not take away from the fact that there is only six people past 11 o'clock that can sleep there.

Mr. Tajan: To your question Mr. Wall, it appears that there is a.

Mr. Wall: There is a divider.

Mr. Tajan: There is a divider, yes.

Mr. Wall: They are small, but they are being expanded.

Ms. Champion: Well, I do not know that the front ones are, but you do not have any pictures of the back and that is the area that you share with your neighbor.

Mr. Wall: Okay, so, the back are not shown on.

Ms. Champion: Okay, right above the green SUV is my master bedroom and then to direct right is the second bedroom and then next to that would be the neighbor across the halls bedroom. So, we have a shared wall.

Ms. Oliver: You have shared balcony.

Ms. Champion: You can kind of see there is like a partition there.

Ms. Oliver: Okay.

Ms. Champion: I have never gone out on it, I do not really know. I mean, I do not go out that way, it goes overlooks the parking lot, there is not much to see. But that is how it. Yeah, I wish we had pictures of the back it would give you a better idea.

Ms. Oliver: You can see it better on the third floor.

Ms. Champion: There is the recladding project. Yeah. There is no security there, people come and go all the time. I watched two kids cut through the other day. Well, it was not the other day, it was last few weeks ago, and they went to jump on the fence and they broke it trying to jump to go to Lake Drive. I mean, there is no way to police who comes in and out of that place. It is difficult, but.

Ms. Oliver: Okay.

Ms. Champion: Thank you.

Ms. Oliver: Thank you.

Mr. Weiner: Does anybody else want to say anything ?

Mr. Alcaraz: So, I did receive a lot of emails, I did receive a lot of calls in the past, that being on this board I am kind of an advocate of the 241. Zoning ordinance and then of course we have this process. Having said that and having listened to the opposition, I am going to make a motion that we deny this.

Ms. Oliver: Okay, we definitely. Yeah, David.

Mr. Weiner: I want to say some personally so. I am going to support it and the reason I am going to support it because we spent two and a half years putting an ordinance together and in that two and a half years putting an ordinance together, nothing was ever said about no condominiums, now we are getting ready to change that.

Ms. Wilson: Mr. Weiner. I need a second.

Mr. Weiner: Yes. Sure.

Ms. Wilson: In order for you to have conversation.

Ms. Oliver: Okay.

Mr. Horsley: I will second.

Ms. Oliver: Thank you.

Ms. Wilson: Thank you, Mr. Horsley.

Mr. Weiner: Okay, sorry for that. So, I am going to support it and that is why because we spent two and a half years putting an ordinance together, that did not say anything about not having, they meet all the requirements, maybe a little close but they meet the requirements. Now, we are going to change the ordinance, we are going to look at changing and revising the ordinance, and we need to make that revision. But, I do not think it is fair that we deny it just because of this particular reason. But, anyway, I am going to support it.

Ms. Oliver: I have an issue with people Short- Term Renting before they are supposed to Short-Term Rent. I mean, you are conducting business, prior to having. Yes.

Mr. Graham: Can I ask a question?

Ms. Oliver: Yeah.

Mr. Graham: Do they have permission once they make application.

Ms. Oliver: No.

Mr. Graham: Basically, the applicant, they did not follow the rules.

Ms. Oliver: Right.

Mr. Graham: Okay.

Ms. Oliver: So, they are conducting business.

Mr. Graham: So, by passing something in a way, we are almost rewarding bad behavior.

Ms. Oliver: Yes, sir.

Mr. Graham: Okay.

Ms. Oliver: Yeah, Don.

Mr. Horsley: I too to remember like Mr. Weiner said you know we went through countless number of meetings putting this ordinance together. And, we ended up putting the Conditional Use Permit process into this, so that we could find if there were problems and not just doing it by right. So, I think that this is one incident where the Short- Term Rental has the Conditional Use Permit process for the Short- Term Rental has come to life and has made these problems evident, because the neighbors have the right to come and voice their opinion where before about right we would not have had that opportunity. So, I think the ordinance here is really working. So, I am going to support the motion Mr. Alcaraz made.

Ms. Oliver: Okay. Anybody else? We have a motion and a second. I will go ahead and call for the vote please.

Ms. Coleman: Okay, this motion is to deny the application. If you are in favor of the motion say, yes. And, if you are opposed say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: No.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: I abstain for the reason I stated earlier that I represent the association that is involved in this application or has. Yeah.

Ms. Coleman: Okay. Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: No.

Ms. Coleman: Ms. Oliver:

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of seven, for and two against the Agenda Items ten is hereby been recommended for denial by the Planning Commission.

Mr. Tajan: Six, for. I am sorry. Let me correct for the record. I apologize it is six, for and two against one abstention.

Ms. Coleman: Oh, that is right. Thank you. It is seven, for and one abstention. So, it is seven, for and two against with one abstention and one absent. So, it is record seven to two.

	AYE 7	NAY 2	ABS 0	ABSENT 1
Alcaraz	AYE			
Barnes				ABSENT
Coston		NAY		
Graham	AYE			
Horsley	AYE			
Inman			ABSTAIN	
Klein	AYE			
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner		NAY		

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 323 Norfolk 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. A second (2nd) parking space, at a location subject to approval by the Zoning Administrator, shall be available for use by the Short Term Rental occupants at all times.
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 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.

The verbatim of the July 8, 2020 Planning Commission meeting is provided below; however, the Planning Commission will consider the application on September 1, 2020, again due to advertising error.

Item # 11.

**Kim Wilkins
Conditional Use Permit (Short Term Rental)
1125 Pond Cypress Drive**

July 08, 2020

RECOMMENDED FOR APPROVAL- CONSENT

Mr. Weiner: Thank you. Thank you, Madam Chair. The next order of business is the Consent Agenda. These are the applications that are recommended for approval by the Staff and the Planning Commission concurred. And, there are no speakers signed up in opposition. The Planning Commission places the following applications on the Consent Agenda, one, three and four. The Planning Commission also places the following applications for a conditional use permit for Short- Term Rental on the Consent Agenda. And, they meet the applicable requirements for Section 241. 2 of the zoning ordinance. Staff and Planning Commission supports the applications and there are no speakers signed up to comment on items 11, 13, 15, 16, 17, and 18. Before I make a motion, I want to pause as Staff if there are any other speakers on these items.

Mr. Landfair: There are no known speakers in opposition.

Mr. Weiner: Great. Okay, I moved for the following items to be approved on the Consent Agenda 1, 3, 4, 11, 13, 15, 16, 17, and 18.

Ms. Oliver: Do we have a second?

Ms. Klein: I will second.

Ms. Oliver: Thank you. Are there any other Planning Commissioners that needs to abstain from any of these items? Yes, Mr. Whitney.

Mr. Graham: I am not going to abstain, but I do need to disclose that items 1, 15, 16, 17, and 18 have Towne Bank listed as the lender and I am on a Board at Towne Bank, but I do not have any financial interest in these and I will be voting.

Ms. Oliver: Anyone else, Mr. Inman.

Mr. Inman: Yes, I need to disclose that I am on the Advisory Board for Towne Bank, Virginia Beach. I do not have any interest in any of the applications. We do not make any decisions on loans and I will be voting.

Ms. Oliver: Alright. We will go ahead and call for the vote please.

Ms. Coleman: Okay. If you are in favor of the motion say, yes. And, if you are opposed please say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver:

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of ten, for and zero against the following items 1, 3, 4, 11, 13, 15, 16, 17, and 18, have been approved by consent. If you have had an application that was on the Consent Agenda, your requests will now be scheduled for an upcoming City Council Meeting. Staff will contact you about the date, so that others may attend in the chamber, please exit via the side door. If you are watching virtually you are free to exit or stay and watch. Thank you all for your participation. The next order of business is the Regular Agenda. Bill Landfair will introduce the first application.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley	AYE			
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 1125 Pond Cypress, and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. The garage space within the unit must remain a minimum of 9-feet by 18-feet, contain a minimum 8-foot wide vehicle entryway opening, and shall remain free of materials to ensure vehicular accessibility to the Short Term Rental tenants.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where

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

5. No events 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.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid. The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site

The verbatim of the July 8, 2020 Planning Commission meeting is provided below; however, the Planning Commission will consider the application on September 1, 2020, again due to advertising error.

Item # 12.

**David Lucas
Conditional Use Permit (Short Term Rental)
505 Barberton Drive**

July 08, 2020

RECOMMENDED FOR DENIAL

Mr. Landfair: Madam Chair, the next item on today's Regular Agenda is Agenda Item 12, David Lucas for Conditional Use Permit for Short- Term Rental at 505, Barberton Drive in the Beach District. The applicant's representative is Sierra Alderman, who will present virtually. Ms. Alderman, you have up to 10 minutes to present the request. Please state your name for the record. Thank you. Ms. Alderman, please state your name for the record. Thank you.

Mr. Landfair: Ms. Alderman, your volume seems very low. We can barely hear you.

Mr. Tajan: Madam Chair, if we could. We are trying to get through the technical difficulties, so, we can move to the next item.

Ms. Oliver: Absolutely.

Mr. Tajan: And, we will try to have the applicant.

Ms. Oliver: Back online.

Mr. Tajan: Yes.

Mr. Landfair: Fourteen.

Mr. Tajan: Fourteen, so, James Dodd.

Mr. Landfair: Yes.

Mr. Tajan: So, Mr. Dodd, just please log out and log back in, so that we can try to get your audio back online, and we are going to move to the next item and we will call you back up. I will also note for the record Mr. Redmond has left the meeting. I am sorry.

Mr. Landfair: Actually, we were on item 12. Mr. Lucas.

Mr. Tajan: Okay, right.

Mr. Landfair: Ms. Alderman, if you could log out and log back in, please. Madam Chair.

Ms. Oliver: Yes, sir.

Mr. Landfair: Madam Chair, we understand that Ms. Alderman is back, so we can return to Item 12. This item is Item 12 application of David Lucas for Conditional Use Permit for Short- Term Rental at 505, Barberton Drive in the Beach District. Applicant's representative is Sierra Alderman, who will present virtually. Ms. Alderman, you have up to 10 minutes to present the request. Please state your name for the record. Thank you.

Ms. Alderman: Good afternoon, Council. I hope that my audio is better. My name is Sierra Alderman, I am representing David Lucas at 505, Barberton Drive. This is a two bedroom, one and a half bathroom place. It has met all of the requirements, we have plenty of parking. So, far, we had great people in, families that are coming for vacation so they are often not even in the unit, they are out and about enjoying our beautiful city. We check all the boxes and so we hope that we are able to proceed with our Short- Term Rental as we have gone through all the necessary steps in order to make it happen. I did just want to kind of use this time a little bit too to talk about some of the points that were just discussed. As far as, operating before being approved, I would love if this could be a point of conversation because I have a few other places in the area and when I called back in January and some of my places it has been since January, where we have been waiting for yes or no. And there is been deferrals because of coronavirus and all of that. And, so we have been waiting for a significant amount of time, six months for some of these approvals and still are going through hoops and going through this process. But, that being said, when I called in in January and I said, Hey, I am helping others start their places. Am I allowed to, once I register with the Commissioner of Revenue operate the Short- Term Rental and then if we get denied we stopped that point. And they said yes that is exactly how you do it, you make sure you register, you have to sign in the front yard, you are good to go until you get approved or denied, and, so that is how I have understood and so we have followed all of everything that we needed to do from my understanding. And, of course, we are not trying to not follow any rules. We believed what was said from the City has been followed. So, just

touching on that point and then, as well as the Short- Term Rentals in general, I love the ability, the owner and this one in particular lives in the back unit, this is a duplex. So, he lives in the back and he is able to rent out the front. So, he is there to, if there is any issue. This one only allows four people, so, it is quiet. We do not have any party issues, we have had very, very good renters, and I like I said I have been doing this for a while now. So, I am very strict with, who I allow and I have a strict vetting process for no parties, again, it is mostly families. So, my first and foremost consideration is the neighbors. I am fully aware that if they are not happy then no one is happy. So, I make it my priority to make the integrity of the neighborhood. Also, we are paying 8% in occupancy taxes. And, that goes right back to the City in order to develop again our beautiful city, we are glad to have this opportunity. It is rental income. I love to be able to provide that especially, most of my people are military members. So, I love to be able to help them in their endeavors. But, that being said, we do believe we followed all of the necessary things we needed to do, and so, we paid \$360 application fee, we have gone through what we believe the city has required. And, so, it is a little bit hard getting denied for kind of some of these things that are coming up about the changes that should not be our fault. If there is any lack of organization, I know you all are working very hard and I know this is very frustrating and I am sure for you as well. But, I just want clarity so that I can best represent my clients. And so, that is all I have to say. Thank you very much.

Ms. Oliver: I have a question for you. You said you have clients, are you in a real estate business and how many Short- Term Rentals do you have?

Ms. Alderman: So, that is correct, I do have my real estate license, my LLC is Host My Home LLC. So, I represent my clients through the LLC, but I do also have my real estate license through EXIT Realty Central.

Ms. Oliver: How many Short- Term Rentals do you represent?

Ms. Alderman: I apologize, in the area I have four Short- Term Rentals. And, then I have a couple that I co-host in other states, just digital management, so a total of four here and four and other states.

Ms. Oliver: Locally based?

Ms. Alderman: The four here yes, they are locally based, I am here, so I live here in Virginia Beach.

Ms. Oliver: Thank you, I just want to clarify. So, you said you misunderstood City Staff as far as when they say you are good to go. You assume that means that you can go ahead and start renting your Short- Term Rental. I just want to make sure I am clear, is that is what you perceived.

Ms. Alderman: Absolutely, fair question. Yes, I believed, so when I saw the rules online about the Conditional Use Permit and all of their requirements I needed to do, one of the first steps was to register with the Commissioner of Revenue, so, before we started operating I did all the steps required, put out the application, put the sign in the yard, registered, so, that we are paying taxes and yes my understanding was when I called the Commissioner of Revenue, I said once I am paying in taxes, and we have the application in, am I okay to do the Short- Term Rental until we get approved or denied for the Conditional Use Permit. And, my understanding was that answer was yes.

Ms. Oliver: Let me just continue with this train of thought I have got. So, that was the answer that you received the other three Short- Term Rentals that you have in Virginia Beach. So, that is the way you understood that is how that operates.

Ms. Alderman: Yes, that is absolutely correct.

Ms. Oliver: And, that this is your business leasing Short- Term Rentals.

Ms. Alderman: I am sorry, I must have missed that question, I think it was kind of muted and unmuted, so, it was muted when you were asking that question.

Ms. Oliver: This is your business to lease Short- Term Rentals for the owners of the property, correct.

Ms. Alderman: Yes, that is absolutely correct.

Mr. Weiner: I have a question. Have you been paying taxes through the Commissioner of Revenue, prior to submitting the application?

Ms. Alderman: No, there was no taxes to be paid, because they were not Short- Term Rentals before. And, so, we started paying taxes the second that we got approved and we started allowing renters and start paying the applicable taxes.

Mr. Weiner: What were you doing first, did you do the application first, then do the taxes, and then contact to the Commission of Revenue.

Ms. Alderman: To be honest, I am not sure if it was the application then the Commissioner of Revenue or if it was flip-flop, I mean, we do them at the same time usually, once they start filling out the application I have them go to the Commissioner of Revenue. I mean, truthfully at same time but I am really not sure who, I think one of them, I might have been missed one, where they did have an order, where you needed to do the application first, then go to the Commissioner of Revenue, then that was there okay to start paying taxes. I think that is how it works, but I am sorry I am a little bit foggy in some of the details.

Mr. Horsley: I am completely confused with the process, it looks to me like I thought they were supposed to apply for a use permit, they can arranged with the Commission of Revenue, but that does not give them the authority to start business.

Ms. Wilson: That is correct.

Mr. Horsley: The only time they can start a business is once City Council approves the use permit, which has to goes through us.

Ms. Wilson: Yes, sir. That is correct.

Mr. Horsley: Is that correct.

Ms. Wilson: That is correct.

Mr. Horsley: So, somebody has been given some wrong information or somebody interpreted something in wrong.

Ms. Wilson: I kind of got the second time she explained it, I got it, it was the Commissioner of the Revenue, and he may not been understanding the process. The first time I thought it was zoning. So I am not sure exactly who gave her that information.

Mr. Inman: Question for the applicant, who told you, what office you were talking to regarding permission to go ahead?

Ms. Alderman: I believe Commissioner of Revenue. As I said, I have done it for a few different places, so, it had been my understanding. Yeah, we are certainly not trying to operate illegally, we are trying to go through all the necessary steps, and so, I am disappointed if I misunderstood because I do believe it was Commissioner of Revenue we spoke with, which may not have been the correct person, but online I do not know it was just a little bit confusing and I just want to make sure I am clear so that when I am

representing future clients we are doing it the right way. So, hopefully we can clear that up for me as well.

Mr. Inman: You start building before you get the permit that does not work well.

Ms. Oliver: Thank you.

Mr. Landfair: Madam Chair, there is one speaker signed up to comment, Sean Meyers, who will make comments virtually. Mr. Meyers you have up to three minutes, please state your name for the record. Thank you.

Mr. Meyers: Sean Meyers, can you hear me.

Mr. Landfair: Mr. Meyers, please proceed.

Mr. Meyers: Okay. I represent my client, the owner of 501 and 503, Barberton Drive. Bruce and Brenda Nelson, I am a real estate broker with Coastal Group Incorporated I manage that property for them. And, just a few brief comments like two prior speakers ago, the Lake Station condos and actually they were having there, those are issues that we definitely do not want to see on our property and I have to deal with tenants that we have in the property. This is a residential setting and not a vacation setting, and we do want to make sure that our tenants, right acquired environment by enjoyment of their property. It is not infringed upon by having vacationers next door and additionally next door, the property is very close together. There is nothing really separating them other than some trees, there is no lack of private enclosures, a deck, or a fence or anything like that separating and everything is wide open right there. And, folks can come and go, and there is no real privacy there, without after traffic and another question that I would ask would be if the gentleman who owns 505 and 507 Barberton, if he moves out of their rear unit will he be renting that at short-term and we have to deal with additional traffic as well. Really, that is about all that I have to say about it, we are more concerned about protecting our tenants and our clients and their right of quiet enjoyment. And, just want to point out that this is not a vacation area and this is the residential area. It is not Sandbridge, it is not that the ocean front, not those Vacation Rentals that have been grandfathered in that were managed by ERA Atkinson's like that, this is a residential setting, and we would like to remain, so if we can. All I have at this time.

Ms. Oliver: Do you have a question for him?

Ms. Klein: Yes. Have there been concerns with the renters that have been on the property since they started operating earlier this year.

Mr. Meyers: At this point, I have had zero comments from either tenant and either of my units over there. I do not know that they were aware of and I am certainly not aware of a unit being rented out on a short-term basis, but I have not had complaints at any point.

Ms. Oliver: Any other questions for the speaker? Okay.

Mr. Landfair: Madam Chair, there are no more speakers. We would like to ask if there are any speakers present in the lobby, building 19, or in the chamber that would like to speak, anyone? There are no more known speakers.

Ms. Oliver: Alright, I am going to close this to our Planning Commissioners and open the floor for any discussion. Yes, Robyn.

Ms. Klein: I am on the website regarding the ordinance and it says that, except as noted below, all property owners must obtain a CUP in order to use residences they own as Short- Term Rentals. I think that is clear.

Ms. Oliver: I think it is clear too. Concerns make this. This is what she does for a living.

Mr. Graham: She does it for a living, you would expect her to know.

Ms. Oliver: Alright. Do we have a motion? Don.

Mr. Horsley: I just make a comment that the Short- Term Rentals originated from people who had homes and they would like to rent it out a little bit during the year and the fear came in some of us as we were developing this that and this was going to develop into a business, where people are going to buy homes and convert them for nothing but that and people want to go live in them and I think that is exactly what has happened that is the reason we have been inundated with all these Short- Term Rental applications as people see this as an excellent business opportunity and rightfully so I gave. But, the premises was, in the beginning was people had homes and they would like to be able to rent them out for weeks a year. And, now it has gotten way out of hand and I guess that is the reason Council has ask us to relook at this whole thing. So, at this point, I do not guess we have much basis to turn this one down., except for the fact that I do not like taking place.

Ms. Oliver: She is operating without their CUP.

Mr. Horsley: So, if you want a motion, I will give you a motion.

Ms. Oliver: No.

Mr. Horsley: I will make a motion to deny.

Ms. Oliver: I need a second.

Mr. Inman: I will second it and I want to add to what Don was saying and the idea of the original concept that people would live in it, they would be there to better monitor what goes on when they rent the property that is a big part of it as being part of the neighborhood. I am going to second the motion by Don.

Ms. Oliver: Can you call for the vote please?

Ms. Coleman: This motion is to-

Ms. Oliver: Oh, I am sorry John.

Mr. Coston: Did she say the owner was living there, the owner lives in the backend.?

Ms. Wilson: Yes, she does say he lives in the back.

Ms. Oliver: He does live in the back. Yes.

Ms. Klein: If the Council denies the application, is there a period of time for which the applicant can reapply.

Mr. Tajan: Yes, it is one-year.

Ms. Klein: One-year. I think this is exactly the type of person I would want doing a Short- Term Rental, someone that lives on the property. It is more that I would advise him find a new.

Ms. Oliver: Person to run.

Ms. Klein: Right, we feel like we are penalizing the applicant. But, this in theory is the type of person that I would want to support in having a Short- Term Rental because they live there.

Ms. Oliver: Right.

Mr. Wall: Also, if there is adjacent, it does not seem like they have had necessarily issues with this as I mean even though, it is been operating illegally, that they have not even known that it is a Short- Term Rental to a certain extent.

I mean, he obviously does know, but he did not mention that there were had been any issues up to this point.

Ms. Oliver: No. Yes, David.

Mr. Weiner: I am torn on this one. Yeah, unless she does this for a living, yes, you read it right off the website, it says what to do and anybody can see that normally.

Ms. Oliver: I am concern that she has four of them and this is her business and she is a host home.

Mr. Weiner: She is kind of a rental agent really.

Ms. Oliver: Right, she is a rental agent and she operates in two states, and unfortunately, if you are running a business and you are running it across in two states, you certainly would understand how each city worked and how they were setup according to operational standards and regulations. So, that is unfortunate is somewhat my problem here with us. Alright, well, we have a motion on the floor and the second.

Ms. Coleman: Alright, the motion is to deny this application. If you are in favor of the motion say, yes. And, if you are opposed say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: No.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: No.

Ms. Coleman: Mr. Wall.

Mr. Wall: No.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: No.

Ms. Coleman: Ms. Oliver:

Ms. Oliver: Yes.

Ms. Coleman: Okay. By recorded vote of five, for and four against the Agenda Items 12 is hereby been recommended for denial by the Planning Commission.

	AYE 5	NAY 4	ABS 0	ABSENT 2
Alcaraz	AYE			
Barnes				ABSENT
Coston		NAY		
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein		NAY		
Oliver	AYE			
Redmond				ABSENT
Wall		NAY		
Weiner		NAY		

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 505 Barberton 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 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.

The verbatim of the July 8, 2020 Planning Commission meeting is provided below; however, the Planning Commission will consider the application on September 1, 2020, again due to advertising error.

Item # 13.

Curtis Jordan

Conditional Use Permit (Short Term Rental)

629 Surfside Avenue

July 08, 2020

RECOMMENDED FOR APPROVAL- CONSENT

Mr. Weiner: Thank you. Thank you, Madam Chair. The next order of business is the Consent Agenda. These are the applications that are recommended for approval by the Staff and the Planning Commission concurred. And, there are no speakers signed up in opposition. The Planning Commission places the following applications on the Consent Agenda, one, three and four. The Planning Commission also places the following applications for a Conditional Use Permit for Short- Term Rental on the Consent Agenda. And, they meet the applicable requirements for Section 241. 2 of the zoning ordinance. Staff and Planning Commission supports the applications and there are no speakers signed up to comment on items 11, 13, 15, 16, 17, and 18. Before I make a motion, I want to pause as Staff if there are any other speakers on these items.

Mr. Landfair: There are no known speakers in opposition.

Mr. Weiner: Great. Okay, I move for the following items to be approved on the Consent Agenda 1, 3, 4, 11, 13, 15, 16, 17, and 18.

Ms. Oliver: Do we have a second?

Ms. Klein: I will second.

Ms. Oliver: Thank you. Are there any other Planning Commissioners that need to abstain from any of these items? Yes, Mr. Whitney.

Mr. Graham: I am not going to abstain, but I do need to disclose that items 1, 15, 16, 17, and 18 have Towne Bank listed as the lender and I am on a Board at Towne Bank, but I do not have any financial interest in these and I will be voting.

Ms. Oliver: Anyone else, Mr. Inman.

Mr. Inman: Yes, I need to disclose that I am on the Advisory Board for Towne Bank, Virginia Beach. I do not have any interest in any of the applications. We do not make any decisions on loans and I will be voting.

Ms. Oliver: Alright. We will go ahead and call for the vote please.

Ms. Coleman: Okay. If you are in favor of the motion say, yes. And, if you are opposed please say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver:

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of ten, for and zero against the following items 1, 3, 4, 11, 13, 15, 16, 17, and 18, have been approved by consent. If you have had

an application that was on the Consent Agenda, your requests will now be scheduled for an upcoming City Council Meeting. Staff will contact you about the date, so that others may attend in the chamber, please exit via the side door. If you are watching virtually you are free to exit or stay and watch. Thank you all for your participation. The next order of business is the Regular Agenda. Bill Landfair will introduce the first application.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley	AYE			
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 629 Surfside 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. 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.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid. The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

The verbatim of the July 8, 2020 Planning Commission meeting is provided below; however, the Planning Commission will consider the application on September 1, 2020, again due to advertising error.

Item # 14.

James E. Dodd
Conditional Use Permit (Short Term Rental)
2305 Oak Street

July 08, 2020

RECOMMENDED FOR APPROVAL- HEARD

Mr. Tajan: Madam Chair, if we could. We are trying to get through the technical difficulties, so, we can move to the next item.

Ms. Oliver: Absolutely.

Mr. Tajan: And we will try to have the applicant.

Ms. Oliver: Back online.

Mr. Tajan: Yes.

Mr. Landfair: Fourteen.

Mr. Tajan: Fourteen, so, James Dodd.

Mr. Landfair: Yes.

Mr. Tajan: So, Mr. Dodd, just please log out and log back in so that we can try to get your audio back online. We are going to move to the next item and we will call you back up. I will also note for the record Mr. Redmond has left the meeting. I am sorry.

Mr. Landfair: Actually, we were on item 12. Mr. Lukas.

Mr. Tajan: Okay, right.

Mr. Landfair: Ms. Alderman, if you could log out and log back in, please. Madam Chair.

Ms. Oliver: Yes, sir.

Mr. Landfair: The next item on today's agenda is Agenda Item 14, James E. Dodd for conditional use permit for Short- Term Rental at 2305, Oak Street in the Lynnhaven District. The applicant is James Dodd, who will present virtually. Mr. Dodd you

have up to 10 minutes to present the request. Please state your name for the record.
Thank you.

Mr. Dodd: James Dodd.

Mr. Landfair: Thank you, please proceed.

Mr. Dodd: Okay, my name is James Dodd. I would like to say thank you to the Commission for their time today. My family has been in Cape Story since 1959. My parents lived two streets over and I have spent summers there for almost 50 years. We have a passion and a love for this neighborhood. I understand the integrity of this neighborhood. My wife, kids, and I invest a significant amount of time in Cape Story in Virginia Beach every year. We participate in most of the Cape Story parades and other civic events. We submit our application because we would like other families to enjoy the many blessings that this area offers. I am completed.

Ms. Oliver: Okay. Alright, thank you Mr. Dodd. We do not have any speakers, correct.

Mr. Landfair: Madam Chair, there are no speakers. We would like to ask if there is any speakers present in the lobby of building 19 or in the chamber that would like to speak, anyone? There are no more speakers.

Mr. Landfair: Okay, great. I am going to close it and open it up for discussion among the Planning Commissioners. Is there someone that would like to lead this off? Yes, George.

Mr. Alcaraz: I was not here for the informal. Is there a reason why we are hearing it?

Mr. Landfair: That is a good question.

Mr. Alcaraz: Thank you.

Mr. Inman: I can answer that question.

Ms. Oliver: Please do, Mr. Inman.

Mr. Inman: Yeah. There is a reason that we are. If whoever is controlling the screen can please put up the slide that shows the number of Short-Term Rentals in the vicinity of this applicant. Okay, you can observe that there are three other Short-Term Rentals within a very short distance; within half a block and across the street. You can also see that this sort of proliferation going on along Shore Drive on Ocean Shore Avenue. One of the concerns that all of us have expressed from time-to-time is having an adverse impact on our neighborhoods by having too many Short-Term Rentals in the neighborhoods. I think this is a good example of such a problem and, as this gentleman who is the applicant stated, this is a long standing neighborhood

enjoyed by many residents and families. So, introducing more transient use of property is probably not desirable and I thought that we should closely look at this particular application and discuss whether or not this is too much in this particular neighborhood.

Ms. Oliver: I am sorry. Thank you.

Mr. Tajan: Do not take this the wrong way. I just want to ask the question. What is the proper number?

Mr. Inman: Well, of course, there is no magic number. It is a question of making a judgment based on proximity of the various applications and prior approved or registered grandfathered property.

Ms. Oliver: Yes, Robin.

Ms. Klein: So, in that regard, are we paying different attention to neighborhoods like this versus 2nd street and 17th street, where there is like a significant abundance within a small area. Is that because this is in a different part of the city that we would be paying different attention to this.

Ms. Oliver: It is a good question and I think that.

Mr. Weiner: Nobody has an answer.

Ms. Oliver: Well, I mean I think that going forward with this when these first entered into our area the way they have those areas were 21st street and 22nd street are major corridors. So, those were designed with that somewhat in mind, not this but as in their major as 17th street as. But, in those areas and we are totally getting off topic of where we are, but in those residential neighborhoods that have been sort of their like pockets of the ward district. (*unknown what was actually said/meant in the first 6-lines of Ms. Oliver's statement*). This has come in and there has been a high concentration of this just like we just saw every other house, all of a sudden you had a block or two blocks of six houses or whatever it is and half of them now are Short-Term Rentals and it has an adverse impact on the year around residents. And so, I think what Mr. Inman was saying was, if you look at this, there is two blocks now granted, however many houses, but there are already within about a two block area potentially five short term rentals.

Ms. Klein: And, I think if we want to discuss that moving forward, like if we are going to have a density restriction then I am okay with that. I just do not want to penalize these owners or these applicants for otherwise following rules and essentially just being late to the game.

Ms. Oliver: Yes, Mike.

Mr. Inman: Well, yeah. I may be repeating myself, but I think we are all about protecting neighborhoods and I would not distinguish that much between this area and areas closer to the beach. If it is an established neighborhood where there are typically families living, or at least people that are living there full time and not renting their homes on any kind of basis, I want to be protective of all that. Now, this brings us a great transition here. Are we the guardians of the welfare of the folks who have an opportunity to come down here and say I do not want this in my neighborhood? Well, there is nobody here objecting to it. I guess they like Short- Term Rentals up there. In fact, we have heard that there are two more applications, pending for this particular street; across the street did we not hear.

Ms. Oliver: That is the next one.

Mr. Inman: That is another one.

Ms. Oliver: That is the other one.

Mr. Inman: Not this one.

Ms. Oliver: Not this one. How could.

Ms. Oliver: I think it was, which application was it that we knew that there were two other apps that we decided to hear.

Mr. Landfair: Item 18.

Ms. Oliver: It was 18? No.

Mr. Landfair: I am sorry, one moment.

Mr. Tajan: That is number 19 on 12th street. It was the duplex.

Mr. Inman: 12th street, okay. Alright, that is not the case here that does not have applications.

Ms. Oliver: 19th.

Mr. Inman: But, there is no one here objecting to it. Are not signs up, but nobody objecting, I guess it is okay with neighbors.

Mr. Graham: Did not we have a letter of opposition or did we?

Ms. Oliver: I do not know. Do we have a letter of opposition for this one?

Ms. Wilson: Yes.

Ms. Oliver: We do?

Ms. Wilson: According to my own location.

Mr. Graham: It was just based on generalities or was it, because they are not as if we calling out problems with a specific Short-Term Rental that we are talking about. What Mike has been talking about are impacts to establishing influence.

Mr. Tajan: One second, it was in your supplement, I apologize.

Ms. Oliver: Sorry.

Ms. Wilson: There are not any supplements out there for 13.

Mr. Graham: Mr. Tajan.

Mr. Inman: Can someone read the letters of the opposition.

Mr. Tajan: I am trying to get it, I am sorry, was it in your supplement and I.

Mr. Graham: While he is looking, could I.

Ms. Oliver: I do not know, your red light is blinking.

Mr. Graham: I know. I wait till it gets reset, so I want my full time. So, I live pretty close to this. I live just off site in one of the areas they showed the food lion anchored shopping center that used to be a partner in. I have got friends that live in this neighborhood. I am surprised I have not heard from them. Like Mike said, it is very surprising. It is a very family oriented neighborhood. I have done trick or treating back here with friends, with my kids big July 4th parade, done that, it is a very family oriented neighborhood. I am quite frankly shocked that there is not more opposition and I am looking forward to hearing about this letter, but I do feel that these Short-Term Rentals are changing the dynamics of these neighborhoods and this is a great neighborhood, it really is, I mean it is a very desirable place to live. The people here enjoy the beach, they enjoy the park, it is very pedestrian friendly. Introducing somebody new to a street, new people multiple times a week to a street, I would not be okay with that if I lived there. I am not really okay with it where I live, down the street with it happening in this day. I just think it changes the dynamics and I know that this is something we are going to talk about more-and-more as we revisit this, but it is changing things. I am just again shocked we do not have opposition.

Mr. Tajan: So, the letters, very succinct. The first email was just, no and the second email says, I am against having a 10 person Short-Term Rental next to me. I am alone, most of the time. I have four Short-Term Rentals on the opposite side of Oak Street, enough-is-enough. The two bedroom and one bath had 15 people there during May.

There is no way to control this mess without me saying no, if the picture, and we did not receive the picture through the email, comes through, it is a view from my dining room of the entrance to 2305, I am at 2303. So, this is a neighbor directly adjacent.

Ms. Oliver: So, here we go again and one of the reasons Robin, so you know because most of us here have sort of had the birthing pains with this, here we have another person that has started to operate in anticipation, because they want to go ahead and get in the season, without the approval from us.

Ms. Klein: And that is the reason I will deny.

Ms. Oliver: So, on those reasons, I deny, because I am thinking if you are already not following our guidelines and procedures and our regulations, you are not going to follow anything. I mean, that is sort of where I go with this and then on top of it, did he just say they were four across the street.

Ms. Wilson: He said there were four across the street.

Ms. Oliver: That are being registered.

Mr. Weiner: That are not registered.

Ms. Oliver: Were not registered and on your point of it being such an old established neighborhood, which most of our neighborhoods are in the City of Virginia Beach to begin with, I mean we lowered the speed limit for this corridor here.

Mr. Graham: To 35 miles an hour, from 45.

Ms. Oliver: To 35 miles an hour because of the amount of families and children that are going up and down this road and that it was not a speed limit that was safe in that area.

Mr. Weiner: This for the Staff, do we know that for sure that they have been operating. We do not know that.

Mr. Tajan: Your best, but would probably be to ask the applicant if they have an operating.

Mr. Weiner: I would like to do that. Yes, you do not know for the fact that there is four more operating illegally across the street. Where do we find that kind of information? Are we able to find that stuff out?

Mr. Tajan: If it is reported to us. The problem is, a lot of times people will have the complaint about the use, but they do not call it in or they do not tell anyone. So, a lot of it just comes down here before we do any enforcement. We do check it before they come to us.

Mr. Inman: If they were registered with the Commissioner of Revenue, well, would it be shown on that map?

Mr. Tajan: Yes.

Mr. Inman: That is what the gray.....

Mr. Tajan: Gray color is.

Mr. Inman: So, they are operating, they are not registered or approved. If they indeed are operating, they have either not applied with us and they have not gotten registration with Commissioner of Revenue. Is it true now they cannot register with a Commissioner until they get a conditional use permit now?

Ms. Wilson: No, they can register.

Mr. Inman: They can register. Okay, so they have not done anything, they are just.

Ms. Wilson: Yes.

Mr. Weiner: That is my question real quick. When they do come for an application, they do know that they cannot do the Short-Term Rental until they are approved and registered right? I mean, I know you all do a lot and you guys are doing a great job, but that is told to them they cannot operate until.

Mr. Tajan: That is correct. We tell them that they do not have approval to operate.

Mr. Weiner: Okay. But, I would like to ask the applicant if he has been operating.

Mr. Landfair: Mr. Dodd, are you available for questions.

Mr. Dodd: Yes, we are. My wife, Christina and I are present.

Mr. Weiner: Mr. Dodd. Have you been operating your Short-Term Rentals since you registered.

Mr. Dodd: We are not doing Short-Term Rentals there.

Mr. Weiner: You are not doing Short-Term Rentals at all and you have not done any there at all.

Mr. Dodd: There are Short-Term Rentals across the street.

Mr. Weiner: Okay, thank you.

Mr. Graham: So, he has one across the stress. Okay.

Ms. Oliver: Yeah.

Mr. Alcaraz: Mr. Whitney.

Mr. Graham: Yes.

Mr. Alcaraz: They are a strong neighborhood Civic League out there.

Mr. Graham: Yes, very strong.

Mr. Alcaraz: We hear a lot, when development comes out.

Mr. Graham: That is why I said I am shocked that we have not heard more and I do not and I have not gone out.

Mr. Graham: I have not poled the community and asked them, why are you not supporting or opposing something, but it is surprising it is a very well organized neighborhood, more organized than the neighborhood that I live in.

Ms. Oliver: Well, I think some of this is because nobody has been out and about, I mean we are a COVID world.

Mr. Alcaraz: Well, do not they get notified, Mr. Tajan.

Ms. Oliver: Not everybody.

Mr. Tajan: No.

Mr. Graham: But, there is orange sign in front of the house.

Mr. Tajan: The adjacent property owners will get mailed and then of course there is the sign in front of the house as well.

Mr. Graham: And people are walking to the beach, I mean, this is tough. It really is and I do not know why the neighborhood is not opposing it.

Ms. Oliver: Okay. Anybody else?

Mr. Horsley: I guess this is why we are going to have this workshop this afternoon I guess.

Ms. Oliver: Ehmm.

Mr. Inman: Can we just put everything on hold till I have to.

Ms. Oliver: No.

Mr. Graham: That will make it easy.

Ms. Oliver: It will make it a lot easier.

Ms. Oliver: Okay.

Mr. Inman: No, not for this folk.

Ms. Oliver: Well, do we have a motion.

Mr. Inman: I move to approve this application.

Mr. Weiner: I will second.

Ms. Oliver: Okay, Hoa Dao, call for the vote please.

Mr. Horsley: The only question I have are those letters of opposition. If they had not, the owner says he has not been operating. The letters of opposition, are they related to some of the other ones that are in operation and how valid are they.

Mr. Graham: It is good questions.

Ms. Oliver: It is good question.

Mr. Tajan: It refers to this property specifically, the one letter of opposition because it is the direct neighbor. But, they did reference that there are other ones nearby.

Mr. Graham: This maybe the last one that gets done.

Ms. Oliver: Maybe. Alright, Hoa Dao, we want a call for the vote.

Ms. Coleman: Okay. Sure. This motion is to approve the application. If you are in favor of the motion say, yes and if you are opposed say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley :No.

Ms. Coleman: Mr. Inman.

Mr. Inman: No.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver:

Ms. Oliver: No.

Ms. Coleman: By recorded vote of six, for and three against, Agenda Item 14 is hereby recommended for approval by the Planning Commission.

Ms. Oliver: Alright.

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

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 2305 Oak Street, and the Short Term Rental use shall only occur in the principal structure.

2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.

3. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighbourhood 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

The verbatim of the July 8, 2020 Planning Commission meeting is provided below; however, the Planning Commission will consider the application on September 1, 2020, again due to advertising error.

Items # 15 & 16.

510 Holding, LLC [Applicant] Sandra L. Borte [Owner]
Conditional Use Permits (Short Term Rentals)
510 A&B 18th Street

July 08, 2020

RECOMMENDED FOR APPROVAL- CONSENT

Mr. Weiner: Thank you. Thank you, Madam Chair. The next order of business is the Consent Agenda. These are the applications that are recommended for approval by the Staff and the Planning Commission concurred and there are no speakers signed up in opposition. The Planning Commission places the following applications on the Consent Agenda, one, three and four. The Planning Commission also places the following applications for a conditional use permit for Short-Term Rental on the Consent Agenda and they meet the applicable requirements for Section 241.2 of the zoning ordinance. Staff and Planning Commission supports the applications and there are no speakers signed up to comment on items 11, 13, 15, 16, 17, and 18. Before I make a motion, I want to pause and ask Staff if there are any other speakers on these items.

Mr. Landfair: There are no known speakers in opposition.

Mr. Weiner: Great. Okay, I move for the following items to be approved on the Consent Agenda 1, 3, 4, 11, 13, 15, 16, 17, and 18.

Ms. Oliver: Do we have a second?

Ms. Klein: I will second.

Ms. Oliver: Thank you. Are there any other Planning Commissioners that need to abstain from any of these items? Yes, Mr. Whitney.

Mr. Graham: I am not going to abstain, but I do need to disclose that items 1, 15, 16, 17, and 18 have Towne Bank listed as the lender and I am on a Board at Towne Bank, but I do not have any financial interest in these and I will be voting.

Ms. Oliver: Anyone else, Mr. Inman.

Mr. Inman: Yes, I need to disclose that I am on the Advisory Board for Towne Bank, Virginia Beach. I do not have any interest in any of the applications. We do not make any decisions on loans and I will be voting.

Ms. Oliver: Alright. We will go ahead and call for the vote please.

Ms. Coleman: Okay. If you are in favor of the motion say, yes, and if you are opposed, please say no. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver:

Ms. Oliver: Yes.

Ms. Coleman: By a recorded vote of ten, for and zero against the following items 1, 3, 4, 11, 13, 15, 16, 17, and 18, have been approved by consent. If you had an application that was on the Consent Agenda, your request will now be scheduled for an upcoming City Council Meeting. Staff will contact you about the date, so that others may attend in the chamber, please exit via the side door. If you are watching virtually you are free to exit or stay and watch. Thank you all for your participation. The next order of business is the Regular Agenda. Bill Landfair will introduce the first application.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley	AYE			
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 510 18th Street, 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. 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 resident passes only. Guest and temporary passes through the RPPP shall not be permitted.

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

5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times three) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).

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

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

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

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

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

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

9. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-

71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.

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

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

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid. The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention

techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

The verbatim of the July 8, 2020 Planning Commission meeting is provided below; however, the Planning Commission will consider the application on September 1, 2020, again due to advertising error.

Items # 17 & 18.

**510 Holding, LLC [Applicant] Sandra L. Borte [Owner]
Conditional Use Permits (Short Term Rentals)
508 A & B 18th Street**

July 08, 2020

RECOMMENDED FOR APPROVAL- CONSENT

Mr. Weiner: Thank you. Thank you, Madam Chair. The next order of business is the Consent Agenda. These are the applications that are recommended for approval by the Staff and the Planning Commission concurred and there are no speakers signed up in opposition. The Planning Commission places the following applications on the Consent Agenda, one, three and four. The Planning Commission also places the following applications for a conditional use permit for Short-Term Rental on the Consent Agenda and they meet the applicable requirements for Section 241.2 of the zoning ordinance. Staff and Planning Commission supports the applications and there are no speakers signed up to comment on items 11, 13, 15, 16, 17, and 18. Before I make a motion, I want to pause ask Staff if there are any other speakers on these items.

Mr. Landfair: There are no known speakers in opposition.

Mr. Weiner: Great. Okay, I'll move for the following items to be approved on the Consent Agenda 1, 3, 4, 11, 13, 15, 16, 17, and 18.

Ms. Oliver: Do we have a second?

Ms. Klein: I will second.

Ms. Oliver: Thank you. Are there any other Planning Commissioners that needs to abstain from any of these items? Yes, Mr. Whitney.

Mr. Graham: I am not going to abstain, but I do need to disclose that items 1, 15, 16, 17, and 18 have Towne Bank listed as the lender and I am on a Board at Towne Bank, but I do not have any financial interest in these and I will be voting.

Ms. Oliver: Anyone else, Mr. Inman.

Mr. Inman: Yes, I need to disclose that I am on the Advisory Board for Towne Bank, Virginia Beach. I do not have any interest in any of the applications. We do not make any decisions on loans and I will be voting.

Ms. Oliver: Alright. We will go ahead and call for the vote please.

Ms. Coleman: Okay. If you are in favor of the motion say, yes, and if you are opposed please say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver:

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of ten, for and zero against the following items 1, 3, 4, 11, 13, 15, 16, 17, and 18, have been approved by consent. If you had an application that was on the Consent Agenda, your requests will now be scheduled for an upcoming City Council Meeting. Staff will contact you about the date so that others may attend in the chamber, please exit via the side door. If you are watching virtually you are free to exit or stay and watch. Thank you all for your participation. The next order of business is the Regular Agenda. Bill Landfair will introduce the first application.

	AYE 10	NAY 0	ABS 0	ABSENT 1
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley	AYE			
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 508 18th Street, Unit A & Unit B, and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. 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 resident passes only. Guest and temporary passes through the RPPP shall not be permitted.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times three) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).
6. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address

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

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

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

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

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

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

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

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

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

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.

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Item # 19.

Nicholas Santiago
Conditional Use Permit (Short Term Rental)
905 12th Street

July 08, 2020

RECOMMENDED FOR APPROVAL- HEARD

Mr. Landfair: Madam Chair. The last item on today's Regular Agenda is Agenda Item 19, Nicholas Santiago for a conditional use permit for Short-Term Rental at 905, 12th Street in the Beach District. The applicant is Nicholas Santiago, who will present virtually. Mr. Santiago, you have up to 10 minutes to present the request. Please state your name for the record. Thank you.

Mr. Santiago: Good afternoon, this is Nick Santiago. I am proposing to use my home as a Short-Term Rental at 905 12th Street. It is located less than a mile from the beach at the oceanfront. I am currently in the military and required to leave, often for training, mostly up to five weeks or six months and instead of leaving my house empty I am hoping to get some extra income by renting it out as a Short-Term Rental while I am away. I have spoken to all my neighbors, I have talked with all them, most of whom rent around me and everyone seems okay with it. It is a very nice neighborhood and I am just looking to get some extra income when I am away. That is all I have to say.

Mr. Horsley: Are you living in your home now.

Mr. Santiago: Yes, I am.

Ms. Oliver: Robin.

Ms. Klein: Who will be managing the renters while you are in training.

Mr. Santiago: I have my buddies wife who has been doing this for over two years now, and she will be helping me manage my Airbnb.

Mr. Graham: Is she with host.com.

Mr. Santiago: No, she is not.

Ms. Oliver: Anybody else. Do we have a speaker?

Mr. Landfair: Madam Chair, there are no speakers. We would like to ask if there are any speakers present in the lobby, building 19, or in the chamber that would like to speak, anyone. There are no more known speakers.

Ms. Oliver: I am going to close this and open it up to the Commissioners for discussion. So, you want to hold on.

Mr. Inman : I am just confirming that this is the one that we got information that there are two pending applications across the street from this property. Correct.

Mr. Graham: Yes.

Ms. Oliver: So, maybe we should put the map up.

Mr. Inman: Yes, Madam, please.

Ms. Oliver: Yes, Don.

Mr. Horsley: I think, this is one of the reasons why we established this, was to allow people like this gentleman who is in the military, who is going to be deployed and he would like to earn some income from the home that he is occupying while he is here. I think that is one of the reasons that we put in Short-Term Rentals. I think I have to support this and I think there is not a reason not to support this.

Ms. Oliver: Yes, George.

Mr. Alcaraz: So, I just lived down the street and I have not received any calls or emails in opposition.

Ms. Oliver: Mike.

Mr. Inman: It was pretty obvious that a lot of people in the community support the idea, since we have two pending applications and nobody objecting, so I would support the application for that.

Ms. Oliver: Yes.

Mr. Weiner: I will make a motion to approve.

Ms. Klein: I will second.

Ms. Oliver: Right. We have a second from Ms. Klein. Call for the vote please.

Ms. Coleman: Sure. This motion is to approve the application. If you are in favor of the motion say, yes and if you are opposed say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver:

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of nine, for and zero against the Agenda Items 19 is hereby recommended for approval by the Planning Commission.

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

Oliver	AYE			
Redmond				ABSENT
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 905 12th 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. 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.

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.