

Virginia Beach Planning Commission

Public Hearing

September 9, 2020

Ms. Oliver: Good afternoon and welcome to the September 9, 2020, Virginia Beach Planning Commission Public Hearing. We are glad to see you all here and have you here today. My name is Dee Oliver and I am the chairperson of the Planning Commission. And, as we get started today, we are going to open up our prayer with Commissioner Coston and our pledge with Commissioner Wall.

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

Ms. Oliver: Amen.

Mr. Wall: "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: Alright, thank you very much. So, next thing have George is going to introduce the members of the Commission and of the Planning Staff.

Mr. Alcaraz: Alright, thank you Chair. My name is George Alcaraz, I represent the Beach District. I am in the construction industry. To my right over here is Jack Wall, who represents the Rose Hall District and as a civil engineer. To my left is John Coston at large and a retired Virginia Beach Fire Captain. And, of course, we have our Chairperson, Dee Oliver at large and she is a Funeral Director and to her left is David Weiner, Kempsville District and commercial sales. And, then we have Mr. Steve Barnes representing the Princess Anee District who is a farmer. And, we have next to him is David Redmond, representing the Bayside District and he is in commercial real estate. And, to his side is our Great Planning Director, Bobby Tajan, if you would like to introduce your Staff.

Mr. Tajan: Yes, sir. Thank you, Mr. Alcaraz, as far as Planning Staff we do have the Zoning Administrator Mr. Kevin Kemp, the Planning Administrator Carolyn Smith. We also have Marchelle Coleman, Bill Landfair, HOA DAO with our Planning Administration Staff, as well as Rick Lowman, I think I saw Rick who is here also who is with our Public Works Traffic Engineering Staff. Our attorney standing in for Ms. Wilson is Tori Eisenberg, who should be joining us very shortly. With that, Madam

Chair, before we do move on, we do want to go ahead Take care of the design award presentation. We will hand this over to Bill Landfair.

Ms. Oliver: Great.

Mr. Landfair: Thank you, Bobby.

**Item # 1.  
McNeel Properties [Applicant] Dare Associates [Owner]  
Conditional Use Permit (Automobile Repair Garage)  
4901 Cleveland Street**

**September 09, 2020**

**DEFERRED TO OCTOBER 14, 2020**

Mr. Landfair: There are two items requesting a deferral, agenda items one and five. The first item is agenda item one, the application of McNeel Properties for a Conditional Use Permit for an Automobile Repair Garage located at 4901 Cleveland Street in the Bayside District. The request is for deferral to the October 14, Planning Commission hearing. The applicant's representative is RJ Nutter, who is not in attendance today, but has provided Staff with a letter requesting the deferral. This deferral will allow the applicant and Staff to discuss further the specifics of the application. The next item requesting for deferral is agenda item five, an application of Shelly Gail Degenhart, for a Conditional Use Permit for Short-Term Rental located at 2113 Atlantic Avenue Unit-2B in the Beach District. The Planning Commission voted to indefinitely defer this application at the August 12, Planning Commission hearing. This application was re-added to this agenda for September by the applicant, who had hoped the modifications to the Short-Term Rental requirements were enacted, as that has not happened. The applicant who is not in attendance today has provided Staff a letter requesting to defer indefinitely again, awaiting the outcome of potential changes to the Short-Term Rental regulations.

Ms. Oliver: Great, thank you. Is there anyone here in opposition to the deferral of items one and five? Do I have a motion to defer items one and five please?

Mr. Weiner: Madam Chairman, I move to defer item one for 30 days to October 14, Planning Commission hearing and item number five indefinitely.

Ms. Oliver: Do I have a second please.

Mr. Redmond: I will second.

Ms. Oliver: Alright, hearing a second, are there any Commissioners that need to abstain on these items to be deferred? Alright, will you call for the question 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. Barnes.

Mr. Barnes: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: Yes.

Ms. Coleman: Mr. Graham is absent and Mr. Horsley is absent. Mr. Inman is absent and Ms. Klein is also absent. Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Wiener.

Mr. Wiener: Yes.

Ms. Coleman: And, Ms. Oliver.

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of seven for and zero against with the notations noted item one has been deferred to the October 14<sup>th</sup> Planning Commission Hearing and item five has been deferred indefinitely.

	AYE 7	NAY 0	ABS 0	ABSENT 4
Alcaraz	AYE			
Barnes	AYE			
Coston	AYE			
Graham				ABSENT
Horsley				ABSENT
Inman				ABSENT
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			



**Item # 2.  
Latifah Privott [Applicant] Anthony Privott [Owner]  
Conditional Use Permit (Family Day-Care Home)  
4494 Cherrywood Lane**

**September 09, 2020**

**RECOMMENDED FOR APPROVAL- CONSENT**

Ms. Oliver: Thank you very much for taking the time to come down and speak. And, with that, we are going to go ahead and move on to the Consent Agenda and Mr. Weiner. Yes, you. Would you take that over please?

Mr. Weiner: Thank you, Madam Chair. These are applications that are recommended for approval by Staff and the Planning Commission concurred. There are no speakers signed up in opposition to the Planning Commission. The Planning Commission places on the following applications on the Consent Agenda, Item numbers 2, 3, and 4 on the consent agenda. The Planning Commission also places the following applications for the Conditional Use Permit for Short Term Rental on the Consent Agenda as they meet the applicable requirements for Section 241.2 of the Zoning Ordinance. Staff and Planning Commission supports the applications and there are no known speakers signed up to comment is belated item 6, 7, 10, and 11. Is there anyone here in opposition of these items being put on the Consent Agenda? As hearing none, I Move for approval of the following items to being on the Consent Agenda items 2, 3, 4, 6, 7, 10 and 11.

Ms. Oliver: Right. Thank you, is there a second please?

Mr. Alcaraz: I will second.

Ms. Oliver: Alright, we got a second. Is anybody need to abstain from any of these items? Ooh, I do. Excuse me. Hold on one second. I forgot it went on. I am going to abstain from item number seven. I am a party to a court case that is unrelated to the Planning Commission or this application, but a representative of the applicant is involved in this case, so, I have chosen to abstain.

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.

Mr. Barnes: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: Yes.

Ms. Coleman: Mr. Graham, Mr. Horsley, Mr. Inman, and Ms. Klein are all absent.  
Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Wiener.

Mr. Weiner: Yes.

Ms. Coleman: And, Ms. Oliver.

Ms. Oliver: Yes, with the exception of number seven.

Ms. Coleman: Okay. By recorded vote of seven for and zero against with the notations noted on number seven. The following items 2, 3, 4, 6, 7, 10, and 11 have been recommended for approval by consent. If you have had an application that was on Consent Agenda today your request will now be scheduled for an upcoming City Council Meeting. Staff will contact you about the date, so, that others may attend 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.

Ms. Oliver: Thank you for coming down. And, now we will move on.

	AYE 7	NAY 0	ABS 0	ABSENT 4
Alcaraz	AYE			
Barnes	AYE			
Coston	AYE			
Graham				ABSENT
Horsley				ABSENT
Inman				ABSENT
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

## CONDITIONS

1. Arrival and departure times shall be staggered to avoid vehicular congestion.
2. The Family Day-Care Home shall be limited to the total of twelve (12) children, other than children living in the home.
3. The applicant shall maintain a license with the Virginia Department of Social Services for childcare.
4. This Conditional Use Permit is limited to the applicant only, as the main provider of the Family Day-Care Home.
5. No more than one (1) person, other than the applicant, shall assist with the operation of the Family Day-Care Home at any one time.
6. Any sign identifying the home occupation shall be non-illuminated, not more than (1) square foot in area and mounted flat against the residence.
7. The applicant shall obtain all necessary permits and inspections from the City of Virginia Beach. Prior to operation,  
  
the applicant shall obtain a Certificate of Occupancy from the Building Official's Office for use of the house as a Family Day-Care Home.

8. The applicant/owner shall maintain a six-foot privacy fence around the perimeter of the rear yard for the duration of the use.

9. There shall be only one Home Occupation, the Family Day-Care Home, operating on the property associated with this Conditional Use Permit.

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.

**Item # 3.**  
**Dale Wooden**  
**Conditional Use Permit (Home Occupation)**  
**6336 Blackwater Road**

**September 09, 2020**

**RECOMMENDED FOR APPROVAL- CONSENT**

Ms. Oliver: Thank you very much for taking the time to come down and speak. And, with that, we are going to go ahead and move on to the Consent Agenda and Mr. Weiner. Yes, you. Would you take that over please?

Mr. Weiner: Thank you, Madam Chair. These are applications that are recommended for approval by Staff and the Planning Commission concurred. There are no speakers signed up in opposition to the Planning Commission. The Planning Commission places on the following applications on the Consent Agenda, Item numbers 2, 3, and 4 on the consent agenda. The Planning Commission also places the following applications for the Conditional Use Permit for Short Term Rental on the Consent Agenda as they meet the applicable requirements for Section 241.2 of the Zoning Ordinance. Staff and Planning Commission supports the applications and there are no known speakers signed up to comment is belated item 6, 7, 10, and 11. Is there anyone here in opposition of these items being put on the Consent Agenda? As hearing none, I Move for approval of the following items to being on the Consent Agenda items 2, 3, 4, 6, 7, 10 and 11.

Ms. Oliver: Right. Thank you, is there a second please?

Mr. Alcaraz: I will second.

Ms. Oliver: Alright, we got a second. Is anybody need to abstain from any of these items? Ooh, I do. Excuse me. Hold on one second. I forgot it went on. I am going to abstain from item number seven. I am a party to a court case that is unrelated to the Planning Commission or this application, but a representative of the applicant is involved in this case, so, I have chosen to abstain.

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.

Mr. Barnes:Yes.

Ms. Coleman:Mr. Coston.

Mr. Coston:Yes.

Ms. Coleman:Mr. Graham, Mr. Horsley, Mr. Inman, and Ms. Klein are all absent. Mr. Redmond.

Mr. Redmond:Yes.

Ms. Coleman:Mr. Wall.

Mr. Wall:Yes.

Ms. Coleman:Mr. Wiener.

Mr. Weiner:Yes.

Ms. Coleman:And, Ms. Oliver.

Ms. Oliver:Yes, with the exception of number seven.

Ms. Coleman:Okay. By recorded vote of seven for and zero against with the notations noted on number seven. The following items 2, 3, 4, 6, 7, 10, and 11 have been recommended for approval by consent. If you have had an application that was on Consent Agenda today your request will now be scheduled for an upcoming City Council Meeting. Staff will contact you about the date, so, that others may attend 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.

Ms. Oliver: Thank you for coming down. And, now we will move on.

	AYE 7	NAY 0	ABS 0	ABSENT 4
Alcaraz	AYE			
Barnes	AYE			
Coston	AYE			
Graham				ABSENT
Horsley				ABSENT
Inman				ABSENT

Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

**CONDITIONS**

1. The use shall not create noise, dust, vibration, smell, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than would normally be expected in the neighborhood under normal circumstances wherein no home occupation exists.
2. No more than twenty (20) percent of the floor area of the dwelling unit shall be used in conduct of the activity. In addition, all activities related to the proposed Home Occupation shall be conducted inside of the single-family dwelling.
3. There shall be no sign identifying the business on the exterior of any building on the property or within the yard of the property.
4. There shall be no more than one (1) employee, other than the homeowner, on the property associated with this home-based business.
5. The activities for the Home Occupation shall be limited to 5 days, per month, between the hours of 8:30 a.m. – 4:30 p.m., Monday through Friday.

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

**Items # 4.  
Donald & Diane Horsley  
Subdivision Variance (Section 4.4(b) of the Subdivision Regulations)  
3340 Ives Road**

**September 09, 2020**

**RECOMMENDED FOR APPROVAL- CONSENT**

Ms. Oliver: Thank you very much for taking the time to come down and speak. And, with that, we are going to go ahead and move on to the Consent Agenda and Mr. Weiner. Yes, you. Would you take that over please?

Mr. Weiner: Thank you, Madam Chair. These are applications that are recommended for approval by Staff and the Planning Commission concurred. There are no speakers signed up in opposition to the Planning Commission. The Planning Commission places on the following applications like Consent Agenda. Item number 2, 3, and 4 on the consent agenda. The Planning Commission also replaces the following applications for the conditional use permit of Short-Term Rental on the Consent Agenda as they meet the applicable requirements for Section 241.2 of the Zoning Ordinance. Staff and Planning Commission supports the applications and there are no known speakers signed up to comment is belated item 6, 7, 10, and 11. Is there anyone here in opposition of these items being put on the Consent Agenda? As hearing none, I Move for approval of the following items to being on the Consent Agenda items 2, 3, 4, 6, 7, 10 and 11.

Ms. Oliver: Right. Thank you, is there a second please?

Mr. Alcaraz: I will second.

Ms. Oliver: Alright, we got a second. Is anybody need to abstain from any of these items? Ooh, I do. Excuse me. Hold on one second. I forgot it went on. I am going to abstain from item number seven. I am a party to a court case that is unrelated to the Planning Commission or this application, but a representative of the applicant is involved in this case, so, I have chosen to abstain.

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.

Mr. Barnes: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: Yes.

Ms. Coleman: Mr. Graham, Mr. Horsley, Mr. Inman, and Ms. Klein are all absent.  
Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Wiener.

Mr. Weiner: Yes.

Ms. Coleman: And, Ms. Oliver.

Ms. Oliver: Yes, with the exception of number seven.

Ms. Coleman: Okay. By recorded vote of seven, for and zero against with the notations noted on number seven. The following items to 2, 3, 4, 6, 7, 10, and 11 have been recommended for approval by consent. If you have had an application that was on Consent Agenda today your request will now be scheduled for an upcoming City Council Meeting. Staff will contact you about the date, so, that others may attend the chamber please exit via the side door. If you are watching virtually you are free to exit or stay in watch. Thank you all for your participation.

Ms. Oliver: Thank you for coming down. And, now we will move on.

	AYE 7	NAY 0	ABS 0	ABSENT 4
Alcaraz	AYE			
Barnes	AYE			
Coston	AYE			
Graham				ABSENT
Horsley				ABSENT
Inman				ABSENT
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			

Wall	AYE			
Weiner	AYE			

**CONDITIONS**

1. The City Attorney’s Office will make the final determination regarding ownership of the underlying fee. The purchase price to be paid to the City shall be determined according to the “Policy Regarding Purchase of City’s Interest in Streets Pursuant to Street Closures,” approved by City Council. Copies of the policy are available in the Planning Department.

2. The applicant, or the applicant’s successors or assigns, shall resubdivide the properties and vacate internal lot lines to incorporate the closed areas into the adjoining parcels. The resubdivision plats must be submitted and approved for recordation prior to the final street closure approval. Said plats shall include the dedication of a public drainage easement over the closed portions of the alley or lanes to the City of Virginia Beach, subject to the approval of the Department of Public Works, and the City Attorney’s Office, which easement shall include a right of reasonable ingress and egress.

3. The applicant or the applicant’s successors or assigns shall verify that no private utilities exist within the right-of-way proposed for the closure. If private utilities do exist, easements satisfactory to the utility company, must be provided.

4. Closure of the rights-of-way shall be contingent upon compliance with the above stated conditions within 365 days of approval by City Council. If the conditions noted above are not accomplished and the final plats are not approved for recordation within one year of the City Council vote to close the rights-of-way this approval shall be considered null and void.

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

**Items # 5.  
Shelley Gail Dagenhart  
Conditional Use Permit (Short Term Rental)  
2113 Atlantic Avenue, Unit 2-B**

**September 9, 2020**

**DEFERRED INDEFINITELY**

Ms. Oliver: Thank you, Bill. The first order of business is the consideration of request to be withdrawn or deferred an item. Bill.

Mr. Landfair: There are two items requesting a deferral, agenda items one and five. The first item is agenda item one, the application of McNeil Properties for a conditional use permit for an automobile repair garage located at 4901, Cleveland Street in the Bayside District. The request is for deferral to the October 14, Planning Commission hearing. The applicant's representative is RJ Nutter, who is not in attendance today, but has provided Staff with a letter requesting the deferral. This deferral will allow the applicant and Staff to discuss further the specifics of the application. The next item requesting for deferral is agenda item five, an application of Shelly Gail Degenhart, for a conditional use permit for Short-Term Rental located at 2113, Atlantic Avenue Unit-2B in the Beach District. The planning commission voted to indefinitely defer this application at the August 12, Planning Commission hearing. This application was re-added to this agenda for September by the applicant, who had hoped the modifications to the Short-Term Rental requirements were enacted, as that has not happened. The applicant who is not in attendance today has provided Staff a letter requesting to defer indefinitely again. Awaiting the outcome of potential changes to the Short-Term Rental regulations.

Ms. Oliver: Great, thank you. Is there anyone here in opposition to the deferral of items one and five? Do I have a motion to defer items one in five please?

Mr. Weiner: Madam Chairman for approval deferring item one for 30 days to October 14, Planning Commission hearing and item number five indefinitely

Ms. Oliver: Do I have a second please.

Mr. Redmond: I will second.

Ms. Oliver: Alright, hearing a second, are there any Commissioners that need to abstain on these items to be deferred? Alright, will you call for the question 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. Barnes.

Mr. Barnes: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: Yes.

Ms. Coleman: Mr. Graham is absent and Mr. Horsley is absent. Mr. Inman is absent and Ms. Klein is also absent. Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Wiener.

Mr. Wiener: Yes.

Ms. Coleman: And, Ms. Oliver.

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of seven for and zero against with the notations noted item one has been deferred to October 14, Public Hearing and item five has been deferred indefinitely.

	AYE 7	NAY 0	ABS 0	ABSENT 4
Alcaraz	AYE			
Barnes	AYE			
Coston	AYE			
Graham				ABSENT
Horsley				ABSENT
Inman				ABSENT
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			



**Item # 6.**

**C and C Development Company, Inc. [Applicant] C and C Development Company, Inc. & CJE Real Estate, LLC [Owners]  
Conditional Use Permit (Short Term Rental)  
2416 Arctic Avenue, Unit B**

**September 09, 2020**

**RECOMMENDED FOR APPROVAL- CONSENT**

Ms. Oliver: Thank you. The next order of business is the Consent Agenda. Our Vice Chair, David Wiener will handle this portion of the meeting. I do understand that we do have one person signed up to speak in favor of item six on the Consent Agenda. Is that correct? Would you like to go ahead and come on up now before we go on with the vote. Thank you. Would you state your name for the record?

Ms. Runkle: Yep. My name is Kathy Runkle, I live at 316 26th Street and I was here earlier for your informal discussion and I know there was some discussion on item six, and I think they were couple others said they have not built the properties yet. So, there was some discussion and concern that you were potentially approving or I guess, consenting on items that had not been built. And, I just wanted to speak up in favor of the redevelopment and the development of the Old Beach Area. I know there has been a lot of construction, a lot of people are opposed to it, but living there, there is a lot of old run down dilapidated houses, vacant lots that these developers are redeveloping, and they are making Virginia Beach so much nicer. I can only think of one building that has been built in the last few years, I thought, oh, what is that. But, I often run into some of the developers and I am like, hey, would you please buy this property across the street from me like I would prefer it would be a Short-Term Rental on every house on my street, than some of the old and rundown dilapidated, you end up with "neighbors in there" that might not be the best neighbors. So, as much as people are sometimes opposed to it, I think if you ride down Arctic Avenue and Baltic in some of the side streets compared to what they were six or eight years ago, I think there is a huge improvement. So, I do not see any negatives to these builders coming in without their plans and are hoping, they will know if they have to sell the house or Short-Term Rental, because the floor plan might be slightly different, depending upon the ultimate purpose of building these houses.

Ms. Oliver: Thank you very much for taking the time to come down and speak. And, with that, we are going to go ahead and move on to the Consent Agenda and Mr. Weiner. Yes, you. Would you take that over please?

Mr. Weiner: Thank you, Madam Chair. These are applications that are recommended for approval by Staff and the Planning Commission concurred. There are no speakers signed up in opposition to the Planning Commission. The Planning Commission places on the following applications on the Consent Agenda. Item number 2, 3, and 4 on the consent agenda. The Planning Commission also replaces the following applications for the Conditional Use Permit of Short-Term Rental on the Consent Agenda as they meet the applicable requirements for Section 241.2 of the Zoning Ordinance. Staff and Planning Commission supports the applications and there are no known speakers signed up to comment is belated item 6, 7, 10, and 11. Is there anyone here in opposition of these items being put on the Consent Agenda? As hearing none, I move for approval of the following items to being on the Consent Agenda, items 2, 3, 4, 6, 7, 10 and 11.

Ms. Oliver: Right. Thank you, is there a second please?

Mr. Alcaraz: I will second.

Ms. Oliver: Alright, we got a second. Is anybody need to abstain from any of these items? Ooh, I do. Excuse me. Hold on one second. I forgot it went on. I am going to abstain from item number seven. I am a party to a court case that is unrelated to the Planning Commission or this application, but a representative of the applicant is involved in this case, so, I have chosen to abstain.

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.

Mr. Barnes: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: Yes.

Ms. Coleman: Mr. Graham, Mr. Horsley, Mr. Inman, and Ms. Klein are all absent. Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Wiener.

Mr. Weiner: Yes.

Ms. Coleman: And, Ms. Oliver.

Ms. Oliver: Yes, with the exception of number seven.

Ms. Coleman: Okay. By recorded vote of seven, for and zero against, with the notations noted on number seven, the following items to 2, 3, 4, 6, 7, 10, and 11 have been recommended for approval by consent. If you have had an application that was on Consent Agenda today your request will now be scheduled for an upcoming City Council Meeting. Staff will contact you about the date, so, that others may attend the chamber please exit via the side door. If you are watching virtually you are free to exit or stay in watch. Thank you all for your participation.

Ms. Oliver: Thank you for coming down. And, now we will move on.

	AYE 7	NAY 0	ABS 0	ABSENT 4
Alcaraz	AYE			
Barnes	AYE			
Coston	AYE			
Graham				ABSENT
Horsley				ABSENT
Inman				ABSENT
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

## CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 2416 Arctic Avenue, Unit B.
2. When Unit B is developed, it shall be in substantial conformance with the submitted Concept Plan entitled, "2416 Arctic B", prepared by Carroll W. Johnson, dated January 23, 2019, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
3. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council and shall be installed and maintained in a manner consistent with site plan approval by the Development Services Center.
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 two (2)) 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. Recommended Conditions C and C Development Company, Inc.
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 one (1) rental contract 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 two (2) individuals per bedroom.
18. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors, shall be installed in each Short Term Rental.

**Items # 7.  
64th Street, LLC  
Conditional Use Permit (Short Term Rental)  
205 64th Street**

**September 09, 2020**

**RECOMMENDED FOR APPROVAL- CONSENT**

Ms. Oliver: Thank you very much for taking the time to come down and speak. And, with that, we are going to go ahead and move on to the Consent Agenda and Mr. Weiner, yes you. would you take that over please?

Mr. Weiner: Thank you, Madam Chair. These are applications that are recommended for approval by Staff and the Planning Commission concurred. There are no speakers signed up in opposition to the Planning Commission. The Planning Commission places the following applications on the Consent Agenda; item numbers 2, 3, and 4. The Planning Commission also places the following applications for a conditional use permit for Short-Term Rental on the Consent Agenda as they meet the applicable requirements of Section 241.2 of the Zoning Ordinance and Staff and Planning Commission support the applications and there are no known speakers signed up to comment. Items 6, 7, 10, and 11. Is there anyone here in opposition of these items being put on the Consent Agenda? As hearing none, I move for approval of the following items to be on the Consent Agenda: items 2, 3, 4, 6, 7, 10 and 11.

Ms. Oliver: Right. Thank you, is there a second please?

Mr. Alcaraz: I will second.

Ms. Oliver: Alright, we got a second. Does anybody need to abstain from any of these items? Oh, I do. Excuse me. Hold on one second. I forgot it went on. I am going to abstain from item number seven. I am a party to a court case that is unrelated to the Planning Commission or this application, but a representative of the applicant is involved in this case, so, I have chosen to abstain.

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.

Mr. Barnes: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: Yes.

Ms. Coleman: Mr. Graham, Mr. Horsley, Mr. Inman, and Ms. Klein are all absent.  
Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Wiener.

Mr. Weiner: Yes.

Ms. Coleman: And, Ms. Oliver.

Ms. Oliver: Yes, with the exception of number seven.

Ms. Coleman: Okay. By a recorded vote of seven for and zero against with the notations noted on number seven, the following items 2, 3, 4, 6, 7, 10, and 11 have been recommended for approval by consent. If you have had an application that was on Consent Agenda today your request will now be scheduled for an upcoming City Council Meeting. Staff will contact you about the date. So that others may attend 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.

Ms. Oliver: Thank you for coming down; and now we will move on.

	AYE 7	NAY 0	ABS 0	ABSENT 4
Alcaraz	AYE			
Barnes	AYE			
Coston	AYE			
Graham				ABSENT
Horsley				ABSENT
Inman				ABSENT
Klein				ABSENT
Oliver			ABSTAIN	
Redmond	AYE			

Wall	AYE			
Weiner	AYE			

**CONDITIONS**

1. The following conditions shall only apply to the dwelling unit addressed as 205 64th Street and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
4. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) 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.
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14. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
15. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom.
16. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors, shall be installed in each Short Term Rental.

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

**Items # 8. & 9.  
Stuart & Lori Goldwag  
Conditional Use Permits (Short Term Rentals)  
2002 Baltic Avenue Units A&B**

**September 09, 2020**

**RECOMMENDED FOR APPROVAL- HEARD**

Ms. Coleman: Yes, the next order of business is the Regular Agenda and Bill Landfair will introduced the first application.

Ms. Oliver: Right.

Mr. Landfair: Madam Chair, we have eight items on today's Regular Agenda. The first items to be heard are agenda items eight and nine, Stuart and Lori Goldwag for conditional use permit requests for Short-Term Rentals at 2002 Baltic Avenue, Units A and B in the Beach District. The applicant's representative is Eddie Bourdon. Mr. Bourdon, you have up to 10 minutes. Thank you.

Mr. Bourdon: Thank you, Mr. Landfair. Madam Chair and members of the Commission, for the record Eddie Bourdon, Virginia Beach Attorney. It is my privilege to come before the Commission this afternoon representing Stuart and Lori Goldwag, who are the owners of the subject property. This is a proposal to redevelop a 60-plus-year-old bungalow at the corner of 20th and Baltic Avenues in the OR District with a new two unit Short-Term Rental with an outdoor pool and eight onsite parking spaces. The elevations are a first blush, we will have to meet and will meet all of the requirements of the form-based code, which we are pretty close to meeting at this point. But, there will be some additional review as it goes through the DSC process with the SGA folks. I want to also thank William Miller and Zoning Administrator Kevin Kemp and Director Bobby Tajan for their tireless efforts in dealing with these Short-Term Rental issues city wide. And, as you guys know, you all have spent many, many hours over the last two plus years dealing with the issues of STRs. I thought it might be a time to get back to the foundation of our land use restrictions and that is our zoning districts. Our 1973 conventional zoning ordinance, which actually followed on 1957s conventional zoning ordinance for the town of Virginia Beach, as it pertains to this property is still to this day the basic foundation of our CZO has not changed. Almost 50 years later, there have been many tweaks and modifications to our zoning ordinance, however, and one of the most

significant ones, is the adoption just a few years ago of form-based codes in a couple of our SGAs. One of those areas is the Oceanfront Resort District, the OR District. And, this property is smack dab in the middle of it - in the Central Beach District. Now I have provided you all with a handout and I pulled some things out of the form-base code and I want to first of all read just one sentence on the first page of the handout. "The standards of form-based codes presented in both diagrams and words are key to a regulating a plan that designates the appropriate form and scale of development rather than only distinctions in uses. This is in contrast to conventional zonings focus on the micromanagement and segregation of land uses, and the control of development intensity through abstract and uncoordinated parameters to the neglect of an integrated built form." Our form-base code on the second page, given you a copy of the area that is the Central Beach District from 22nd Street on the north to 17th Street, and we are right smack dab in the middle of it on this piece of property. The next page, I got it marked and circled what the Central Beach 17th and 19th Street and Atlantic Avenues are supposed to look like someday. But, that is what we have adopted. Most importantly, after that is the height map, the frontage map, and the setback map, and, those are keys to form-base code and I have marked this piece of property on all three of those exhibits. You will note on the height map that this is half-a-block north of 20th and half-a-block south of 21st, the height is 45-feet, directly to our north and to our south (inaudible) height 75-feet of new structures. And, then to the actually west, you get all the way up to 110-feet with five foot setbacks. Not your typical suburban zoning that we have elsewhere in the City of Virginia Beach. And, as you can well understand when you look at this, and the entirety of form-based code, this was a forward looking effort to see this area substantially and significantly, and with much higher values, redevelop. So, it is not Shadowlawn, it is not Lakewood, it is not Old Beach, and it is not Sea Pines. All of those areas still have conventional zoning. This area does not. And that is a distinction that cannot be over stated. The Gateway Streets 21st, 22nd, 17th, and 19th all have large commercial components. This is not yours and mine growing up residential neighborhood. This is an area that is intended to be highly developed, very, very, highly developed. The Goldwags are looking at investing well over a million dollars. The value of this property will go up at least 200%, probably closer to 300% with the redevelopment of this piece of property and you have already seen redevelopment take place across the street at Baltic and 21st Street, a large condominium complex that was built before we ever adopted form-based code because the City has been pushing and pushing

to see this area redeveloped. And that is exactly what this represents, that is exactly what the City Council approved. As you go out of the Ocean Front on 22nd Street, Jerry Miller, all that development of Short-Term Rentals transformed 22nd Street and that was all with City Council approval prior to form-base code; all Short-Term Rentals. So, the reason I bring all this up is that this is not like the other areas of the City that you will have to deal with. This is a very unique, and as Staff correctly indicates, exactly where Short-Term Rentals need to be. We are three-and-a-half blocks, at most, from the ocean, from the pavilion, from the new sports center, from the Vibe District, and we are about 70-feet caddy corner across Baltic Avenue from the dome site, where we hope to have yet another very substantial commercial development. This is not Old Beach, this is not ShadowLawn, plain and simple. And, staff correctly notes that is exactly where a Short-Term Rental should be. Now, I know this was going to be on the Consent Agenda, but my clients who are making this investment, and frankly others in this area that should be making the investment, do not believe that it is appropriate, as it may very well be in other more conventional zoned areas, for there to be this one rental per week restriction. Now, I know the idea of Council may change that to 52 rentals a year, which builds in flexibility, but we do not know that and you all are here to advise City Council, not to presume what City Council is going to do. And, I would ask that you all individually decide what you think is the best way to handle a Short-Term Rental in an area of the City that is not conventionally zoned and where we are absolutely pushing complete and total redevelopment. The other condition that also should not apply here is the five year limitation. Why again? Why it's about form and not about micromanaging uses. If you meet all the criteria, and you will abide by the requirements, then there should not be a five-year limitation in the OR District, a big difference. And that is something that I do not think has been discussed quite enough, and may not change what you all recommend, but we want to put it on the record that this is totally different than the other areas that have conventional zoning. This is an area where we have adopted a code that says we want to incentivize huge development in this area, in terms of large buildings up on the road, we just had a presentation about cafes in the public right away. This is the area where that is perfectly okay to do and (inaudible) on a Short-Term Rental. But that is again, it is completely different then the suburban neighborhoods we have gotten and we still have at some parts at the Oceanfront and that is something that I think needs to be a part of this discussion. We hope that you will recommend approval as Staff has recommended, as we were going to do this morning, but would consider

those two conditions, the five-year limitation and the one per week which is a lot less flexible than what may happen. But, we do not know what is going to happen when it gets to City Council with their overlay. I would be happy to answer any questions.

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

Mr. Wall: Yes.

Ms. Oliver: Yes, Jack.

Mr. Wall: I have got a couple questions about the form.

Mr. Bourdon: Thank you, I was hoping that you would ask.

Mr. Wall: There is a third story, can you describe a little bit about the material or what the character of that.

Mr. Bourdon: Sure, I will be happy to, but first I want to say is, this is a first blush, I have talked to my clients and it is not going to wind up looking like this. The architect was trying to bring in a New Orleans look and I do not think my clients are sold on it, and certainly, I am not. So, not that my opinion matters, but that third floor is probably not going to look like that and that is what the form-base code and the City's review will take into account. This was just to put something out there. The front will, I think there probably needs to be some shutters and some other additions to the sides as well. But, this was a process to get the Short-Term Rental use out there. But, I heard your comments earlier and I have already made those similar comments myself Mr. Wall, but the third floor will not, it is not going to be that dark color and it is probably not going to have a flat roof on it. It does not need to, again, we have a 45-foot height limit, not a 35. I think the architect believes that there was 35, but did not realize it was not in a standard residential district in Virginia Beach. So, it is going to be more attractive than what that third floor looks like I can assure you.

Mr. Wall: Okay. It looks like you have missed the buildings on that street, do you have a pitched roof?

Mr. Bourdon: Yeah, that flat roof I think was because of the mistaken belief that there was a 35-foot height limitation. And, it is that third floor design that's going to be modified. I think the front looks great, but we have to put the wide sidewalks in there, etc. And, I think there should be a little bit of dressing up at the side elevation, but the third floor is going to be changed, there is no two ways about it.

Mr. Wall: And, I am fine with that. The only thing is that we have condition number four that says that the proposed building shall be in substantial conformance with the submitted concept plan prepared by this exhibited to the City Council and is on file.

Mr. Bourdon: I think it should be modified to read and in accordance with the requirements of form-base code. I think there needs to be more. I think it is called, it is not called glass, but there needs to be I think more windows and others on the side as well. And, the third floor is not going to look like that third floor.

Mr. Wall: And, I guess, then this question would be for the Planning Staff. Can we edit that if it gets to you, when we get to that point, can it be edited, stated that the proposed building shall be in substantial conformance with I'm guessing the form-based code if that aligns with it.

Mr. Tajan: Yes, Mr. Wall. If it is the will of the Commission to edit the condition, we can do that.

Ms. Oliver: Which one is that Jack?

Mr. Tajan: That is condition number four.

Ms. Oliver: Okay. Got it. Does anyone else have any questions? Yes, David.

Mr. Bourdon: Thank you, Commissioner Wall, I appreciate the question.

Mr. Weiner: Mr. Bourdon, I do not know if you were there a couple weeks ago, at 1 o'clock in the morning.

Mr. Bourdon: I was there till 11:30. I got the pleasure of leaving before you all did.

Mr. Weiner: But, at 1 o'clock in the morning, we had the same discussion with an applicant that said his Short-Term Rental was not deserving of one per seven days and in a (inaudible) location. And, I disagree with them and I know how you feel. But, I disagree with them in this, the way we are, we are going to be consistent about it, at least I am. And, I have told you that I really liked that, I do. But, I am all for even making a motion for approval, but it is going to be one per seven days.

Mr. Bourdon: It is up to the Commission, I am not here to argue with you. I am just here to get information out there and I appreciate what everyone's thoughts on the subject are.

Mr. Weiner: Okay.

Ms. Oliver: Mr. Bourdon, can you flip back to the street, the side street view on their renderings.

Mr. Weiner: Can you show us the back as well.

Ms. Oliver: Right there. Signage, what is the deal with that?

Mr. Bourdon: Yeah. Because the form-base code, the screen wall is there.

Ms. Oliver: Oh, I get the wall?

Mr. Bourdon: Right, and they just like that, the artist put that on there. There would not be a sign frankly, unless there is a change to the ordinance there would not be any signage there.

Ms. Oliver: I was just, wanted to say

Mr. Bourdon: What I think there is been discussion of, I think the Commissioner of the Revenues Office would like to see, but we would typically put that by the front door, is a little sign with the contact information for the agent and all that, so. But, there is not going to be a sign there.

Ms. Oliver: But, not like that.

Mr. Bourdon: No, I do not think it will be a sign at all and in that fact I think that is what the note at the bottom is saying.

Ms. Oliver: I can't read it that close, I am sorry.

Mr. Bourdon: Yeah, I understand. But, there is no sign and that is what that note is saying, that it is not in compliance with the code.

Ms. Oliver: Oh, okay. Thank you.

Mr. Bourdon: Yeah, there is. Good catch.

Ms. Oliver: Yeah. Okay.

Mr. Bourdon: Again, this was done to get the conversation.

Ms. Oliver: Got it. It is good. Thank you. Mr. Redmond has some questions.

Mr. Redmond: No, I do not have questions. I am sorry, I jumped the gun.

Ms. Oliver: Okay. Alright. Thank you.

Mr. Wall: I have one more.

Ms. Oliver: Oh, Mr. Wall has one more, Mr. Bourdon.

Mr. Wall: This does not sure have a lot of teeth to it, but you need to add a condition then to the maximum extent practicable that the site is developed in a way to maintain existing landscaping.

Mr. Bourdon: I am sorry, maintain?

Mr. Wall: Existing landscaping. Mature landscaping.

Mr. Bourdon: I f it's practical I am fine with that.

Mr. Wall: So, that means there is some mature trees.

Ms. Oliver: Yeah, there is a huge tree on that lot.

Mr. Wall: Huge tree.

Ms. Oliver: In between that and the house north of.

Mr. Wall: There is one right on the corner.

Mr. Alcaraz: The applicant's site plan.

Mr. Bourdon: I do not know how much, given what the development is supposed to be in this area, how much it is going to, but that particular tree is probably in the right of way.

Mr. Weiner: In the right of way.

Mr. Bourdon: Right. And, we could not take that down. That would be up to the City as to whether. But, that is correct, but onsite I certainly do not know that there is anything onsite that is likely to be able to be retained, but that condition is not a problem because if it is practical. Because, we have to have the eight onsite parking spaces and obviously, it takes up a lot of site.

Ms. Oliver: Thank you.

Mr. Bourdon: You are welcome. Thank you.

Ms. Oliver: Anything else for Mr. Bourdon.

Mr. Alcaraz: No, sorry. Mr. Tajan.

Ms. Oliver: Okay, thank you.

Mr. Alcaraz: In the OR District, I consider different and I know we had our, I guess you call, our workshop here. He said that they might go 52 a year, is there a max on that per week.

Mr. Tajan: No, again we are just in rough draft stages, but what was handed out to Council yesterday is 52 rentals per year.

Mr. Alcaraz: Where I am lost, as I thought when we made the recommendation, it was two for the OR and the Overlay District. I thought that is what we voted on.

Ms. Oliver: No, it was.

Mr. Alcaraz: Now, I am hearing is 52 max overall a year.

Ms. Oliver: That is what they are in discussions about now, what we voted on, and correct me if I misspeak, what we voted on a couple of weeks ago was that it was going to go two per room. Parking had to be onsite and one rental per week. And that is where we are right now, and that is what we voted on, and that is what went to Council. Now Council, as we have seen in the last month. I am going to officially close this Commissioners, but as we have seen this last month (inaudible). We have more speakers.

Mr. Landfair: Madam Chair, we have one speaker signed up to speak, Kathy Runkle. Ms. Runkle please state your name for the record.

Ms. Runkle: Kathy Runkle, again I live at 316, 26th Street. Interestingly enough, probably in 2015, the house next door to me, the guy decided to rent it out as a Short-Term Rental, and the house behind me decided to rent it out as a Short-Term Rental. As one might imagine, I was not thrilled about it because you had the fear of the unknown. As it turns out, having families in Virginia Beach vacationing as my neighbors was a wonderful experience. The next year and I think that is part of the challenge is people are fearful of the unknown they are afraid to have it as their neighbors. We had someone show up at the Resort Beach Civic League, and she said I have them behind me, next door, across the street, and I love it. So, it is interesting perspective but the next year he decided to sell the house. So, I bought the house next door to me and I made it a Short-Term Rental. And, I am only speaking now because I know the condition on this particular item is renting it one-time per week. So, I went through my personal records for four years; for 2016, 2017, 2018, and 2019. When I could have before November of last year, I could have rented it every day. So, in theory I could have rented it 365 times a year. And, then when you look at doing it twice a year, I know if the Resort Beach Civic League they are like happy that is 104 families

coming and going every year. But, that is not reality, I had each year between 20 and 23 rentals a year. So, people came in 20 to 23 times, and the average stay was five times. So, allowing someone to rent it twice a week or three times a week, I mean it does not mean they are coming and going every day. And, part of that is because of the cleaning fee they are paying. Most people do not want to come for two days and pay a \$200 cleaning fee on top of the rent. So, I think it is a lot, and unfortunately I was out of town a couple weeks ago when you guys talked about these subjects all night long, but I thought well, since the subject came up on this particular property, I would just speak up now and it sounds like we might have modifications but, I mean, the suggestion of 52 times a year, I mean I think that is a great alternative. But, I just wanted to say just because somebody wants to do it more than once a week, does not mean every single week they are going to have families coming and going twice a week, like that is not reality in the Short-Term Rental world out there. So, thank you.

Mr. Alcaraz: I got one question.

Ms. Runkle: Sure.

Mr. Alcaraz: What is your window when you start and when you end your season of rentals.

Ms. Runkle: I could rent it all year long, but it stays vacant in the winter if I do not get somebody in there. I mean, I actually have had families who want to rent it in the winter, but they want to pay 1500 bucks. It is not worth the risk to me to have somebody in there in the winter for 1500 bucks a month. And, there is the wear and tear and the furniture and the possibility of destruction, when in June I can start getting \$3,000 a week. Interestingly enough, in April every single one of my reservation cancelled because of COVID. So, I rented it out annually starting June 1, because there was this unknown right. Unfortunately for me, the season has been great for Short-Term Rentals and everyone is fully booked. There is no empty properties at the Oceanfront, which has been great. And, last thing I am going to say a little bit on a different subject, we spend a ton of time in Virginia Beach worrying about Short-Term Rentals and there is a much bigger problem in Virginia Beach down at the Oceanfront, but the destruction, the violence, the disruption and I can tell you those people are not staying in Short-Term Rentals. To me, Short-Term Rentals are not the biggest problem in Virginia Beach right now. It is the destruction going on down at the Oceanfront. So, thank you.

Ms. Oliver: Where are your short-term.

Ms. Runkle: I am on 26th Street. So, I live in 316 and I rent out 318.

Ms. Oliver: You are on 26th Street.

Ms. Runkle: Yeah, between Arctic and Pacific.

Ms. Oliver: Okay.

Ms. Runkle: Yeah. So, it is interesting because the people that moved in long-term, they came from Shore Drive and the first Saturday night, they rode their bikes, from 26th Street to Dairy Queen and they came back and the husband said his wife was petrified going down Atlantic Avenue. I actually said if I was renting it out to short-term renters and between taxes and cleaning fees and all that, they are spending about \$3,800. I would be embarrassed that they did not feel safe to go down to the beach. So, I mean I was kind of glad I was not doing it because it has not been a great environment. I know that is a different subject, but I do not think those people are in our Short-Term Rentals.

Ms. Oliver: Got it.

Ms. Runkle: Thank you.

Ms. Oliver: Thank you very much.

Mr. Landfair: Madam Chair, there are no more speakers.

Ms. Oliver: Alright. So, I jumped the gun on you Bill on that one. I will close it the hearing and open it up to the Commissioners right now. So, anybody want to go, Mr. Redmond.

Mr. Redmond: Yeah, Mr. Bourdon makes a really good point and I do not think we have discussed it yet or at least I have not seen it, and that is the nature of the Short-Term Rentals in the context of form-based code. And, this is a very helpful document that he passed out. I remember, I was here of course when we did form-base code, and that was the whole point; it is in the ordinance and is that it is the form, not the use that has primacy. It is the form that you are going for in the built environment, whether it is a nail shop or a cafe or residence that is not really what it is supposed to be about, it is supposed to be about the built environment, but within the Short-Term Rental debate, of course it is 100% of the use. The whole topic is the use and not, is there more trash from that or longer-term rent, well it is just the use itself has become everything. So, that reality is quite completely

conflicting with form-based code and that is in our ordinance. So, I think we really need to think about that. I mean, not just us, I mean City Council, us as a community understand this because that was a real advance on our zoning ordinance. I will also say that he made the point, others have made the point, that Short-Term Rentals are causing redevelopment. They are the reason that certain places are redeveloping and this lady here said it quite well I think earlier. What in the world is so admirable about that house that is sitting right there on our screen. I do not know why in the world we would not want to have that property redeveloped. And if form is that which has primacy within the form-based code, it seems to me you are talking about an improvement. I do not like the idea of very frankly the City Council is using the conditions, the conditional use permit part of the application, as though it is the ordinance. The ordinance says one thing, they are acting in a different way with regard to the number of people in a bedroom and the number of rentals. Just put in the ordinance, as I think frankly is the straighter and more honest way to go about that. Otherwise, the law says one thing and you act a different way, I do not know how people can trust laws that are written that way and we ought to have trust within our law. So, I think that ought to be (inaudible) you might think that. You could probably write up an ordinance this afternoon and put it on their desks that would accomplish that. And, maybe that is common, but I do not think that's the right way to go about it. So, I think he has kind of hit, I think, on some important points in that regard, and this debate is nowhere near over, of course, it is the first time I heard about the 52 times a year thing, that seems to me to make a heck of a lot more sense, which is why I think I have got to take a breath and understand some things that do make sense. But, I think he has raised some very good and interesting points there that we ought to think about as a community, because they do make sense. Thank you.

Ms. Oliver: You are welcome. Mr. Weiner, what do you want to say, did you want to say something.

Mr. Weiner: Mr. Tajan doesn't that go in to council next week, one per seven in two per bedroom.

Mr. Tajan: So, I think we may be getting some of the things confused. The Old Beach recommendations did not include.

Mr. Weiner: It did not include.

Mr. Tajan: It did not include that. What is confusing about it is that we were reviewing those when Council imposed the new conditions of two people per bedroom and one rental per week.

Mr. Weiner: Okay, I thought we did. I do not remember the lady's name and thank you very much it was really enlightening and I kind of thought about it a little bit, but you are 100% right, even if we do 52 a year, there is no way you are going to get three or four in a week, this is not going to happen. But, until that 52 a year comes out, it is not in front of us right now. So, I am still going to stick with the one per seven days.

Ms. Oliver: Anybody else? I have to say, the applicants have done a great job as far as their drawing, their rendering of what they would like to do, and I appreciate the form-base code, but we have found down in that district the form-based code has its own issues, as it is been applied to other buildings down there. But, it is great drawing. But, we have voted on the once a week and we did come to terms with how many per bedroom and that is what we have agreed on and I need to stand by that because that is where we are. And, we can debate, I feel like we can debate all day about form-based code and then all of those things and what it should be and what we would like to see or whatever, but that is where we are today and we have asked all these other applicants adhere to those that we put in place and it would not be fair, or at least personally I do not think it would be fair, to change the rules in the middle of the road, just for this. And, then you have to look at it as in the OR section is catty corner to probably what will one day hopefully be a waterpark, but then you have a letter from the people as Bill and I stood there and looked, that is everything west of that is not Short-Term Rental. It is their homes and then the people here write a letter that they are right behind it and are concerned that this a hotel, what is this kind of thing and so you want to be respectful of the neighbors as well going forward, but you certainly want to see them develop the piece of property as nicely as they are and I am assured that they will run a very, very nice Short-Term Rental, but I am at one week, unfortunately. So, with that we are going to need a motion.

Mr. Redmond: Excuse me.

Ms. Oliver: Yes, sir.

Mr. Redmond: Before you do, can I make one more point.

Ms. Oliver: You sure can.

Mr. Redmond: We had just a brief discussion about these elevations here, I just throw out I am not at all opposed to the idea of something on the street that looks a little different. The idea that you have that third level is flat and has some different things, all too much of our stuff is kind of looking all the same these days and a little bit of originality is not a bad thing in some places. I am not sure that is it, I am just saying the idea this has to look like everything else on the street is, I do not think, is where we ought to go with this stuff, we ought to have some diversity within the built environment, needs to be attractive and well done and all that stuff, but you know we have got to have more than the same look and stuff. Thank you.

Ms. Oliver: Alright. Well, I need a motion.

Mr. Wall: I will make a motion for approval.

Ms. Oliver: With once a week.

Mr. Weiner: The conditions now are once a week. It is what is in here, but Jack said.

Mr. Wall: I mean I would like to make, I mean it does not mean that they have to change it. It is just that it has to be in accordance with the form-base code and I am not sure what the architectural standards are within the, I will be honest, I am not really sure what their standards are.

Ms. Oliver: I will ask this, the guidelines for this area, there are set guidelines, are they set guidelines as in form-base code, or they set guidelines as an Old Beach Guidelines.

Mr. Tajan: It is not like Old Beach Guidelines, so it is said similar to what Mr. Bourdon provided to use the essentially the massing that they are allowed to have.

Ms. Oliver: Okay.

Mr. Tajan: And, so there are some, it will need to get reviewed for compliance with that code.

Mr. Wall: Okay, and one thing about the condition as it is written is that it will look like the elevation views that are within this application. And, I am not necessarily opposed to it, it looks a little odd you have a deck and the front of the building on the second floor above the second floor. So, it looks a little odd for the architecture that is currently along the street in my opinion, but I think that if we add some flexibility in there, then it is not so rigid as to say that it is going to look like this elevation view in the application.

Mr. Tajan: Can I take a stab at that for you, Mr. Wall.

Mr. Wall: Sure.

Mr. Tajan: So, at the end of the sentence on file of the Department Planning Committee Development unless deviations are approved by the Planning Director or his designee in accordance with the OR form-base code.

Mr. Wall: Thank you. Can you say it again Mr. Tajan.

Mr. Tajan: Yes. I am going to look at Mr. Kemp to make sure he is okay with that condition. I am sorry, given once I am writing it down as well while we are doing this. Okay, so, as it currently reads the proposed building shall be in substantial conformance with the submitted concept plans entitled crescent code dated August 4, 2020, prepared by altruistic design, which has been exhibited and is on file with the Department of Planning Community Development, unless deviations are approved by the Planning Director or his designee and are in conformance with the OR form-based code district.

Mr. Bourdon: That is perfectly agreeable to the applicant.

Mr. Weiner: That is the motion.

Mr. Wall: Okay. Alright, and that is fine.

Ms. Oliver : Is that alright. You do not like that.

Mr. Wall: I could do it again, it just says it is going to be this way unless those deviations are approved by the City Staff, which is That is fine, it gives them the flexibility to make any deviations that they feel appropriate, but it does not necessarily change the form of the building and the way that it looks currently. Yeah, let us move forward. That is fine.

Ms. Oliver: Okay. Alright. So, we have a motion on the floor, by Commissioner Wiener to approve the application with the addition of the condition and as a one rental per week. Do I have a second please?

Mr. Wall: Second.

Ms. Oliver: Thank you, Commissioner Wall. Will you call for the question 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. Barnes.

Mr. Barnes: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: Yes.

Ms. Coleman : Mr.Graham, Mr. Horsley, Mr. Inman, and Ms. Klein are all absent.  
Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Wiener.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver.

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of seven for and zero against, agenda items eight and nine are hereby recommended for approval by the Planning Commission with the notations to condition number four to include changes to add address deviations and conformance with the form-base code

Ms. Oliver: Okay.

	AYE 7	NAY 0	ABS 0	ABSENT 4
Alcaraz	AYE			
Barnes	AYE			
Coston	AYE			
Graham				ABSENT
Horsley				ABSENT
Inman				ABSENT
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

## CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 2002 Baltic Avenue, Units A & B, and the Short Term Rental use shall only occur in the principal structures as depicted in this application.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. The covered parking spaces must remain a minimum of 9-feet by 18-feet and shall remain free of materials to ensure vehicular accessibility to the Short Term Rental tenants.
4. The proposed buildings shall be in substantial conformance with the submitted Concept Plan entitled, "Crescent Court" dated 8/4/2020, prepared by Altruistic Design, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development, unless deviations are approved by the Planning Director or his designee and are in conformance with the OR form-based code district.
5. 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.
6. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
7. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two(2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).
8. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is

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

9. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the 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.

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

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

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

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

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

15. The Short Term Rental shall have no more than one (1) rental contract during any consecutive seven (7) day period.

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

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

18. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom.

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

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 # 10.  
JKS Proponent Properties, LLC  
Conditional Use Permit (Short-Term Rental)  
304 28th Street, Unit 209**

**September 09, 2020**

**RECOMMENDED FOR APPROVAL- CONSENT**

Ms. Oliver: Thank you very much for taking the time to come down and speak. And, with that, we are going to go ahead and move on to the Consent Agenda and Mr. Weiner, yes you, would you take that over please?

Mr. Weiner: Thank you, Madam Chair. These are applications that are recommended for approval by Staff and the Planning Commission concurred. There are no speakers signed up in opposition to the Planning Commission. The Planning Commission places the following applications on the Consent Agenda. Item numbers 2, 3, and 4 on the consent agenda. The Planning Commission also places the following applications for the Conditional Use Permit for Short-Term Rental on the Consent Agenda as they meet the applicable requirements of Section 241.2 of the Zoning Ordinance. Staff and Planning Commission support the applications and there are no known speakers signed up to comment, 6, 7, 10, and 11. Is there anyone here in opposition of these items being put on the Consent Agenda? As hearing none, I move for approval of the following items to be on the Consent Agenda, items 2, 3, 4, 6, 7, 10 and 11.

Ms. Oliver: Right. Thank you, is there a second please?

Mr. Alcaraz: I will second.

Ms. Oliver: Alright, we got a second. Does anybody need to abstain from any of these items? Oh, I do. Excuse me. Hold on one second. I forgot it went on. I am going to abstain from item number seven. I am a party to a court case that is unrelated to the Planning Commission or this application, but a representative of the applicant is involved in this case, so, I have chosen to abstain.

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.

Mr. Barnes: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston : Yes.

Ms. Coleman: Mr. Graham, Mr. Horsley, Mr. Inman, and Ms. Klein are all absent.  
Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Wiener.

Mr. Weiner: Yes.

Ms. Coleman: And, Ms. Oliver.

Ms. Oliver: Yes, with the exception of number seven.

Ms. Coleman: Okay. By recorded vote of seven for, and zero against, with the notations noted on number seven, the following items 2, 3, 4, 6, 7, 10, and 11 have been recommended for approval by consent. If you had an application that was on Consent Agenda today, your request will now be scheduled for an upcoming City Council Meeting. Staff will contact you about the date, so that others may enter 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.

Ms. Oliver: Thank you for coming down. And now, we will move on.

	AYE 7	NAY 0	ABS 0	ABSENT 4
Alcaraz	AYE			
Barnes	AYE			
Coston	AYE			
Graham				ABSENT
Horsley				ABSENT
Inman				ABSENT
Klein				ABSENT
Oliver	AYE			

Redmond	AYE			
Wall	AYE			
Weiner	AYE			

**CONDITIONS**

1. The following conditions shall only apply to the dwelling unit addressed as 304 28th Street, Unit 209 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 two (2)) 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 one (1) rental contract 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 two (2) individuals per bedroom.
16. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors, shall be installed in each Short Term Rental.

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

Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site

**Items # 11.**  
**Rachael Panariello**  
**Conditional Use Permit (Short Term Rental)**  
**911 A Pacific Avenue**

**September 09, 2020**

**RECOMMENDED FOR APPROVAL- CONSENT**

Ms. Oliver: Thank you very much for taking the time to come down and speak. And with that, we are going to go ahead and move on to the Consent Agenda, and Mr. Weiner, yes you, would you take that over please?

Mr. Weiner: Thank you, Madam Chair. These are applications that are recommended for approval by Staff and the Planning Commission concurred. There are no speakers signed up in opposition to the Planning Commission. The Planning Commission places the following applications on the Consent Agenda. Item numbers 2, 3, and 4 on the consent agenda. The Planning Commission also places the following applications for the Conditional Use Permit of Short-Term Rental on the Consent Agenda as they meet the applicable requirements for Section 241.2 of the Zoning Ordinance. Staff and Planning Commission supports the applications and there are no known speakers signed up to comment, items 6, 7, 10, and 11. Is there anyone here in opposition of these items being put on the Consent Agenda? As hearing none, I move for approval of the following items to be placed on the Consent Agenda; items 2, 3, 4, 6, 7, 10 and 11.

Ms. Oliver: Right. Thank you, is there a second please?

Mr. Alcaraz: I will second.

Ms. Oliver: Alright, we got a second. Does anybody need to abstain from any of these items? Oh, I do. Excuse me. Hold on one second. I forgot it went on. I am going to abstain from item number seven. I am a party to a court case that is unrelated to the Planning Commission or this application, but a representative of the applicant is involved in this case, so, I have chosen to abstain.

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.

Mr. Barnes: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: Yes.

Ms. Coleman: Mr. Graham, Mr. Horsley, Mr. Inman, and Ms. Klein are all absent.  
Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Wiener.

Mr. Weiner: Yes.

Ms. Coleman: And, Ms. Oliver.

Ms. Oliver: Yes, with the exception of number seven.

Ms. Coleman: Okay. By a recorded vote of seven for and zero against, with the notations noted on number seven, the following items, 2, 3, 4, 6, 7, 10, and 11, have been recommended for approval by consent. If you had an application that was on the Consent Agenda today, your request will now be scheduled for an upcoming City Council Meeting. Staff will contact you about the date. So that others may enter 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.

Ms. Oliver: Thank you for coming down. And now, we will move on.

	AYE 7	NAY 0	ABS 0	ABSENT 4
Alcaraz	AYE			
Barnes	AYE			
Coston	AYE			
Graham				ABSENT
Horsley				ABSENT
Inman				ABSENT
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			

Weiner	AYE			
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**CONDITIONS**

1. The following conditions shall only apply to the dwelling unit addressed as 911 Pacific Avenue Unit A, and the Short Term Rental use shall only occur in the principal structure.
2. No vehicles longer than 18-feet shall be permitted in the parking spaces associated with this Short Term Rental.
3. The ingress/egress area along Pacific Avenue shall remain clear in order for vehicles to safely enter and exit the property.
4. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
5. 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. Proof of ability to use at least one off-street parking space at a location acceptable to the Zoning Administrator shall be provided to the Planning Department on an annual basis, as long as the Conditional Use Permit is active.
6. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
7. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).
8. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental

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

9. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the 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.

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

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

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

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

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

15. The Short Term Rental shall have no more than one (1) rental contract during any consecutive seven (7) day period.

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

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

18. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom.

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

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 # 12.  
Carol Davis  
Conditional Use Permit (Short Term Rental)  
1305 Chickadee Lane**

**September 09, 2020**

**RECOMMENDED FOR APPROVAL- HEARD**

Mr. Landfair: Madam Chair, the next item is agenda item 12; Carol Davis for a Conditional Use Permit request for Short-Term Rental at 1305 Chickadee Lane in the Beach District. The applicant is Carol Davis. Ms. Davis is a virtual speaker. Ms. Davis, you have up to 10 minutes. Thank you.

Ms. Davis: The reason for wanting to request a Short-Term Rental comes from the fact that for the past year, year-and-a-half, my boyfriend and I have been kind of either living at his house or living in my house and therefore, I just thought maybe to go through the process for the Short-Term Rental. I know that when going out of town, I would rather stay in a Short-Term Rental than staying in a hotel, something about the peace and relaxation is, and having my own space is a little bit more enjoyable. And, therefore, frankly, I just wanted to complete the application and to periodically put my house up as a Short-Term Rental. And, really to assist the Virginia Beach economy. And I really wanted to focus this specifically for families that either could not afford to stay at the Oceanfront, because I am really not that far from there, and also for those families that kind of need their own space as well, like I had mentioned, what I look forward to when I travel versus the hotel. And, therefore those families being able to do that as well, so, I believe. That is all I have.

Ms. Oliver: Okay. I know we have one letter. Do we have any questions for the applicant? We had one letter of opposition.

Mr. Landfair: Madam Chair, there are no more known speakers.

Ms. Oliver: Okay. Alright. Mr. Wall, did you.

Mr. Wall: I do have a question it has this is, and maybe I have seen this before as just on the second page of the application, it says it is registered already. And, I think this has come up before, I am just curious why it does not say under review, it just says registered.

Mr. Tajan: I believe that is a mistake with the colors, I apologize Mr. Wall, I did not notice that should be under review, but I will double check if you give me a moment.

Ms. Oliver: I also have a question. Maybe I have never noticed this either, where it says the applicant has not responded with agreement or disagreement to the City Council's recently imposed conditions reducing the number of bookings in a seven day period to one and limiting the overnight guests calculation two per bedrooms. So, what does that mean, she is not in agreement or she is unaware.

Mr. Tajan: Ms. Davis, if you pause three seconds, can you please answer the chairwoman's question.

Ms. Davis: Yes, I am in agreement with that proposed change, I emailed Summer Peebles about that and I am not sure why that says, neither agrees or disagrees in there.

Ms. Oliver: Okay. Anything else?

Mr. Wall: I do not have any questions.

Ms. Oliver: No questions. Anybody have any questions for the applicant? Alright, we will close this hearing and we do not have any other speakers and open it up for discussion or a motion, please.

Mr. Coston: Madam Chair, I move that we approve item 12 on the agenda.

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

Mr. Redmond: Second.

Ms. Oliver: May I call for the question.

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.

Mr. Barnes: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: Yes.

Ms. Coleman: Mr. Graham, Mr. Horsley, Mr. Inman, and Ms. Klein are all absent.  
Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Wiener.

Mr. Weiner: Yes.

Ms. Coleman: And, Ms. Oliver.

Ms. Oliver: Yes.

Ms. Coleman: By a recorded vote of seven for and zero against, agenda item 12 is hereby recommended for approval by the Planning Commission.

	AYE 7	NAY 0	ABS 0	ABSENT 4
Alcaraz	AYE			
Barnes	AYE			
Coston	AYE			
Graham				ABSENT
Horsley				ABSENT
Inman				ABSENT
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

## CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 1305 Chickadee Lane, and the Short Term Rental use shall only occur in the principal structure.

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

3. 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 two (2)) 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 one (1) rental contract 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 two (2) individuals per bedroom.
17. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors, shall be installed in each Short Term Rental.

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

**Items # 13.**

**GG Property Management, LLC [Applicant] Redell Lane [Owner]  
Conditional Use Permit (Short Term Rental)  
713 Northgate Court**

**September 09, 2020**

**RECOMMENDED DENIAL- HEARD**

Mr. Landfair: Madam Chair, the next item is agenda item 13, GG Property Management, LLC. for a Conditional Use Permit request for Short-Term Rental at 713 North Gate Court in the Rose Hall District. The applicant's representative is Genese Rogers. Ms. Rogers, you have up to 10 minutes. Thank you.

Ms. Rogers: Hello.

Ms. Oliver: Hello.

Ms. Rogers: My name is Genese Rogers, representative of GG Property Management. I have been managing Short-Term Rentals for approximately five years and I was assisting the owner in getting his property approved and to start the Short-Term Rental process. We have a different business model in terms of how we operate, dealing with Short-Term Rentals, most of our advertisements, what we generally try to do is get long-term guests in a sense of travel nurses. We have an insurance company that we work with if someone has damage to their home, it has water damage and they may need a short-term place to stay. But, sometimes we have vacancies, so, we open up the calendar to allow shorter stays less than 30 days. So, one of the reasons why we always seek to get the approvals and the permits and the proper registrations, so that if we do encounter vacancies, we have the option of doing that. So, adhering to the one per week isn't an issue for us because obviously our goal is to have longer-term stays. But, it just helps with the business model when you do have vacancies to allow shorter-term stays. I know there was a question or condition in regards to the parking. There is one parking space per bedroom and I guess the way the property sits, two of the spaces lie within a right of way. I know we were talking about doing that immediately to get that fixed, but then there was some conversations about work that was going on in the city, dealing with the storm drain and I know they dug out the front yard and they did a lot of stuff in the front of the property, so we initially held off on that. And then we were notified that now, the project will not affect the property. So, if approved, we

will move forward to extend the driveway. There is no sidewalk, so, even though the driveway sits in the right of way. There is no sidewalk that would be impeded on that. So, I think the other condition we also agree to, regarding the two guest per room, was down to two guests per bedroom versus three per bedroom. So, we are in agreement with that as well.

Ms. Oliver: Great. Thank you. Do we have any questions for her? Yes, David.

Mr. Weiner: It is not a question. I want to explain to you my opinion why we, I, pulled this off the Consent Agenda. We are trying to keep Short-Term Rentals out of neighborhoods. Okay, and I am glad you pointed out the fact that she likes to do more longer-term rentals, now that is really nice to hear. I like hearing that because we do not want to do 365-day rentals.

Ms. Rogers: Right.

Mr. Weiner: Inverse whole district, but like the way that you are doing this. So, I just want to explain that to you, that is, kind of we wanted to get your side of what was going on there and I like it. So, I am good with it. But, in the future, the way things are going, they are probably not going to be allowed if you are not near the Overlay District. Just to let you know for the future.

Ms. Rogers: Okay.

Mr. Weiner: Okay.

Ms. Rogers: Would that be grandfathered in and or is that?

Mr. Weiner: Either you are in the Overlay District I believe, so, we are still working on that, still work in progress.

Ms. Rogers: Okay.

Mr. Weiner: Okay. That is the point. That is why we pulled it off the Consent Agenda.

Ms. Rogers: Okay.

Mr. Wall: I do not have any questions for the applicant.

Mr. Weiner: Okay.

Ms. Oliver: No, that is great.

Ms. Rogers: Okay, thank you.

Ms. Oliver: Thank you very much.

Ms. Rogers: You are welcome.

Mr. Landfair: Madam Chair, there are three speakers signed up to comment.

Ms. Oliver: Okay.

Mr. Landfair: The first speaker is Riddel Lane, followed by Andrew White. Mr. Lane, please pause for three seconds before stating your name for the record. [Speaker participating virtually and did not respond] Thank you. Next speaker is Andrew White.

Mr. White: Hello, my name is Andrew White and I am a neighbor to this property. I lived on the court for about six years now and it is a court and ever since this property started to be used as a Short-Term Rental, basically our court has been turned into a regular street or thoroughfare. People going all hours of the day, all hours of the night, it is not a residential court anymore. It seems this property has been operating as a Short-Term Rental currently, there is been anywhere from six to seven cars parked in the driveway, the street. I have a couple pictures, but I doubt you better seeing yourself so far away. But, I would like to request that if this is going to be approved for Short-Term Rental, maybe we can keep it to one family every 30 days or a long-term rental. I would not be opposed to that, but the current model of it being a Short-Term Rental is, you know this is a residential neighborhood, it is not the Oceanfront. There is no attractions around it I think the amphitheater is 3.3 miles away. Town Center is 3.1 miles away. So, there is no attractions within the general vicinity of this area. So, I would like to keep it a long-term rental, a normal rental and that is all I have. Thank you.

Mr. Alcaraz: I have a question.

Ms. Oliver: Yes, go ahead.

Mr. Alcaraz: Where do you live?

Mr. White: I live at 705, Northgate Court, two houses down.

Mr. Alcaraz: Left or right?

Mr. White: It is two, if you look at the house is to the right.

Mr. Alcaraz: Okay.

Mr. White: So, it is the second house on the right of the court. So, they are passing the house every time they go in and out.

Mr. Alcaraz: I would like to see the pictures if they are available.

Mr. White: Yeah.

Ms. Oliver: Yeah, I loved to.

Mr. White: There you go.

Mr. Alcaraz: Just bring it into the front desk.

Ms. Oliver: You can give them right to.

Mr. Alcaraz: Thank you.

Ms. Oliver: I have a question.

Mr. White: Yes.

Ms. Oliver : So, how long is this house been operating as a Short-Term Rental?

Mr. White: Like I said, I have lived on the court for six years and it seems it is been probably started this summer, so we noticed something the houses for sale probably a year ago and then that is when we kind of noticed another neighbor and I that seems people are coming and going quite frequently, and I would say probably not residing there. I mow my neighbor's grass, he is elderly man, so talking to him, we kind of went all around the page of, why is this house having so much turnover? Why is there so many cars coming going? And, then another neighbor of mine pointed out that they found it on Airbnb. So, that is why it was operating. I guess it was operating as a Short-Term Rental, which then we saw the orange sign and they are asking for a conditional use to operate as a Short-Term Rental, which it seemed like is already operating as one.

Ms. Oliver: And, repeat again about the parked cars.

Mr. White: So, most of the time there is between 6, 7, and 8 parked cars. Either two on the street, four in the driveway, and I think the driveway, I guess they requested for a concrete addition, it looks like it is gravel now.

Ms. Oliver: Right. Thank you, any other questions for the.

Mr. Alcaraz: No I am good.

Ms. Oliver: No. Okay.

Mr. White: Thank you.

Mr. Redmond: I am sorry, I have got a question.

Ms. Oliver: Yeah, go ahead.

Mr. Redmond: How often would you say it is been rented?

Mr. White: This summer has been busy. I would say constantly, probably. And, the thing is, it is different cars that is what I noticed most. It is not like you know you would see the same cars pulling in and out. It is different cars, probably on a weekly basis, and I would say once a week, maybe more. So, it seems like to me, if I am seeing different cars at a property, that means they are probably not living there, and they are always North Carolina plates, New Jersey plates, are not Virginia residents, which is not odd because we are a military town, but when you only seen this car there for two or three days at a time, or four or five days at a time, that is when I would assume it is already operating as a Short-Term Rental.

Mr. Redmond: Thanks.

Ms. Oliver: Thank you.

Mr. White: Thank you.

Mr. Wall: You want your photo back?

Mr. Landfair: Madam Chair, the last speaker is Michael Wilson. Mr. Wilson, please state your name for the record.

Mr. Wilson: My name is Michael Wilson, I work for public utilities. I am called out all the time to fix your water line for you. I live at 709, house right beside it on the right there. I am constantly woken up by noise and it is really making me mad. I come out all hours of the night, so, I mean I need my rest where I can make good decisions for my workers to keep them safe. If I do not get to sleep, I do not make good decisions, somebody might get hurt. The house has been rented out weekly time and time and time again. Music played loud. They are out back making a lot of noise, drinking and doing whatever they are here to be on vacation. I do not blame them for that. When I see the house rented out for a long-term twice, since I have been there. All the rest has been weekly, three days, skip three days a week and that is it. My car has been hit by the renters there. I did not think they were going to tell me about it until my wife pointed it out to me. And, I went out there and looked at it. And, I called the owner up that owned the property and he called the people up and then they came out and talked to me. I think they were just going to pack up and leave and my car is going to be

hit and me trying to find out who did it. I really do not get my sleep here lately. So, I like to have the place to ban and the family moved in. It is a residential area I bought it for that reason. To have peace and quiet with my neighbors and, that is why I want it back to; it is just that way.

Ms. Oliver: Thank you, Mr. Wilson. Does anybody have any questions for Mr. Wilson?

Mr. Weiner: I do.

Ms. Oliver: Mr. Weiner.

Mr. Weiner: So, you contacted the owner about your car being hit? Have you contacted him about, I think you know the owner.

Mr. Wilson: Yeah, I got it resolved. Like I said, I called the owner and the people came outside. Well first, I went over there and knocked on the door and nobody answered the door.

Mr. Weiner: Okay, my question is, have you contacted the owner about the noise and everything.

Mr. Wilson: Yeah, I talked to the owner a couple times already and told him about the noise. They said they got rules in place, but without somebody there to enforce the rules, if I was out on vacation I mean, just like you would be on vacation.

Mr. Weiner: But, there is ways you can get around that call the nonemergency number, call for the 911.

Mr. Wilson: Yeah, I have been called a couple times already.

Mr. Weiner: You have done that. Okay.

Mr. Wilson: Yeah.

Ms. Oliver: Alright.

Mr. Alcaraz: Mr. Wilson, I have got one. Have you ever talked with the representative of the house.

Mr. Wilson: I talked to the owner of the house.

Mr. Alcaraz: The representative is here locally. The applicant that was just up front.

Mr. Wilson : No.

Mr. Alcaraz: I am just asking him, sorry. I just need to know if you have had any contact or if you had a complaint and if that representative was in touch.

Ms. Oliver: Was answering back.

Mr. Alcaraz: Yes, thank you.

Mr. Wilson: Yeah.

Ms. Oliver: Thank you, Mr. Wilson.

Mr. Wilson: You are welcome.

Mr. Landfair: Madam Chair, there are no more speakers.

Mr. Weiner: Have we known that this has been operating as a short-term without a Conditional Use Permit.

Mr. Tajan: Based on the information from our website, they have rented within the last 30 days and it appears to have been operating since June.

Ms. Oliver: And, did you all know about the 311 calls from Mr. Wilson?

Mr. Tajan: No. So, one of the disconnects with 311 is that they get called in as noise complaints and not necessarily someone saying that they think there is something a use that is not being followed. So, more than likely during that time when we have asked 311, now whenever there is a noise complaint, just send it to us, so, we can look at them all, just to see if there is a use violation, but there was a window where if it was just a noise complaint they would just check and handle it on the 311 side.

Ms. Oliver : And, obviously it has not been responded to though. Yes, Mr. Alcaraz

Mr. Alcaraz: Is the applicant paying the transient taxes? Are they registered basically with the City?

Mr. Tajan: One second sir.

Mr. Wilson: It says that they are registered. They are on the Commissioner of Revenue's Registered List.

Ms. Oliver: And, do we ever get an answer on that? Remember the other, I guess it was the Tuesday night we were there so long and it was that question of whether they register with the Commissioner, and then they get to start, or do they register and they have to wait for the CUP? I mean, did we ever get a definitive answer?

Mr. Tajan: They are not supposed to operate until they get the Conditional Use Permit

Ms. Oliver: Okay, well then that is my answer. Okay. Alright. Would you like to come back up, ma'am.

Ms. Rogers: So, I was engaged to start assisting with managing this property about two or three months ago when we started the application process. And, I was notified they did tell me that they were operating. And, I told them, based on the City of Virginia Beach laws, we would need to take that down and go through the official process. So, my understanding is that, if the calendar is completely blocked, there is no current reservations right now and that we were waiting to get the approval to start. So, as the property manager, I will be basically handling everything. So, anything that happened prior to that, honestly I do not have any knowledge of. I was started the entire process of getting them on the right track. I introduced them to the business model of utilizing travel nurses, as well as the insurance companies that I have connections with to do longer short-term stays versus your two or three day stays because this is a more sustainable business model.

Ms. Oliver: And, when did you come on board with this house?

Ms. Rogers: It had to be in May or June is when we started the application. I can look at the date of the application because I think I submitted it like maybe twice.

Ms. Oliver: So, they hired you, I guess the owner of the house hired you in May, June?

Ms. Rogers: Right, you are correct.

Ms. Oliver: And, they have not been running since May or June?

Ms. Rogers: Well, I do not know. To be honest, I do not know. What I do know is that it was listed and I told them that we needed to get it off. That much I do know, so, that may be the instances that they are speaking of. I do not know how far back it was.

Ms. Oliver: Thank you.

Ms. Rogers: You are welcome.

Mr. Wall: I do have an additional question.

Ms. Oliver: Yes.

Mr. Wall: Can the Staff put up the parking, I just want to get some clarity on the... Oh yeah, I am not sold on this application. But, at least in this part, let me get

some clarification. So, the red area is going to be paved. Is that driveway addition there already gravel, do you know? Is it the plan to pave that red area, is that the goal?

Ms. Rogers: Yeah, that is the plan to have that paved.

Mr. Wall: Can somebody on Staff take a look at that because we had a similar application, not as very similar, but one where they kind of paved it all the way up to the right-of-way near Brandon Middle School and, so, I think that this would be similar in that they would need the angle and there is only a certain amount of driveway width that is allowed in the front edge for access to the right of way, and then beyond that, it has to be angled, I think 13, I am not sure what the angle is. But, I think that the way that it is shown currently is not in compliance with the city.

Mr. Tajan: Mr. Wall. One of the conditions states that they will have to get a driveway permit to appropriately install a driveway that meets the criteria, they would have to install, they are permitted to have, correct me if I'm wrong Planning staff, a 20-foot wide entrance onto the right of way. Right now it is a one car entrance as you can see by that red part not legally existing. So, they would have enough room to add, legally, the additional driveway.

Mr. Wall: Okay, so they could add 20-feet.

Mr. Tajan: Correct.

Mr. Wall: Okay. Alright.

Ms. Oliver: Okay. Any more questions?

Mr. Weiner: Yeah, I got to ask one.

Ms. Oliver: Yeah, go ahead.

Mr. Weiner: So, when you came on board in May or June, since they have only just started paying taxes in June, did you get them go to the City to register? How did that happened?

Ms. Rogers: Yeah, because I actually registered through my company.

Mr. Weiner: Okay.

Ms. Rogers: Yeah.

Mr. Weiner: Okay.

Ms. Oliver: Good. Thank you. Mr. Wilson, could you come back up, one second please? I have a question for you.

Mr. Wilson: Yes, ma'am.

Ms. Oliver: Tell me again how often this house is rented.

Mr. Wilson: This house, she took over I have been reading, almost every week. This week, I had seen nobody there, last week there was somebody there. A week before I think it was and I know that the middle of last month it was rented out because I remember the people out there arguing and the baby crying out back.

Ms. Oliver: And, it has been rented since, I think the other gentleman stated, since June or May.

Mr. Wilson: It has been rented out since December last year.

Unknown speaker: No, we noticed maybe January or February.

Mr. Wilson: Yeah, about January or February last year had been rented out. And, like I said, there already was two people in there. A group of guys that were working out at the Navy base that rented it for three weeks. I think it was the company rented it for three weeks. And, there was a family over there, that was going back to Germany, I think.

Ms. Oliver: Okay.

Mr. Wilson: And, they rented it for a couple weeks. And, the rest been short time.

Ms. Oliver: Okay. Thank you very much.

Mr. Wilson: About the driveway there, right in between the houses there, there is a little area right there and they pull up in there and block part of my driveway too. The driveway right here.

Ms. Oliver: Yes, sir.

Mr. Wilson: There is green box that sits in the middle of the area right there, where that dark spot is. There is a box that sits there that belongs to Verizon. I do not think you're allowed to pave over that spot.

Ms. Oliver: Got it. Thank you. Well, go ahead Jack.

Mr. Wall: Can we keep the view up, so, they can actually cut that curve out right there and have a full access into their driveway. Is that correct?

Mr. Wilson: Yes.

Mr. Wall: Yeah. This is actually for the city. Yes.

Mr. Wilson: Okay.

Ms. Oliver: Thank you.

Mr. Tajan: As long as the radius, the driveway does not extend past the extension of the property line. So, the pole is about where the property line is, so, the radius of the driveway it cannot extend past that. So, in other words has to stop at that radius, so, the driveway flare can extend out past that extension of the property line. There is room for it according to the plan.

Ms. Oliver: Thank you, Mr. Wilson.

Mr. Wilson: Okay. Thank you.

Ms. Oliver: Alright, we will close it up and open it up to the Commissioners for discussion and or motion. Yes sir, Mr. Wall.

Mr. Wall: I will lead off. First of all this is not an area that you typically find a Short-Term Rental. Nonetheless, they appear to meet the requirements of the ordinance. However, their existing issues would appear to be in conflict with the residents that live on that on that street. So, I feel this is similar to others that we have denied. We looked at one, I think it was last week in Croatan, and it was like this is not in an area that typically has Short-Term Rentals. And, not only that, there were people that had great issues with it and here we have people that have spoken against it. So, I have a hard time supporting this application.

Ms. Oliver: Yes, Dave.

Mr. Redmond: I agree with Jack. First off, it is operating without a Conditional Use Permit; you never like to see that. But, it is not operating well and I do not know why we should recommend approval of something that clearly is not operating well.

Ms. Oliver: Correct.

Mr. Redmond: And, it is just that simple. I think we have kind of frankly belabored the point, I do not really see much to like about this application. So, it is my view Jack, if you want to make a motion I would be happy to back you up.

Mr. Wall: Okay, I make a motion that we deny agenda item number 13.

Mr. Redmond: Second.

Ms. Oliver: Okay. Anybody else? Alright, we will call for the question.

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

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Barnes.

Mr. Barnes: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: Yes.

Ms. Coleman: Mr. Graham, Mr. Horsley, Mr. Inman, and Ms. Klein are all absent.  
Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Wiener.

Mr. Weiner: Yes.

Ms. Coleman: And, Ms. Oliver.

Ms. Oliver: Yes.

Ms. Coleman: By a recorded vote of seven for and zero against, agenda item 13 is hereby denied by the Planning Commission.

Ms. Oliver: Okay. Thank you.

	AYE 7	NAY 0	ABS 0	ABSENT 4
Alcaraz	AYE			
Barnes	AYE			
Coston	AYE			
Graham				ABSENT
Horsley				ABSENT
Inman				ABSENT

Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

## CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 713 Northgate Court, and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. As shown on the parking plan illustration within the “Site Layout and Parking Plan” section of this Staff report and unless a modification of material type and/or location is approved by the Zoning Administrator, the existing concrete driveway shall be widened to no wider than 20-feet and must always be available to the Short Term Rental occupants leasing the unit. A building permit for this additional concrete parking space must be obtained from the Permits and Inspections division of the Department of Planning and Community Development within 60-days of any City Council approval for the proposed Short Term Rental use.
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 two (2)) 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 one (1) rental contract 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 two (2) individuals per bedroom.

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

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

**Items # 14, 15, 16, & 17.  
Ocean Rental Properties, LLC  
Conditional Use Permits (Short Term Rentals)  
516 Norfolk Avenue, Units 1, 2, 4, & 5**

**September 09, 2020**

**RECOMMENDED FOR APPROVAL- HEARD**

Mr. Landfair: Madam Chair, the final items are agenda items 14, 15, 16, and 17 Ocean Rental Properties, LLC for Conditional Use Permit request for Short-Term Rentals at 516 Norfolk Avenue, Units 1, 2, 4, and 5 in the Beach District. The applicant's representative is Eddie Bourdon. Mr. Bourdon, you have up to 10 minutes. Thank you.

Mr. Bourdon: Thank you, Mr. Landfair, Madam Chair and members of the Commission again for the record Eddie Bourdon, Virginia Beach Attorney representing Ocean Rental Properties, LLC, Mr. Bishard and Mr. Motto, with my client, are here this afternoon. The application involves an existing four unit multifamily dwelling that has existed on Norfolk Avenue, another important gateway to the resort area, since back in the - I think - the late 40s. The four units are three one bedroom units and one that is a two bedroom unit. They appreciate Mr. Kemp's presentation to the Commission this morning in the informal. Back in December this application was filed when Mr. Hershberger advised me that the parking in the front was in the right of way, and again it was the application that was filed by my clients. When I was advised it was in the right of way, even though it has been used for parking for decades and decades, we said that we would take a deferral and determine how we could place all the parking on-site, as has been the desire of the Commission. And, back in May, we provided the plan that you saw this morning that is right up here on the screen. And, reviewing all of this information with my clients on a number of occasions, the one thing and listening to what was stated this morning just reaffirmed what we came to the conclusion, the best course of action to ensure that not only will we have the five onsite parking spaces, which we clearly can do. They can clearly create six onsite parking, actually eight onsite parking spaces. The two that are in green, while there is nothing legally binding those, it is my understanding that they are being used by the owners of 518-B adjacent. So, we have got six that we can provide onsite, but the most appropriate way to do this is going to be to close the unimproved section of Norfolk Avenue and you can see up there, I do not think this thing works anymore,

the church next door closed that street a number of years ago. My clients actually owned the underlying fee in that section of Norfolk Avenue, so, we would propose to close that we have to file an application. And, we would also close it in front of the property the two-unit condo in between and provide that additional land to that condominium, which will provide them with the opportunity to have some green space or provide additional parking on that property. But, the two spaces in front, clearly meet code, however, it would not be very attractive. And, what we would do by closing the right of way, the driveway would come in and then you would have at least two spots that would be located directly east of the driveway in front to go along with the spaces in the rear. The conditions in the recommendation are all acceptable, this will be professionally managed as all of the Ocean Rental Properties are with someone it will be far better managed than the long-term rentals as we have discussed on a number of occasions. But, this plan will work, meets all the code requirements, but as Ms. Oliver mentioned this morning it would be far better if the parking in the front were not sitting right in front of the dwelling. So, that is one of the things that we will agree to as a condition of the Short-Term Rental that there be a an approved and street closure and a re-subdivision to include the additional excess property, which has already been determined on the property next door to be access frankly in front of the two properties we can do it and add them to both. I think that is the better way to provide the parking than what is shown here. But, as it shown here all we would have to provide parking spaces, the one in the front we do not want to provide both and 4, 3, 5, and 6 in the back, which will all fit on the property and meet all the requirements. The driveway that is there is 15 or 16 feet wide, at the north end we have 10 foot and 11 foot wide 12 foot max driveways that people use to turn into their condo units in the back, etc. So, there is plenty of room for that to work, it works just fine now and will continue to work with the additional impervious surface and will have to meet all the stormwater management requirements, which might include underground storage of stormwater. The property as it exists today, again it was built 60 plus years ago, and there is not a lot of stormwater management is taking place, there is some with the improvements that were made. All the conditions is recommended by Staff are acceptable, the weekly and the two persons per unit in the bed. I would be happy to answer any questions.

Ms. Oliver: Yes, George go ahead.

Mr. Alcaraz: I just want to make sure I heard it right, you are going to apply for a street closure for both properties.

Mr. Bourdon: Well, my clients own the underlying fee in the unimproved portion of Norfolk Avenue in front of both 18-A and 18-B, so, from a cost standpoint, it makes eminently good sense to close both sections. We would provide the portion in front of 20-A to the condominium that exists on 20-A. We would not maintain that would belong to them unless they did not want. But they would get the opportunity to add additional parking in front of that duplex as well, which is probably something that would be perceived to be beneficial I would hope anyway.

Ms. Oliver: Anybody have any questions for Mr. Bourdon.

Mr. Bourdon: And, that would be a condition of the Short-Term Rental application approval if it were to be approved by the Commission.

Ms. Oliver: Thank you.

Mr. Bourdon: Thank you very much.

Ms. Oliver: Do we have any speakers?

Mr. Landfair: Madam Chair, there are two speakers signed up to comment, the first speaker is Stanley Vane, followed by Robert Perkins. Mr. Vain, please state your name for the record. Thank you.

Mr. Vane: My name is Stanley William Vane. I am the owner of 515 and 513, 9th Street, which is directly behind them. I came here before and complained about the Airbnb parking. We have such a massive trouble with the over parking Airbnb. For instance, you can give him his five parkings, there is seven Airbnbs right in our neighborhood, right around in the strip, there is two of them that are illegal. And, what is happening is that these people are renting Airbnbs, and then having your guests come and are coming into our street on 9th Street and actually parking in the middle of the street and blocking traffic. The last time I was here, I complained about it. He said, call the number. I have several incident reports and several, several.

Ms. Oliver: Sir, do not lose your train of thought, but if you could speak into the microphone, that will help. Thank you.

Mr. Vane: I forgot where I am .

Ms. Oliver: You made phone calls.

Mr. Vane: Okay. So, he told us to make phone calls when there is no way to call, when there is parking problems call. I have pictures of where I have incident numbers with the law, where our 9th Street was literally blocked off. There

is a legal parking space and there is an Airbnb parking, and nobody could get through. That was on a 8 - 28 incident number 746. And, it was Officer Mabry, when the law came when I called the law, they said the parking enforcement would have to tow the car. And, they made the legal person that was parked on the street move, parking enforcement never towed. Our street is off the radar, parking enforcement do not enforce it, the law do not come in enforce it. You have these Airbnb people they are parking on the pavement, it is an absolute nightmare. I have called again, Officer Chettin and fortunately they found the owner, and the car was moved. Talking about cars that are parked right in the middle of the road, the fireman who lives next to me was supposed to call because he needs to get to work, and my concern is with the parking in front at this house. All they did, I mean it was a beautiful I do not know how many decades it was, it was a beautiful old beach house. They tear one down and they put six houses up, and they take this old beach house, and they renovate it and they put four apartments in it. And, now they want to turn around there and rent it out to 16 people a week differently. If this was a regular house that was not cut up into four apartments, you can maybe rent the house out to a family of six to eight. And, now we are going to have up to 15 people a week parking behind me coming in, and then influencing our street. I did talk away with the other Airbnbs on 9th Street, and the solution is now we have security cameras for the parking. And, we have also turned it around and applied for a residential parking permit. That will possibly help stop the extra parking of the Airbnbs. My neighborhood in Shadow Lawn is a rental community it is not a neighborhood no more. I got five of them across the street and I got an illegal one right across the street, and a possibly another one that is in the second condo. I am not sure, but I believe is possible, but the parking overflows on the 9th Street and it is really causing a problem. And, then these pictures here, there is not enough room for four people to park here right now. And, then these builders they come up and they sign these signs parking for a designated spot. The houses that are built right behind him, the City says they are illegal. I mean after the houses are built and after the people buy them, and then you turn around here and you have City Officials come in there and they say, this parking spot for 527, 9th Street is illegal,

Ms. Oliver: Sir, I have to stop you now, you have run out of time. But, I do want to ask you a question, so, do not sit down yet. Where are you, are you directly behind him.

Mr. Vane: On my property, I have a fence.

Ms. Oliver : See where his property is, it is the blue.

Mr. Vane: It is the blue, I am here.

Ms. Oliver: You are here.

Mr. Vane: On there, right there.

Ms. Oliver: And, then there is five of them across the street from you correct.

Mr. Vane: Ooh, god. Yes. I am sorry.

Ms. Oliver: I got it.

Mr. Vane: And, then you have all these people, I mean it is like this was a single family home. This was the yard that went to here decades of having gravel in the front yard, I only recall that being done after he bought the house

Ms. Oliver: Sir can I get you to the mic?

Mr. Vane: And, he rose the gravel in the front yard, and it comes apartment place, but we also have troubles with people parking behind the easement, just like this picture here. There is two cars here and there is a car parked behind it. It is not going to stop and we have that down with the other one, I mean, this is an Airbnb two houses down is another Airbnb, across the street from me they are buying these houses and cutting them in half and taking away city parking, so, that can extend our driveways for their businesses. So, we are hoping that we can get residential parking on that street that will help take care of it. And, I think that is in the works right now. And, that is my complaint, as opposed to I rent to a single professional woman I own Airbnbs and having all these people coming in, all the time. A lot of people have better skill sets and others when it comes to renting these out. But, some of the people and the characters that I have seen it makes me a little concerned.

Ms. Oliver: Got it.

Mr. Vane: I am retired Merchant Marine, I have seen the world, but I am a little concerned when I see Michigan, Chicago, Detroit tags and I know what gang tattoos look like thank you.

Ms. Oliver: Thank you.

Mr. Landfair: Madam Chair, the next speaker is Robert Perkins.

Ms. Oliver: Hello, Mr. Perkins.

Mr. Landfair: Mr. Perkins, please state your name for the record. Thank you.

Mr. Perkins: My name is Robert Perkins, I currently live at 518-A. Previously, I had sent letters out to the City Council and also to each Planning Commissioner, like that same letter I am going to read because I am not that great of a speaker, I do have copies here if each one of you would allow me to just let you have one

Ms. Oliver: You can hand them right, Bill he will take.

Mr. Perkins: I had talked to Bill previously on the phone to get me on the docket, I appreciate that. I will wait for a second until you get the letter.

Ms. Oliver: Well, your time is ticking.

Mr. Perkins: Okay, alright.

Ms. Oliver: You get started.

Mr. Perkins: Basically, I am just going to read this, if you do not mind, bear with me. As a full time resident of 518, Norfolk Avenue, Unit-A I am opposed to the Conditional Use Permit requested for 516, Norfolk Avenue apartment 1, 2, 4, and 5. This Conditional Use Permit is not compatible with residential living at this juncture, all my neighbors are year round permanent residents. We have invested in this property as a home and object to having it to become a condo for short-term or seasonal rentals. My specific concerns include negative aspects of Short-Term Rentals like cramped parking, trash, noise, traffic congestion, and a revolving door of new visitors. Please consider the quality of life of the permanent residents of the complex before you vote on the Conditional Use Permit for 516, Norfolk Avenue, 1, 2, 4, and 5. We aske that you fully consider the needs of those who reside in the community as their principal residence. Would you approve a property in a dense neighborhood like our condo complex to be rented for compensation for less than 30 days? What will happen is that the use of property will then become more like a hotel or time share property, filled with investors who are not vested in the community. I fully support tourism and I am now a very proud resident of Virginia Beach. I believe that restrictions on the use of residential property have served us well for decades. I understand property rights and the ability of the property owner to receive rent as compensation, but I am opposed to Short-Term Rental approach and is simply not compatible with our residential community as designed. Right now, this is an investment property and is going to become a hotel. I recently moved from Chesapeake to Virginia Beach to take care of my daughter and my grandson, I did not have to come to Virginia Beach, but I found a place very close to them. I was happy and blessed with my realtors here it was able to find me and get

this. I made a capital investment of close to \$400,000, to have right now, originally Bishard gave me a letter the other day saying as much as three per bedroom that is 15 people. Now I understand you are lowering it down the two, as 10 people right next to me. Also, if you do not mind, I am going to give you these and you look at the actual property photos, because I do not think you have the parking.

Ms. Oliver: Thank you. Do we have any questions for Mr. Perkins?

Mr. Perkins: Is my time over?

Ms. Oliver: Well, you know what Mr. Redmond is going to ask you a question.

Mr. Perkins: Okay, thank you.

Ms. Oliver: And, you can continue.

Mr. Perkins: Look at the time because I am a little bit. As far as I know my plot, given to me.

Ms. Oliver: Mr. Redmond is going to ask you a question.

Mr. Perkins: Okay.

Mr. Redmond: That is okay, I am passionate about it. So, where is your 516, where is 518, show me where are you, this does not help us obviously if you guys can switch over to the.

Mr. Perkins: The pictures, you will see showing

Mr. Perkins: Go back to the old ones, if you do not mind.

Ms. Oliver: You cannot find it.

Mr. Perkins: I guess its there. Go to your diagram. I am 518-A the door me behind is.

Ms. Oliver: Ooh, you are next door.

Mr. Perkins : I am right next door, believe me. Okay. Right now, if you look at the picture, there is a small little entrance made from here, you see the angle the rocks and everything like that. They are currently, according to my plot, we have a conditional use up to my property line here for people to be able to come in here. I do not have a problem with that. My code is completely over here, I am getting people which they are very good residents.

Ms. Oliver: So, Mr. Perkins, I might put you back at the podium in front of that microphone.

Mr. Perkins: Alright. Currently, the residents are using my access, my driveway to go into their gravel area. I do not mind that too much, it is a couple of feet, they are not completely coming on. But, there is no way in the world you can get four cars in there without coming across my access. According to my plot and everything like that, the driveway can be used for access for 518-B, but it is not meant to be used for anything else.

Mr. Redmond: Mr. Perkins, I think your time has expired. You answered my question and I appreciate you. Thank you.

Mr. Perkins: Thank you for the opportunity.

Ms. Oliver: Thank you,

Mr. Landfair: Madam Chair, there are no more known speakers.

Ms. Oliver: Okay. Mr. Bourdon.

Mr. Bourdon: Thank you. I will start with Mr. Perkins. Mr. Perkins owns a unit, two-unit condominium 518-A, and there is an ingress-egress easement between the properties there, the driveway is on both properties and lot 18-A has the right to use that ingress-egress easement it does not belong to "Mr. Perkins" he owns a condominium unit and two-unit condominium that is subject to the ingress-egress easement and has the benefit of an ingress-egress easement on the adjacent lot to the east, so, it is not up to Mr. Perkins as to the ability to go up and down that driveway belongs to both properties. Mr. Vane, if you can put the map back up there, Mr. Vane's condo is not directly behind and I understand because his numbers are not up there, it can be confusing to him. But, his property is catty corner, he lives in 513, 9th Street which is here, 515 is also there and that is rented. So, it is two units in that duplex, but it is not directly behind my clients property. It is, however, adjacent to 16 or 18 units in leisure square. I would also ask the Commission to take note that 9th Street is a dead end and this piece of property has no access to or from 9th Street and, and most of Mr. Vane's commentary had to do with Short-Term Rentals on 9th Street. So, this is not on 9th Street, this will be professionally managed as all of my clients Short-Term Rentals are, and you have heard testimony from other folks and other hearings about their management, and how good it is and how it probably will, frankly, be better than the situation that exists today and if there is any issues whatsoever you get immediate response, if someone out there and

I cannot speak to the other people who have Short-Term Rentals on 9th Street with whom Mr. Vane has issues, but that will not be the case and I think you are very comfortable with that fact with how my clients operate. This will definitely not be a hotel and, again you have people cleaning every week, you have trash pickup, you have professional management on call totally different than with your long-term rental use. We do concur that the better way to handle the parking would be to close the right of way, access right of way, unused right of way in front of both properties which would actually be to Mr. Perkins benefit as well, in that it would provide some additional area in front of his unit, and in front of 518-B for their use as opposed to it being public right of way it is probably being used now to one-degree or another, but it would belong to them, it would increase their setback from potential public use, which there is not a need for has been evidenced by the closure that has taken place on the adjacent property of the church. Again, I will be happy to answer any questions that any of you may have, but this as is meets the requirements of the ordinance. But, we absolutely will agree that the Short-Term Rental will not take place unless and until that access right of way is closed and a better way to provide more than the necessary parking will be provided. The parking in the back can all be accommodated it's just the curbing that has to be modified, but it can all be accommodated, but we believe the better way to do it is to increase the parking in the front - make it legal. I will be happy to answer any questions.

Ms. Oliver: Yes, George, go ahead.

Mr. Alcaraz: There was a comment made that these units are just kind of remodeled, but I see four entrances, I see four meters, is this all old.

Mr. Bourdon: Ooh, absolutely this is totally legal it goes back to the 1950s, yes. It is not something that is just been done not by any stretch of the imagination. And, and your Staff checked all that out Mr. Hershberger checked that out. In fact it was checked out many years ago, verified. The Bishard's did go in and upgrade and make improvements, but not the create four units, there is always four units. We would not be here otherwise.

Mr. Alcaraz: That is all I have.

Ms. Oliver: Anybody have any questions for Mr. Bourdon.

Mr. Bourdon: And, there are three one bedroom units and one, two bedroom unit. They are not large units that will have a lot of people in it. Thank you all.

Ms. Oliver: Any more questions. Thank you. Alright, we will close this hearing and open it up for discussion and or a motion. Anybody?

Mr. Alcaraz: Well, I appreciate the applicant, I mean they went and made the changes to get the parking because that is always been a thorn in our side to make sure that criteria was made and now he is come up, or the applicant representative has come up with an idea for street closures to make it more pleasing to look at. So, I am going to recommend approval unless anyone wants to talk about it.

Mr. Redmond: I will second.

Mr. Alcaraz: Well, I will make a motion that we approve it with a condition as the representative said that he would go for a street closure.

Mr. Tajan: Do you mind if I take a stab

Mr. Alcaraz: Yes, I would love that.

Mr. Tajan: New condition would be added to condition number 18, prior to the operation of the Short-Term Rental use, a street closure shall be submitted and approved by the City Council for the unimproved portion of Norfolk Avenue in front of 516 and 518 Norfolk Avenue. A new parking plan utilizing the closed portion of the right of way shall be reviewed by the Zoning Administrator. If City Council does not approve the street closure, all parking shall comply with the parking plan as submitted

Mr. Alcaraz: Thank you.

Ms. Oliver: Do we have a second?

Mr. Redmond: I will second.

Ms. Oliver: We have a motion and a second. And, call for the question please.

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

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Barnes.

Mr. Barnes: Yes.

Ms. Coleman: Mr. Coston.

Mr. Coston: Yes.

Ms. Coleman: Mr. Graham, Mr. Horsley, Mr. Inman, and Ms. Klein are all absent.  
Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Wall.

Mr. Wall: Yes.

Ms. Coleman: Mr. Wiener.

Mr. Weiner: Yes.

Ms. Coleman: And, Ms. Oliver.

Ms. Oliver: Yes.

Ms. Coleman: By a recorded vote of seven for and zero against, agenda items 14, 15, 16, and 17 are hereby recommended for approval with the new condition 18, regarding the street closure requirement.

	AYE 7	NAY 0	ABS 0	ABSENT 4
Alcaraz	AYE			
Barnes	AYE			
Coston	AYE			
Graham				ABSENT
Horsley				ABSENT
Inman				ABSENT
Klein				ABSENT
Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

## CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 516 Norfolk Avenue Units one (1), two (2), four (4), five (5) 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 and shall be installed and maintained in a manner consistent with site plan approval by the Development Services Center.
3. As shown on the parking plan illustration within the "Site Layout and Parking Plan" section of this Staff report and unless a modification of material type and/or location is approved by the Zoning Administrator, the existing concrete driveway shall be widened to accommodate two additional stacked 9-foot by 18-foot parking spaces, as well as the removal of the depicted curb cut, gravel in right-of-way and the driveway apron directly in front of the property.. A building permit for this additional concrete parking space must be obtained from the Permits and Inspections division of the Department of Planning and Community Development within 60-days of any City Council approval for the proposed Short Term Rental use.
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.
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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.
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