

Virginia Beach Planning Commission

Public Hearing

February 10, 2021

Mr. Weiner: Welcome and I call the meeting to order. Good afternoon everyone and thank you for Planning Commissioners and the public participation today. My name is David Wiener, I am the chair of the Virginia Beach Planning Commission, and I welcome you to the February 10, 2021, virtual Planning Commission Public Hearing. I call this meeting to order. Today's meeting is being conducted electronically in accordance with Virginia Code Section 2.2/3708.2, Virginia Code Section 15.2/1413, and the City's continuity of government ordinance adopted September 15, 2020, in chapter 1289 of the 2020 acts of assembly as amended. Please note that this meeting is being recorded and will be posted within 10 days on the Planning Commission website. Today Ms. Oliver will not be with us this afternoon, but all other Planning Commissioners are here. I have asked Staff to describe the order of business and the rules of today's meeting. Ms. Coleman.

Ms. Coleman: Thank you Mr. Chair. The Virginia Beach Planning Commission takes pride in being fair and courteous to all parties participating. It is important, they are all involved understand how the commission normally conducts its meetings. It is equally important that everyone treat each other and members of the Commission with respect and civility. Following is the order of business for this public hearing, withdrawal and deferrals. The Chairman will ask if there are any requests to withdraw or defer an item on the agenda. Consideration of these requests will be made first. The Consent Agenda, the second order of business is the consideration of the Consent Agenda, which are those items that the Planning Commission believes are unopposed and which have favorable staff recommendation. The Regular Agenda, the commission would then proceed with the remaining items on the agenda. Speakers in support or opposition of an agenda items will have three minutes to speak, unless they are solely representing a large group, such as a Civic League or Homeowners Association, in which case they will have 10 minutes. Speakers who are participating virtually

today, please mute any additional devices you have in the room to avoid any unnecessary background noise and or the possibility of echoing and reverberation. Please note that once your name is called, you should wait three seconds before speaking, to ensure the Planning Commission hears your complete remarks. Please begin your comments by identifying yourself. Please note that the actions taken by the Commission today are in the form of a recommendation to the Virginia Beach City Council. The final decision to be approved or disapprove an application will be made by the City Council. The Commission thanks you for your participation and we hope that your experience here today leaves you feeling that you have been heard and treated fairly. Thank you.

Item # 1

**North Legend Outfitters, LLC [Applicant] Benjamin David Lindborg & Brooke Harris
Lindborg [Property Owners]
Conditional Use Permit (Home Occupation – Retail Sales (Firearms))
1017 Dartford Mews**

February 10, 2021

RECOMMENDED FOR APPROVAL – HEARD

Mr. Dao: Thank you, Mr. Chair. We have six items on today's Regular Agenda. The first item is agenda number one, the application of North Legend Outfitters, LLC for a Conditional Use Permit request for Home Occupation for sale of firearms. The property is located at 1017 Dartford Mews, in the Lynnhaven district. The applicant is Benjamin Lindborg. Mr. Lindborg, you have 10 minutes to speak. Please start your comments.

Mr. Lindborg: Thank you, sir. First and foremost, I would like to say that this is a business that I have been running for the previous four years out of Virginia Beach under the same Conditional Use Permit at our previous address in the Lake Shores neighborhood. We did initially have some of the same similar concerns in the beginning, as I understand that orange sign comes across as a bit intimidating. But, we did operate for four years with zero issues from the neighborhood, the City, the State or the ATF. I actually do have a letter of recommendation in support on file from my previous next door neighbor, who has teenage boys and a family there. So, he voiced his support and I believe he signed up for the meeting here as well. I already do have an established business license with the City and the State of Virginia on FFL with the ATF and an account and relationship with Virginia State Police from my previous four years of experience. I underwent a stringent vetting process with both the FBI and the ATF in order to be even considered for the license. From those previous four years of experience, I have got a pretty clear understanding of all the rules and practices that go along with running a tightly regulated and responsible firearms business that produced zero issues over those four years. I only work on a very small scale and kind of by appointment only. Work only with highly trained, qualified individuals of the military that I have extremely high confidence in already that they will pass the background check before I ever even invite them to my home. So, this is not something that people can walk in off the street. I am the only employee of the business and the only one with access to the safe, the firearms, or the ability to run as background checks for the business. Some months I have as many as zero customers, so, some months I do not do anything. And, some months, I have as few as four, all right and that is the limit imposed under the Conditional Use Permit and that is perfectly acceptable with the way the business runs. On average people stay a less than 20 minutes, parking for all customers during their brief stay is instructed to be in our driveway and not on the public road. It is not my full-time job, as I work full-

time for the US Navy, in a job that does require expert level training in firearms, as well as a vetting from the Navy that includes high level security clearances on myself as well. As far as the business all items are stored in a plate steel safe, highly comparable to the safes that banks use to secure large amounts of cash. So, storage is highly secured and pretty impenetrable without sophisticated professional tools and an extended amount of time to work on breaking into that safe. Once that orange sign the permitting sign is taken down here after the meeting, there is going to be nothing visibly perceptible from the street to suggest any sort of business exists on the property. We value our privacy and discretion that goes along with keeping the neighborhood a quiet and pleasant place to live with annually increasing property values as well. So, operation of the business will be completely seamless and unnoticeable to the normal, quiet, and peaceful pattern of life in the neighborhood. There is going to be no signs or no advertisements. No marketing of any kind in the neighborhood or any desire for increased market share above the four allotted customers per month. Is not open to walk ins, it is again by appointment only and only by people that I have vetted previously, through work and through the military. We only plan on utilizing about 100 square feet of an almost 6000 square foot dwelling, so, only about 2% of that floor. Really all the business consists of is that high security safe, a computer, and a printer to run those background checks and keep the required documentation. There is no industrial machinery or equipment that would create any noise, no dust, no vibration, smell, smoke, glare, electrical interference in the neighborhood, fire hazards, or any other kind of nuisance. There is no increased delivery traffic to the neighborhood. All packages that are sent are require an adult signature and are picked up directly at the UPS location, also designated on my current Federal Firearms License that is approved by the ATF and does still require that adult signature. So, trucks never enter the neighborhood and under no circumstances are delivery services to leave a package on the porch with restricted items in them. Firearms are never loaded or fired on the premises in any manner again it is mostly a pass through entity that is mostly clerical and administrative in nature. The firearms that are carried in and out of business are carried out in discrete manufacturers packaging or secure cases. Open firearms are never brandish or visible to the community at large, customers coming park in the driveway, and every portion the transaction to include the loading of the merchandise into their vehicle is done on the premises. We do have a current electronic security system that we are planning to upgrade to a state of the art one for its monitoring capabilities. And, we also plan to consult with the Virginia Beach Police Department Crime Prevention Unit as soon as the Planning Commission comes up with its recommendation to have the Police Department do an assessment of the house and recommend any further recommendations to increase security at the property. I am fully available to answer any questions at this time either by email, on phone, or in person to leave me any more concerns anybody could have. Again, I am fully open and honest about everything I am doing. And, we are just trying to do this the right way and not hide it from anybody. I am not trying to make

anybody uncomfortable or feel threatened in any way. I know that the big orange sign is kind of scary, but it is really a lot less scary in actuality than it seems. That is all I have.

Mr. Dao: Thank you sir. Mr. Chair, we have three speakers signed up to speak on this item. However, only one is online at this time and that speaker is Brooke Lindborg. Ms. Lingborg, please start by stating your name for the comments and you have three minutes.

Ms. Lindborg: Hi, my name is Dr. Brooke Lindborg. I am Ben's wife and the co-owner of 1017 Dartford Mews. So, Ben's been operating North Legend Outfitters for the past four years from our home in the Lake Shore neighborhood of Virginia Beach and there is been not a single complaint. Once the orange sign comes down there will be no perceptible difference in our neighborhood from before the sign was put up. And this should be no different than the other multiple small businesses that are already running from the homes in that neighborhood. We have spoken with our neighbors on Dartford Mews, the ones who have taken the time to get to know us over the past seven to eight months, and they have been overwhelmingly supportive of this endeavor. Ultimately, Ben's a good person and upstanding citizen. He is a member of the US military and I am one of the emergency room physicians here locally in Virginia Beach. And, we are hard workers, we love our community and we love our neighborhood, and we hope that this is a service that Ben can continue to provide. Thank you.

Mr. Weiner: No more speakers.

Mr. Dao: There are no more speakers.

Mr. Weiner: Does anybody have any questions for the Lindborg's? No questions? Oh, Whitney.

Mr. Graham: I do, yes. So, my question is, and I received a call earlier during our informal session from someone in the neighborhood and I do not know how close they live to you. But, they have concerned that some of the firearms are actually being delivered to the house and that you touched on it earlier that they are not delivered or is it that they are not delivered or they are not delivered and left on the front steps like a typical FedEx package. Could you elaborate on that?

Mr. Lindborg: Yes, sir. I do have a separate mailing address listed on the FFL as allowed by the ATF, packages are directed towards the UPS destination assigned from there and I go and pick them up by signature after the fact. Nothing ever is left on the porch, at the house that would contain a restricted item.

Mr. Graham: Okay. Whose rule is that, is that a federal rule?

Mr. Lindborg: Yes, that is on my on my actual Federal Firearms License that I have a premises address and the mailing address that can be separate.

Mr. Graham: Okay. Alright, I do not really have any other questions. Thank you.

Mr. Weiner: Okay. Thank you, Ms. Lindborg. We are going to close this and open it up to discussion. Mr. Graham, this is your area.

Mr. Graham: It sounds like the applicant has been operating this business for four years in a different residence, did not have any issues. None of the adjacent neighbors have opposed this. It is my understanding that none of the adjacent neighbors or anybody on the street that he lives on, even opposed. I am in favor of approval of this of this application, but would like to hear the other Commissioners comments.

Mr. Weiner: Robyn.

Ms. Klein: When I first saw this application, I got a little bit nervous. I have a young child and working in the PICU, I have seen what misuse of firearms can do. And, I read the concern expressed by the around the corner neighbor. It sounds like this applicant knows what he is doing and he previously operated his business at their other home, congratulations on your new home. He takes what he is doing very seriously and understands the impact it might have on the surrounding neighbors. And, it sounds like this business is going to be more discreet than some of the other at home businesses we have approved. And, so, I do intend to support this application and I thank him for his diligence and his safety.

Mr. Weiner: Thank you. Any other questions or comments? How about a motion?

Mr. Graham: Chairman Wiener. I would like to motion that we approve the application.

Ms. Klein: I will second that.

Mr. Weiner: Alright, we have a motion for approval by Commissioner Graham and a second by Commissioner Klein. We are ready for the vote.

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

Mr. Alcaraz: Aye.

Ms. Coleman: Mr. Barnes.

Mr. Barnes: Aye.

Ms. Coleman: Mr. Coston.

Mr. Coston: Aye.

Ms. Coleman: Mr. Graham.

Mr. Graham: Aye.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Aye.

Ms. Coleman: Mr. Inman.

Mr. Inman: Aye.

Ms. Coleman: Ms. Klein.

Ms. Klein: Aye.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Aye.

Ms. Coleman: Ms. Oliver is absent. Vice Chair Wall.

Mr. Wall: Aye.

Ms. Coleman: And, Chairman Weiner.

Mr. Weiner: Aye.

Ms. Coleman: By recorded vote of 10 for and zero against agenda item one has been recommended for approval.

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

CONDITIONS

1. Any firearm or firearm parts kept on the property shall be stored in a locked, secured vault or similar container. The applicant shall contact the Police Department's Crime Prevention Office to arrange for a meeting at the property for the purpose of conducting a security assessment. A report shall be written by the Police Department, a copy provided to the applicant, the Planning Department, and a copy retained by the Police Department. Failure to meet with the Crime Prevention Office within one (1) month of the granting of this Conditional Use Permit shall result in revocation of the Conditional Use Permit.
2. The applicant shall obtain and maintain a Federal Firearms License (FFL) through the Bureau of Alcohol, Tobacco, Firearm and Explosives (ATF) in order to conduct business.
3. All small arms ammunition, primers, smokeless propellants and black powder propellants stored or awaiting transfer at the residence shall comply with Section 3306 of the Virginia Statewide Fire Prevention Code and NFPA 495.
4. There shall be no sign identifying the business on the exterior of any building on the property or within the yard of the property.
5. There shall be no more than four (4) hand-to-hand transactions per month at the dwelling.
6. Not more than twenty (20) percent of the floor area of the dwelling unit and accessory structures shall be used in the conduct of activity with the home occupation.
7. There shall be no more than one (1) employees, other than the homeowner, on the property associated with this home-based business.
8. This Conditional Use Permit is limited to the applicant only, as the main provider of the Firearm Sales Home Occupation.
9. Delivery of firearms to the property shall be received on the applicant's property only, secured by the applicant's signature.
10. There shall be no test firing of firearms on the site.
11. The home occupation shall not create noise, dust, vibration, smell, smoke, 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.

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 # 2

**Toya Smith [Applicant] SST Holdings, LLC [Property Owner]
Conditional Use Permit (Assembly Use)
701 A S Military Highway**

February 10, 2021

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you, Ms. Coleman. The next order of business is the Consent Agenda and this will be handled by the Vice Chair, Commissioner Wall.

Mr. Wall: Thank you, Mr. Chairman. These applications that are recommended for approval by Staff and the Planning Commission concurred, there are no speakers signed up in opposition. The Planning Commission places the following applications on the Consent Agenda. Agenda item number two, number three, number four, number five, number seven, number eight, and number nine. The Planning Commission also places the following applications for Conditional Use Permit for short-term rental on the Consent Agenda as they meet the applicable requirements for Section 241.2 of the Zoning Ordinance. Staff and the Planning Commission supports the applications and there are no speakers signed up in opposition, items 15, 17, and 18.

Mr. Weiner: Thank you, Mr. Wall. Can we have a motion for those items, please?

Mr. Wall: Mr. Chairman, I move that agenda item numbers 2, 3, 4, 5, 7, 8, 9, 15, 17, and 18 be approved by consent.

Mr. Weiner: Thank you. Do we have a second?

Mr. Horsley: Second.

Mr. Weiner: Alright, we have a motion by Mr. Wall and a second by Mr. Horsley. We are ready for the vote.

Mr. Tajan: Mr. Chair, just to clarify, I am sorry. For items number three and four, there are amended conditions that remove the requirement with that the CUP only goes with the operator. So, we are clearing that up.

Mr. Weiner: Okay.

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

Mr. Alcaraz: Aye.

Ms. Coleman: Mr. Barnes.

Mr. Barnes: Aye.

Ms. Coleman: Mr. Coston.

Mr. Coston: Aye.

Ms. Coleman: Mr. Graham.

Mr. Graham: Aye.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Aye.

Ms. Coleman: Mr. Inman.

Mr. Inman: Aye.

Ms. Coleman: Ms. Klein.

Ms. Klein: Aye.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Aye.

Ms. Coleman: Ms. Oliver is absent. Vice Chair Wall.

Mr. Wall: Aye.

Ms. Coleman: And, Chairman Weiner.

Mr. Weiner: Aye.

Ms. Coleman: By recorded vote of 10 for and zero against agenda items 2, 3 with the removal of condition number four, 4 with the removal of condition number four, 5, 7, 8, 9, 15, 17, and 18, have been recommended for approval on the consent agenda.

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

CONDITIONS

1. The applicant shall obtain all necessary permits and inspections from the Department of Planning & Community Development/Permits and Inspections Division. The applicant shall secure a Certificate of Occupancy from the Building Official's Office for use of the existing building as an Assembly Use.
2. The maximum number of attendees shall not exceed thirty (30) or the occupancy load determined by the City of Virginia Beach Fire Marshal.
3. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar sign installed on the exterior of the building or in any window, or on the doors. A separate sign permit shall be obtained from the Department of Planning & Community Development for the installation of any new signs.
4. All event activities shall occur within the building.
5. No amplification of music or use of speakers shall be permitted except within the enclosed building.
6. Hours of operation shall be limited to 7:00 p.m.- 9:00 p.m., Monday through Thursday, 12:00 p.m.- 12:00 a.m. on Friday, and 8:00 a.m. – 12:00 a.m. Saturday through Sunday.

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

**Edynerris O. Aquinde [Applicant] Maximo P. Aquinde Jr. & Edynerris O. Aquinde
[Property Owners]
Conditional Use Permit (Family Day-Care Home)
980 Avery Way**

February 10, 2021

RECOMMENDED FOR APPROVAL – CONSENT – CONDITIONS AMENDED

Mr. Weiner: Thank you, Ms. Coleman. The next order of business is the Consent Agenda and this will be handled by the Vice Chair, Commissioner Wall.

Mr. Wall: Thank you, Mr. Chairman. These applications that are recommended for approval by Staff and the Planning Commission concurred, there are no speakers signed up in opposition. The Planning Commission places the following applications on the Consent Agenda. Agenda item number two, number three, number four, number five, number seven, number eight, and number nine. The Planning Commission also places the following applications for Conditional Use Permit for short-term rental on the Consent Agenda as they meet the applicable requirements for Section 241.2 of the Zoning Ordinance. Staff and the Planning Commission supports the applications and there are no speakers signed up in opposition, items 15, 17, and 18.

Mr. Weiner: Thank you, Mr. Wall. Can we have a motion for those items, please?

Mr. Wall: Mr. Chairman, I move that agenda item numbers 2, 3, 4, 5, 7, 8, 9, 15, 17, and 18 be approved by consent.

Mr. Weiner: Thank you. Do we have a second?

Mr. Horsley: Second.

Mr. Weiner: Alright, we have a motion by Mr. Wall and a second by Mr. Horsley. We are ready for the vote.

Mr. Tajan: Mr. Chair, just to clarify, I am sorry. For items number three and four, there are amended conditions that remove the requirement with that the CUP only goes with the operator. So, we are clearing that up.

Mr. Weiner: Okay.

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

Mr. Alcaraz: Aye.

Ms. Coleman: Mr. Barnes.

Mr. Barnes: Aye.

Ms. Coleman: Mr. Coston.

Mr. Coston: Aye.

Ms. Coleman: Mr. Graham.

Mr. Graham: Aye.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Aye.

Ms. Coleman: Mr. Inman.

Mr. Inman: Aye.

Ms. Coleman: Ms. Klein.

Ms. Klein: Aye.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Aye.

Ms. Coleman: Ms. Oliver is absent. Vice Chair Wall.

Mr. Wall: Aye.

Ms. Coleman: And, Chairman Weiner.

Mr. Weiner: Aye.

Ms. Coleman: By recorded vote of 10 for and zero against agenda items 2, 3 with the removal of condition number four, 4 with the removal of condition number four, 5, 7, 8, 9, 15, 17, and 18, have been recommended for approval on the consent agenda.

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

CONDITIONS

1. Arrival and departure times shall be staggered to avoid vehicular congestion.
2. The Family Day-Care Home shall be limited to the total of twelve (12) children, other than children living in the home.
3. The applicant shall maintain a license with the Virginia Department of Social Services for childcare.
4. No more than one (1) person, other than the applicant, shall assist with the operation of the Family Day-Care Home at any one time.
5. Any sign identifying the home occupation shall be non-illuminated, not more than one (1) square foot in area and mounted flat against the residence.
6. The applicant shall obtain all necessary permits and inspections from the City of Virginia Beach. Prior to operation, the applicant shall obtain a Certificate of Occupancy from the Building Official's Office for use of the house as a Family Day-Care Home.
7. The applicant/owner shall maintain a six-foot privacy fence around the perimeter of the rear yard for the duration of the use.
8. 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 # 4

**Yessica Diaz-Johnson [Applicant] Deon Johnson Sr. & Yessica Diaz-Johnson [Property Owners]
Conditional Use Permit (Family Day-Care Home)
5150 Rugby Road**

February 10, 2021

RECOMMENDED FOR APPROVAL – CONSENT – CONDITIONS AMENDED

Mr. Weiner: Thank you, Ms. Coleman. The next order of business is the Consent Agenda and this will be handled by the Vice Chair, Commissioner Wall.

Mr. Wall: Thank you, Mr. Chairman. These applications that are recommended for approval by Staff and the Planning Commission concurred, there are no speakers signed up in opposition. The Planning Commission places the following applications on the Consent Agenda. Agenda item number two, number three, number four, number five, number seven, number eight, and number nine. The Planning Commission also places the following applications for Conditional Use Permit for short-term rental on the Consent Agenda as they meet the applicable requirements for Section 241.2 of the Zoning Ordinance. Staff and the Planning Commission supports the applications and there are no speakers signed up in opposition, items 15, 17, and 18.

Mr. Weiner: Thank you, Mr. Wall. Can we have a motion for those items, please?

Mr. Wall: Mr. Chairman, I move that agenda item numbers 2, 3, 4, 5, 7, 8, 9, 15, 17, and 18 be approved by consent.

Mr. Weiner: Thank you. Do we have a second?

Mr. Horsley: Second.

Mr. Weiner: Alright, we have a motion by Mr. Wall and a second by Mr. Horsley. We are ready for the vote.

Mr. Tajan: Mr. Chair, just to clarify, I am sorry. For items number three and four, there are amended conditions that remove the requirement with that the CUP only goes with the operator. So, we are clearing that up.

Mr. Weiner: Okay.

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

Mr. Alcaraz: Aye.

Ms. Coleman: Mr. Barnes.

Mr. Barnes: Aye.

Ms. Coleman: Mr. Coston.

Mr. Coston: Aye.

Ms. Coleman: Mr. Graham.

Mr. Graham: Aye.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Aye.

Ms. Coleman: Mr. Inman.

Mr. Inman: Aye.

Ms. Coleman: Ms. Klein.

Ms. Klein: Aye.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Aye.

Ms. Coleman: Ms. Oliver is absent. Vice Chair Wall.

Mr. Wall: Aye.

Ms. Coleman: And, Chairman Weiner.

Mr. Weiner: Aye.

Ms. Coleman: By recorded vote of 10 for and zero against agenda items 2, 3 with the removal of condition number four, 4 with the removal of condition number four, 5, 7, 8, 9, 15, 17, and 18, have been recommended for approval on the consent agenda.

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

CONDITIONS

1. Arrival and departure times shall be staggered to avoid vehicular congestion.
2. The Family Day-Care Home shall be limited to the total of twelve (12) children, other than children living in the home.
3. The applicant shall maintain a license with the Virginia Department of Social Services for childcare.
4. No more than one (1) person, other than the applicant, shall assist with the operation of the Family Day-Care Home at any one time.
5. Any sign identifying the home occupation shall be non-illuminated, not more than one (1) square foot in area and mounted flat against the residence.
6. The applicant shall obtain all necessary permits and inspections from the City of Virginia Beach. Prior to operation, the applicant shall obtain a Certificate of Occupancy from the Building Official's Office for use of the house as a Family Day-Care Home.
7. The applicant/owner shall maintain a six-foot privacy fence around the perimeter of the rear yard for the duration of the use.
8. 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 # 5

**First Chinese Baptist Church [Applicant & Property Owner]
Modification of Conditions (Religious Use)
228 Pritchard Road**

February 10, 2021

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Weiner: Thank you, Ms. Coleman. The next order of business is the Consent Agenda and this will be handled by the Vice Chair, Commissioner Wall.

Mr. Wall: Thank you, Mr. Chairman. These applications that are recommended for approval by Staff and the Planning Commission concurred, there are no speakers signed up in opposition. The Planning Commission places the following applications on the Consent Agenda. Agenda item number two, number three, number four, number five, number seven, number eight, and number nine. The Planning Commission also places the following applications for Conditional Use Permit for short-term rental on the Consent Agenda as they meet the applicable requirements for Section 241.2 of the Zoning Ordinance. Staff and the Planning Commission supports the applications and there are no speakers signed up in opposition, items 15, 17, and 18.

Mr. Weiner: Thank you, Mr. Wall. Can we have a motion for those items, please?

Mr. Wall: Mr. Chairman, I move that agenda item numbers 2, 3, 4, 5, 7, 8, 9, 15, 17, and 18 be approved by consent.

Mr. Weiner: Thank you. Do we have a second?

Mr. Horsley: Second.

Mr. Weiner: Alright, we have a motion by Mr. Wall and a second by Mr. Horsley. We are ready for the vote.

Mr. Tajan: Mr. Chair, just to clarify, I am sorry. For items number three and four, there are amended conditions that remove the requirement with this only go with the operator. So, we are clearing that up.

Mr. Weiner: Okay.

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

Mr. Alcaraz: Aye.

Ms. Coleman: Mr. Barnes.

Mr. Barnes: Aye.

Ms. Coleman: Mr. Coston.

Mr. Coston: Aye.

Ms. Coleman: Mr. Graham.

Mr. Graham: Aye.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Aye.

Ms. Coleman: Mr. Inman.

Mr. Inman: Aye.

Ms. Coleman: Ms. Klein.

Ms. Klein: Aye.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Aye.

Ms. Coleman: Ms. Oliver is absent. Vice Chair Wall.

Mr. Wall: Aye.

Ms. Coleman: And, Chairman Weiner.

Mr. Weiner: Aye.

Ms. Coleman: By recorded vote of 10 for and zero against agenda items 2, 3 with the removal of condition number four, 4 with the removal of condition number four, 5, 7, 8, 9, 15, 17, and 18, have been recommended for approval on the consent agenda.

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

CONDITIONS

1. All conditions attached to the Conditional Use Permit (Parking Lot Expansion) granted for the Church in 1995 are hereby deleted and superseded by the following conditions below.
2. When the property is developed, it shall be in substantial conformance with the submitted Concept Plan entitled, "Site Improvements Plan", dated 1/27/2021 and prepared by John Sandow Engineering, LLC, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
3. The exterior of the proposed building shall substantially adhere in appearance, size and materials to the elevations entitled, "First Chinese Baptist Church", dated June 25, 2020 and prepared by Barnes Design Group which has been exhibited to the Virginia Beach City Council and is on file in the Virginia Beach Department of Planning & Community Development.
4. All outdoor lights shall be shielded to direct light and glare onto the premises, said lighting and glare shall be deflected, shaded, and focused away from all adjoining property.
5. The existing freestanding sign fronting Pritchard Road shall be removed from the right-of-way.
6. Signage for the Religious Use permitted includes the sign proposed on the front facade as depicted on the elevations entitled, "First Chinese Baptist Church", dated June 25, 2020 and prepared by Barnes Design Group which has been exhibited to the Virginia Beach City Council and is on file in the Virginia Beach Department of Planning & Community Development.
7. The proposed addition shall be located no closer than 28.69 feet from the Pritchard Road front property line as depicted on the exhibit entitled, "Site Improvements Plan", dated 1/27/2021 and prepared by John Sandow Engineering, LLC. This location is a deviation to the 30-foot front setback required by the Zoning Ordinance.
8. The proposed addition's porch, steps and railings shall be located no closer than 14.13 feet from the southern side yard property line as depicted on the exhibit entitled, "Site Improvements Plan", dated 1/27/2021 and prepared by John Sandow Engineering, LLC. This is a deviation to the 20-foot side yard setback required by the Zoning Ordinance.

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 # 6

**MS Virginia Beach, LLC [Applicant & Property Owner]
Modification of Proffers
2257 Willow Oak Circle**

February 10, 2021

RECOMMENDED FOR APPROVAL – HEARD

Mr. Dao: Yes, sir. Item number six is the application of MS Virginia Beach, LLC. Rob Beaman is the applicant's representative. Mr. Beaman, please start your comments and you have 10 minutes.

Mr. Beaman: Hi, can everybody hear me.

Mr. Dao: Yes, sir.

Mr. Beaman: Thank you very much. Mr. Chairman, Mr. Vice Chair, Members of the Commission for the record. My name is Rob Beaman I am a local land use attorney at Troutman Pepper Law Firms, here today on behalf of the applicant MS Virginia Beach, LLC. This application involves existing Marina Shores apartments located at the intersection.

Mr. Weiner: Mr. Beaman, can we stop for just a minute, we can barely hear you.

Mr. Redmond: Yeah, he sat closer to that telephone.

Mr. Beaman: Thank you. I apologize for all these audio challenges. Just to pick up where I left off this application involves the existing Marina Shores apartments at the intersection of Great Neck Road and Lynnhaven Drive, which were originally developed back in the late 1980s. The site currently has tennis courts located in the southwestern corner of the property that are rarely utilized by the current tenants. Because of the significant demand and the popularity of the complex, the applicant utilizes portion of the site for an additional residential building. The applicant proposes a single additional building containing 49 units that would be designed to closely match the existing buildings in the development from the style, colors, and materials. It is important to know that even with the addition of the proposed building the site will still remain well under the permitted density and impervious area requirements under the applicable zoning classification. Another key component that I wanted to mention of this project is that, in addition to providing parking for the proposed new building this project, we are also adding additional parking throughout the apartment complex to bring it into conformance with the current code regulations since it was built back in the 1980s. It is currently nonconforming with respect to parking and this project will help address that. The applicant worked closely with the Bayfront Advisory Commission and its design review committee on this application. We have met with those folks twice and we

appreciate the time they spent with us and the comments we received during that process. As Jonathan mentioned during the informal session, the applicant made several significant changes to its plans in response to comments received from the Bayfront Advisory Commission (BAC), one of those involved increasing the building setbacks along the intersection of Great Neck and Lynnhaven, so, that more of the existing mature tree stand along Great Neck could be saved. That tree save areas shown on the landscape plan that we submitted with our application. And, also BAC we met with them and then I shared with Mr. Inman earlier today. And, I do not know if Hoa and Jonathan had that exhibit available. I emailed it to him between the informal and the formal just to make sure they had that. But, generally it shows that the applicant intends to save nearly all of the existing trees along Great Neck. There are a couple as you can kind of see on this exhibit where they get pretty close to the limits of clearing for the parking area and, so, there are a couple trees that whether or not they can be saved depend on final engineering, but the majority of those along Great Neck will be saved. Finally, we understand the Planning Department has received a couple of notes from several folks over the last several days expressing general concerns about the existing traffic at the intersection of Great Neck and Lynnhaven. Regarding the traffic, I think it is important to note that is reflected in the Staff report, the proposed building will generate a very low amount of additional traffic, which I understand does not meet the City's threshold for a traffic study here. Additionally, as Jonathan pointed out during the informal session, we understand that Traffic Engineering Department had a chance to review this application, and did not have any concerns that they expressed to the Planning Staff. Summary, the proposed building has been designed to be compatible with the surrounding land uses and the existing apartment complex and has received a positive recommendation from both Planning Staff and the Bayfront Advisory Commission. We certainly appreciate your time and consideration this application and will standby for questions.

Mr. Weiner: Thank you Mr. Beaman. Does anybody have any questions for Mr. Beaman? No, questions? Alright. Hoa.

Mr. Dao: We have one speaker for this item. Mr. Solomon.

Mr. Weiner: I am sorry, hold on a second, somebody has a question.

Mr. Wall: Hey, David, this is Jack.

Mr. Weiner: I am sorry, Jack, I did not see you.

Mr. Wall: I do have a question. Mr. Beaman, can you describe the landscaping plan? So, the trees that are on Lynnhaven Road, I guess those are going to be taken down, is that correct? Because I think there is an existing stand of trees along the roadway.

Mr. Beaman: There are a couple that we believe we can save there. But, you see the geometry is a little bit difficult, more difficult along Lynnhaven Road, there is an internal

roadway that kind of bends around the eastern side of the new building and forces that corner in the parking area further towards Lynnhaven. We have a full 30-foot setback off of the road, but we do need parking there. So, there will be a couple of trees that need to come down there.

Mr. Wall: So, those trees aren't in the right of way, those are actually on the property of Marina Shores?

Mr. Beaman: Yes, sir.

Mr. Wall: Okay. Thank you. I just want to say one of the comments from one of the letters was that these apartments are going to be overlooking the existing homes on the other side of Lynnhaven Drive. I guess the street trees that are proposed, over time, will grow up and need to provide screening in that case.

Mr. Beaman: Yes, sir. That is correct. And, the other thing I wanted to point out, you will see at the corner on this landscape plan, there is a broad area above that concept plan schedule, that is a city pump station, so, the entirety of that area of the property is not occupied by homes and that is a considerable amount of the space directly across. The only other thing I will point out is this building should be identical in scale to the one just to the south of it. So, the same type of building, same scale, yes sir.

Mr. Wall: Okay, thank you.

Mr. Beaman: Thank you.

Mr. Weiner: Any more questions? Alright, Hoa.

Mr. Dao: We have one speaker on this item, Todd Solomon. Mr. Solomon, please start your comments. You have three minutes.

Mr. Solomon: Thank you, Commissioner Wiener and Commission Members again.

Mr. Dao: Mr. Solomon, your microphone is really low. Can you speak louder, please?

Mr. Solomon: So, the first issue I have is with the Staff report mentioning that the Shore Drive Community Coalition had no concerns in regards to this project. We did present or we did question at the BAC's meeting. These two specific concerns that I am going to talk about here, so, I think you need to change that or at least have a better idea when your says Staff reports that. The first item of concern that we brought up is the traffic impact. I know traffic studies or traffic engineering said they had no issues. I mean, their evaluation was the volume that is on North Great Neck Road and that is not a concern, obviously more cars and 400 trips per day is a drop in the bucket. But, the question there is the intersection and the fact that it is a bad intersection, that we have historically stated is a bad intersection. Planning Commission and City Council have approved The Pearl which is 200 and some plus apartments, you are doing another 50 apartments here, along with Long

Creek Cove, Marina Shores Apartments, and then across the street The Arbors, you are talking potentially 6,000 or 7,000 trips per day at that intersection. And, yet we haven't seen a study from the city and traffic study done. We do not know what the limit is, you can say it's not at limit, but there is no limit produced. So, we would ask that you do a limit study on that because as you keep increasing densities, at some point it is going to trip and we do not know what it is and it makes no sense to us, so, that is one issue. And, the second one is, the density the increased density, we understand that you are approving densities, spot zoning, you have done Westminster Canterbury at 255%. You have done Windsong at 58%. We understand the way you guys are it is now open season for increased densities through the Planning Commission and City Council. The difference on this one is that now you are going to violate proffers. So, the Pandora's Box proffers we are interested to see if you approve this does that mean proffers are worthless, they are meaningless. If one Council and one Planning Commission approves a proffer the next ones that come in, or even the same ones, if they change your minds, or if you are pro-density, who cares about a proffer, it sounds like that is what is going to happen on this one. This thing was proffered back at 24 units, even though it could technically be 36 units per acre, but they proffered it. So, it is a restriction they put on themselves. So, granted now, they are going to 49 units from 60. I mean, anything above zero above that proffer is good for them, it is extra profit for them. So, it will be interesting to see how you guys proceed with this and is it going to be open season for everywhere else in the city with proffers. Are they meaningless? Is it just whatever the developer comes in and shows you that there is an increase in potential profits for the city, and you are going to bow down to that? So, that is what we are waiting to see. It granted, you know, 60 units is just a drop in the bucket when you just approved the 255% Westminster Canterbury. But, when you stack all these things together, it is a bad trend and that is our issue on this project along with all the other ones. And, another one in the pipeline is Marlin Bay, so, we will wait to see how you all proceed on this and thank you for your attention.

Mr. Weiner: Thank you, Mr. Solomon. Anybody, have any questions for Mr. Solomon? Okay, thank you. That is all the speakers, Hoa.

Mr. Dao: Yes, sir, that is all the speakers we have on this item.

Mr. Weiner: Alright, Mr. Beaman, do you have any rebuttal you'd like to talk about.

Mr. Beaman: Thank you. Just a couple of quick comments, with respect to the Modification of Proffers, this site was originally proffered back in 1987. So, approximately 35 years ago and certainly the city has a Modification of Proffers application that goes through Planning and City Council for situations like this where things change over time. With respect to traffic, as is mentioned in the Staff report this really is a minimal traffic generator with just 49 units. It is approximately 350 trips together coming and going per day over a 24-hour period and split over two access points.

So, it really will be a de-minimis amount of traffic. So, those are the two things that I wanted to point out.

Mr. Weiner: Thank you, sir. Any questions for Mr. Beaman? No questions. That is all of our speakers. We are going to close this and open it up. Mr. Graham.

Mr. Graham: Thank you, Mr. Chairman. Obviously, we do change proffers from time-to-time, sometimes the proffers that were made recently, sometimes the proffers that were there were made like this, years ago. I do not disagree with Mr. Solomon, I mean, I think that intersection it is a little tricky of an intersection. I think The Pearl dealt with it as well in discussions. But, I think you do see the traffic that is coming off of the bridge there as it is heading north on Great Neck Road that sometimes people do speed up when they are going down. I have lived within walking distance of this property and there is hardly anybody ever playing tennis over there and there are certainly other places to play tennis. It is a very sought after area and it is why I live over here. It is why Mr. Solomon lives over here. It is why this developer wants to add more units to this property. I like what it is going to look like, I like that it is going to be consistent. We have got capacity in the schools, and it is really not going to add any students and it is sometimes is an issue, but in this case, it is really not, 49 units we are going from 24 units to 27 units per acre. It certainly could have been a lot more a long time ago. I am happy that the applicant worked with the Bayfront Advisory Board and took their comments and actually they made changes that I think are beneficial to the property to the community and I support this project, I think it is going to be attractive, it is a great use. Quite frankly, it is an underutilized piece of the property. They are adding parking spaces, which I think is very beneficial. My understanding is with water retention, I know there is already ponds over there. There is no water retention issue. I am going to support this project, so, nothing further.

Mr. Weiner: Okay. Robyn, I am sorry go ahead.

Ms. Klein: This question may be for Mr. Tajan, if three different applications are brought forward for three different sites in a similar area, does a traffic consideration take into account just that application or does it also include the fact that there are other applications or construction in the area.

Mr. Tajan: Thank you, Ms. Klein. That is a very good question. So, when these reviews are done for anything that has been approved, that has the potential impact, those do get looked at now. Ric Lowman our City Traffic Engineer has noted that the study that we have done in time previously did not warrant any signalized improvements of this intersection. But, he has been reviewing each of these as they come through the review process to see if these impacts cause any larger impacts to the system. However, that being said, The City has committed Traffic Engineering and Public Works to doing a study, reflecting the current development here and seeing if it warrants for The City to install a traffic signal at this location. And, that

information was shared with the Bayfront Advisory Commission, I believe in the fall when Public Works was at their meeting last.

Ms. Klein: Okay, so, The City is conducting that study separate from this applicant.

Mr. Tajan: That is correct.

Ms. Klein: Thank you.

Mr. Weiner: Mr. Redmond.

Mr. Redmond: But to be clear, I do not think this required a traffic study, that the traffic in addition was essentially nonexistent with this project. And, I think this is a fairly inconsequential application, it is a piece of private property with tennis courts on it. Tennis courts are underutilized if used virtually at all and this is the same kind of development that is on the site today. So, this term spot zoning got thrown out rather casually, this is anything but spot zoning. This is residential development adjacent to residential development in a place where it makes sense. I want to make one point to that Mr. Solomon kind of touched a nerve with and there is a lot of this kind of development all over Virginia Beach. Shelter is one of the human species' greatest needs and when you see this much demand for this kind of product type, it means within our community there are a lot of people who need better places to live. And, so no, we do not just turn our backs on the fact that people need more and better places to live. When they get leased up as quickly as these kinds of projects do, it means there is a very serious organic need for housing in our city. I am going to repeat that there is a very serious organic need for housing in our community. That is why there is so much pressure on this type of product type, I had been hearing for 20 years that the very next project was going to cause the entire Shore Drive Corridor to collapse, right. In rubble and fire, and disease and pestilence, it was all going to go away, it was all just going to be so horrible. And, it is never been richer, it is never been in greater demand. And, so, the whole sky is falling scenario, I just do not see it. This is a very important need within our community housing. And, when we see high quality housing that is proposed, which this is, in my view and unless there is something wrong with it, we ought to hurry to press the button that says yes, because we certainly need it as a community. So, I am certainly going to support a motion if Whitney chooses to make one to support this application. Thank you.

Mr. Weiner: Thank you. Mr. Wall.

Mr. Wall: I do not know if anybody can answer this, but in 1987 for this, the proffers, what was the basis for, was that self-imposed or was that approved by the City on that property for the proffers.

Mr. Tajan: I will be honest with you Mr. Wall, I do not believe we know the negotiation process at that time. Typically, what happens in these proffers, because the applicant does

provide them to us, more than likely reflected what they were proposing at the time, rather than there being a cap on themselves.

Mr. Wall: Okay, thank you.

Mr. Inman: Mr. Chairman.

Mr. Weiner: Yes, go ahead.

Mr. Inman: I just got to tell you, I do not know how to raise my hand on this device that I am using. So, first thing I got a question on proffer number one, really just kind of curious if it eliminates a proffer number one from the original proffers and that proffer was to use that the property will be developed in compliance with certain paragraphs of the urban best management practices handbook. So, shall I correctly presume that handbook no longer exists, is that right. This is fair question.

Mr. Tajan: That is correct, Mr. Inman.

Mr. Inman: Okay. Alright, I want to acknowledge Mr. Solomon, I hear what he is saying, unlike Mr. Redmond's comments, I have a concern about what's going on in the Shore Drive corridor, I think my vote will reflect it would have been anyway, I cannot really talk about it. Okay. So, there is a lot of things going on that do concern me, this particular application does not and I am thankful that the applicant was willing to work to reduce the scale of the building and to save the existing trees, at least of nearly all of them, I think will be saved along Great Neck Road and consequently, I think this is a reasonable application should be passing and I will support it.

Mr. Weiner: Thank you, sir. Mr. Graham, go ahead.

Mr. Graham: I just want to piggyback on what Commissioner Wall, what he was talking about with the proffers and the time period. I think that part and I do not know, I was not there then. When I was a kid, I lived here in Virginia Beach, but my guess is there really was not as much demand in this area as in kind of piggybacking on what Mr. Redmond said. There is tremendous amount of demand that people want to live in the Shore Drive Corridor, it is a great place to live. To me this is a building that is going to be very consistent with the rest of the project. Anyway, are there any other Commissioners that have anything else?

Mr. Weiner: Any other comments? Anybody? No, it is on you, Mr. Graham.

Mr. Graham: I would like to make a motion to approve this application.

Mr. Weiner: Alright, do we have a second.

Mr. Redmond: I will second.

Mr. Weiner: Second by Mr. Redmond. We have a motion to approve by Mr. Graham, second by Mr. Redmond. We are ready for the vote.

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

Mr. Alcaraz: Aye.

Ms. Coleman: Mr. Barnes.

Mr. Barnes: Aye.

Ms. Coleman: Mr. Coston.

Mr. Coston: Aye.

Ms. Coleman: Mr. Graham.

Mr. Graham: Aye.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Aye.

Ms. Coleman: Mr. Inman.

Mr. Inman: Aye.

Ms. Coleman: Ms. Klein.

Ms. Klein: Aye.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Aye.

Ms. Coleman: Ms. Oliver is absent. Vice Chair, Wall.

Mr. Wall: Aye.

Ms. Coleman: And, Chairman Weiner.

Mr. Weiner: Aye.

Ms. Coleman: By recorded vote of 10 for and zero against agenda item six has been recommended for approval.

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

PROFFERS

The following are proffers submitted by the applicant as part of a Conditional Zoning Agreement (CZA). The applicant, consistent with Section 107(h) of the City Zoning Ordinance, has voluntarily submitted these proffers in an attempt to “offset identified problems to the extent that the proposed rezoning is acceptable,” (§107(h)(1)). Should this application be approved, the proffers will be recorded at the Circuit Court and serve as conditions restricting the use of the property as proposed with this change of proffers.

Proffer 1: To the extent applicable to the Property, Proffer Number 1 of the Original Proffers is hereby deleted in its entirety.

Proffer 2: The last sentence of Proffer Number 4 of the Original Proffers is hereby deleted and replaced with the following:

“All structures constructed on Parcel 1-D shall be subject to a maximum height limit of sixty-five (65) feet, and the density shall not exceed four-hundred forty-one (441) units.”

Proffer 3: The following is hereby added as Proffer Number 8 to the Original Proffers, and shall apply only to the Property:

“The structure located in the southwestern corner of the Property, when developed, shall be developed in substantial conformity with the conceptual site plan entitled ‘Marina Shores Expansion’, dated August 31, 2020, and prepared by Timmons Group (the “Concept Plan”), a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning.”

Proffer 4: The following is hereby added as Proffer Number 9 to the Original Proffers, and shall apply only to the Property:

“The quality of architectural design and materials of the multifamily residential buildings constructed in the southwest corner of the Property, when developed, shall be in substantial conformity with the exhibit consisting of two (2) sheets, prepared by Cox, Kliewer & Company, P.C., entitled ‘Marina Shores’, and dated November 27, 2020 (the “Elevations”), a copy of which

is on file with the Department of Planning and has been exhibited to the Virginia Beach City Council.”

Proffer 5: The following is hereby added as Proffer Number 10 to the Original Proffers, and shall apply only to the Property:

“Landscaping installed on the Property, when developed, shall be in substantial conformity with that shown on the exhibit prepared by Timmons Group, entitled ‘Marina Shores Apartment Expansion, Conceptual Planting Plan’, and dated August 31, 2020 (the ‘Landscape Plan’), a copy of which is on file with the Department of Planning and has been exhibited to the Virginia Beach City Council. The exact species of the various types of landscaping shall be determined at final site plan review.”

Proffer 6: Except as expressly modified by this Agreement, all other covenants, restrictions and conditions proffered as part of the Original Proffers shall remain unchanged and are incorporated herein by reference with respect to the Property. The Original Proffers shall remain in effect in their entirety and are unchanged by this Agreement with respect to the remainder of the Property.

Item # 7

**Kenneth Stuart Proud [Applicant] Mark & Crystal Proud [Property Owners]
Change in Nonconformity
228 Cavalier Drive**

February 10, 2021

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Weiner: Thank you, Ms. Coleman. The next order of business is the Consent Agenda and this will be handled by the Vice Chair, Commissioner Wall.

Mr. Wall: Thank you, Mr. Chairman. These applications that are recommended for approval by Staff and the Planning Commission concurred, there are no speakers signed up in opposition. The Planning Commission places the following applications on the Consent Agenda. Agenda item number two, number three, number four, number five, number seven, number eight, and number nine. The Planning Commission also places the following applications for Conditional Use Permit for short-term rental on the Consent Agenda as they meet the applicable requirements for Section 241.2 of the Zoning Ordinance. Staff and the Planning Commission supports the applications and there are no speakers signed up in opposition, items 15, 17, and 18.

Mr. Weiner: Thank you, Mr. Wall. Can we have a motion for those items, please?

Mr. Wall: Mr. Chairman, I move that agenda item numbers 2, 3, 4, 5, 7, 8, 9, 15, 17, and 18 be approved by consent.

Mr. Weiner: Thank you. Do we have a second?

Mr. Horsley: Second.

Mr. Weiner: Alright, we have a motion by Mr. Wall and a second by Mr. Horsley. We are ready for the vote.

Mr. Tajan: Mr. Chair, just to clarify, I am sorry. For items number three and four, there are amended conditions that remove the requirement with this only go with the operator. So, we are clearing that up.

Mr. Weiner: Okay.

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

Mr. Alcaraz: Aye.

Ms. Coleman: Mr. Barnes.

Mr. Barnes: Aye.

Ms. Coleman: Mr. Coston.

Mr. Coston: Aye.

Ms. Coleman: Mr. Graham.

Mr. Graham: Aye.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Aye.

Ms. Coleman: Mr. Inman.

Mr. Inman: Aye.

Ms. Coleman: Ms. Klein.

Ms. Klein: Aye.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Aye.

Ms. Coleman: Ms. Oliver is absent. Vice Chair Wall.

Mr. Wall: Aye.

Ms. Coleman: And, Chairman Weiner.

Mr. Weiner: Aye.

Ms. Coleman: By recorded vote of 10 for and zero against agenda items 2, 3 with the removal of condition number four, 4 with the removal of condition number four, 5, 7, 8, 9, 15, 17, and 18, have been recommended for approval on the consent agenda.

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

CONDITIONS

1. The expansion of the building shall be in substantial conformance with the submitted Site Plan entitled, "BZA Exhibit of Lot 6", dated October 6, 2020, and prepared by WPL, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
2. The exterior of the proposed improvements shall substantially adhere in appearance, size and materials to the submitted elevations entitled, "Proud Residence", revised September 21, 2020, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
3. The expansion shall be located no closer than 9.14 feet from the rear property line as depicted on the submitted Site Plan entitled, "BZA Exhibit of Lot 6", dated October 6, 2020, and prepared by WPL, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development. This location is a deviation to the 20-foot setback required by the Zoning Ordinance.

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 # 8

**Thomas A. Brown [Applicant & Property Owner]
Subdivision Variance (Section 4.4(b) of the Subdivision Regulations)
2892 Indian River Road**

February 10, 2021

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Weiner: Thank you, Ms. Coleman. The next order of business is the Consent Agenda and this will be handled by the Vice Chair, Commissioner Wall.

Mr. Wall: Thank you, Mr. Chairman. These applications that are recommended for approval by Staff and the Planning Commission concurred, there are no speakers signed up in opposition. The Planning Commission places the following applications on the Consent Agenda. Agenda item number two, number three, number four, number five, number seven, number eight, and number nine. The Planning Commission also places the following applications for Conditional Use Permit for short-term rental on the Consent Agenda as they meet the applicable requirements for Section 241.2 of the Zoning Ordinance. Staff and the Planning Commission supports the applications and there are no speakers signed up in opposition, items 15, 17, and 18.

Mr. Weiner: Thank you, Mr. Wall. Can we have a motion for those items, please?

Mr. Wall: Mr. Chairman, I move that agenda item numbers 2, 3, 4, 5, 7, 8, 9, 15, 17, and 18 be approved by consent.

Mr. Weiner: Thank you. Do we have a second?

Mr. Horsley: Second.

Mr. Weiner: Alright, we have a motion by Mr. Wall and a second by Mr. Horsley. We are ready for the vote.

Mr. Tajan: Mr. Chair, just to clarify, I am sorry. For items number three and four, there are amended conditions that remove the requirement with this only go with the operator. So, we are clearing that up.

Mr. Weiner: Okay.

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

Mr. Alcaraz: Aye.

Ms. Coleman: Mr. Barnes.

Mr. Barnes: Aye.

Ms. Coleman: Mr. Coston.

Mr. Coston: Aye.

Ms. Coleman: Mr. Graham.

Mr. Graham: Aye.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Aye.

Ms. Coleman: Mr. Inman.

Mr. Inman: Aye.

Ms. Coleman: Ms. Klein.

Ms. Klein: Aye.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Aye.

Ms. Coleman: Ms. Oliver is absent. Vice Chair Wall.

Mr. Wall: Aye.

Ms. Coleman: And, Chairman Weiner.

Mr. Weiner: Aye.

Ms. Coleman: By recorded vote of 10 for and zero against agenda items 2, 3 with the removal of condition number four, 4 with the removal of condition number four, 5, 7, 8, 9, 15, 17, and 18, have been recommended for approval on the consent agenda.

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

CONDITIONS

1. The applicant/owner shall submit a subdivision plat to the City of Virginia Beach, subject to the review and approval of the Department of Planning & Community Development prior to recordation, which shall be in substantial conformance to the submitted plat exhibit entitled "Exhibit Showing Proposed Resubdivision of Property of Thomas A. Brown Known As 2892 Indian River Road and 'B' Georgie Wilson 1.44 AC." dated November 25, 2020, and prepared by Hayden Frye and Associates, Inc. Land Surveyors, a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning & Community Development.
2. Legal ingress/egress for Parcel 2 to Indian River Road from the private lane to be known as Lauren Lane shall be maintained at all times, through ingress/egress easement(s). Said easement(s) shall be depicted on the final plat and recorded contemporaneously by deed.
3. The private lane must conform to the Virginia Statewide Fire Prevention Code for fire apparatus access. The lane must be a minimum 20' wide, the road surface must be able to support 82,000 of vehicle loading and be all-weather, and the fire apparatus must be able to reach the most exterior wall from an approved roadway within 150'.

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 # 9

**Gray Point Cove, LLC [Applicant] Gray Point Cove, LLC & Sharon L. Gray [Property Owners]
Subdivision Variance (Section 4.4(b) of the Subdivision Regulations)
3108 Little Haven Road & adjacent western parcel**

February 10, 2021

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Weiner: Thank you, Ms. Coleman. The next order of business is the Consent Agenda and this will be handled by the Vice Chair, Commissioner Wall.

Mr. Wall: Thank you, Mr. Chairman. These applications that are recommended for approval by Staff and the Planning Commission concurred, there are no speakers signed up in opposition. The Planning Commission places the following applications on the Consent Agenda. Agenda item number two, number three, number four, number five, number seven, number eight, and number nine. The Planning Commission also places the following applications for Conditional Use Permit for short-term rental on the Consent Agenda as they meet the applicable requirements for Section 241.2 of the Zoning Ordinance. Staff and the Planning Commission supports the applications and there are no speakers signed up in opposition, items 15, 17, and 18.

Mr. Weiner: Thank you, Mr. Wall. Can we have a motion for those items, please?

Mr. Wall: Mr. Chairman, I move that agenda item numbers 2, 3, 4, 5, 7, 8, 9, 15, 17, and 18 be approved by consent.

Mr. Weiner: Thank you. Do we have a second?

Mr. Horsley: Second.

Mr. Weiner: Alright, we have a motion by Mr. Wall and a second by Mr. Horsley. We are ready for the vote.

Mr. Tajan: Mr. Chair, just to clarify, I am sorry. For items number three and four, there are amended conditions that remove the requirement with this only go with the operator. So, we are clearing that up.

Mr. Weiner: Okay.

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

Mr. Alcaraz: Aye.

Ms. Coleman: Mr. Barnes.

Mr. Barnes: Aye.

Ms. Coleman: Mr. Coston.

Mr. Coston: Aye.

Ms. Coleman: Mr. Graham.

Mr. Graham: Aye.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Aye.

Ms. Coleman: Mr. Inman.

Mr. Inman: Aye.

Ms. Coleman: Ms. Klein.

Ms. Klein: Aye.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Aye.

Ms. Coleman: Ms. Oliver is absent. Vice Chair Wall.

Mr. Wall: Aye.

Ms. Coleman: And, Chairman Weiner.

Mr. Weiner: Aye.

Ms. Coleman: By recorded vote of 10 for and zero against agenda items 2, 3 with the removal of condition number four, 4 with the removal of condition number four, 5, 7, 8, 9, 15, 17, and 18, have been recommended for approval on the consent agenda.

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

CONDITIONS

1. The applicant/owner shall submit a subdivision plat to the City of Virginia Beach, subject to the review and approval of the Department of Planning & Community Development prior to recordation, which shall be in substantial conformance to the submitted plat exhibit entitled "Preliminary Subdivision Plat of Lot G-1-A and Lot G-1-B, Little Haven", dated September 28, 2020, and prepared by American Engineering, a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning & Community Development.

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

The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Item # 10

**Festival, LLC [Applicant & Property Owner]
Alternative Compliance
712 Atlantic Avenue**

February 10, 2021

DEFERRED INDEFINITELY

Mr. Weiner: Thank you Ms. Coleman. So, today we have no items to be withdrawn, but we do have two items to be deferred. On item number 11, since it was advertised I think we still have a couple of speakers for item number 11, so, we are going to let the speakers talk now before we go through a deferral on items 10 and 11.

Mr. Dao: The first speaker on item 11 is Bobby Sherrill. Ms. Sherrill, please start your comments.

Ms. Sherrill: Thank you for having me here today. I am with Cape Story by the Sea. Our family has had the property for about 50 years, we got a short-term rental notice on December 18, about the short-term rentals, which we strongly oppose. We have had no civic engagement, we have informed City Council, we do not want this, we are not interested in it, and we were never asked about it. And, this has been forced down our throat and we have had to go through these meetings. Our longstanding neighborhood is a deeply rooted neighborhood. Just to give you some idea, with our kind of the neighborhood that we have. Between us, we have 1000s of hours of volunteer work, we do clean-up for Shore Drive, clean-up for the bike path, we have had fireworks, that have been for the greater good of all, parades, block parties, Halloween, cookies for the troop we support, and Santa's gift for underprivileged families. We have helped in voting, we have helped with the vaccine coordination. So, I do not understand why on earth Jim Wood would inflict us with this, and I certainly hope that you can go back to him and we can stop this cat and mouse game that we have made it very clear the Civic League does not want and Shore Drive Coalition does not want. These are our tax dollars, I mean, we hire you, we hire Jim Wood and we keep saying no. I do not understand where this is going. There is nothing in short-term rentals that adds to the wellness and benefits our deeply rooted tight knit community. We are outraged by this and any of you that would like to come into my neighborhood Cape Story by the Sea, I will invite you, I will take you around and I will show you what kind of fantastic neighborhood we have. And, just to let you know, we have the Delta Hotel that we are sandwiched in, that has I believe 295 rooms and then we also have the park that for guests has over 200 and I believe 40 campsites and rooms. Just to let you know that we also have a note from Councilman Jim Wood on January 27. His words, I am going to request that this area be removed from the Overlay Proposal. Then if he said it, let us make him do it, those were his words, his promise and let us stop all of this now. I would greatly appreciate it and my neighborhood would

appreciate it if this could come to an end and we could be left in peace for an outstanding neighborhood, that helps the community. Thank you.

Mr. Dao: Thank you for your comments. The next speaker is Enit Lulushi. Please begin your comments.

Ms. Lulushi: Thank you Councilor, Planning Commissioners rather. I appreciate you hearing this today. My name is Enit Lulushi, I am a resident of Croatan. And, I want to speak in against the changes in the new proposed STR ordinance. We think in Croatan, we should be put in the Overlay District, because Croatan has always been a vacation home historically neighborhood. There is lots of STR support in Croatan as a matter of fact, you may have heard that there is no support, however, we are aware you have not heard the other side of the argument. A lot of Croatan homeowners are in support of STR, regardless of the fact whether they are fulltime residents or part-time residents or vacation property owners. We in Croatan are responsible homeowners, we respect the quiet and peace of our neighbors, and therefore, we do not see why we should be left out of an Overlay. Instead, we are exactly the same as North End, we have 400 feet, five seconds walk to the beach. We cannot even get insurance for our property because we are near the ocean, this is the nature of the neighborhood. According to historical tidbits, this neighborhood has indeed been built as a vacation home neighborhood by surfers that love to surf in Croatan. So, we really are in support of making Croatan Overlay. I would also want to say that if you are going to consider changes, please consider changes of the CUP application process, it is excruciatingly long. It saps resources from the city, where you could use them more efficiently on other areas. It is subjective, it is unpleasant, it is pitting neighbors against each other, and there is no way to win in this application because everybody seems to take all the metric objective parameters, but then for whatever reason or hypothetical reasons, unsubstantiated claims things get denied. So, we are hoping that you will think about change to an administrative type of process, just like we currently do to register our properties with a Commissioner of Revenue, we pay 50 bucks for that and we pay \$360 for your CUP application. We make the whole Commissioner of Revenue fee \$400. If people go through that as a business license, and then enforce it. It is unfair for people that apply for.

Mr. Weiner: Ma'am, thank you for your comments. I want to point out something real quick before we keep going. Everybody does get three minutes to speak on this, I do not like to have to cut people off, but everybody to make it fair for everybody else or for everybody, we get three minutes to speak on this. Thank you. Hoa.

Mr. Dao: Thank you, Mr. Chairman. The next speaker is Ms. Kendall Maynard. Ms. Maynard, please start by stating your name for the record and you have three minutes.

Ms. Maynard: I am not sure if you cannot see me or not. Let me work on that real quick. Can you hear me?

Mr. Dao: Yes, you can start speaking.

Ms. Maynard: Okay, Kendall Maynard, I have a STR in 108 45th Street in North End. I understood that earlier that we were going to be deferred to next month or indefinitely, so, we were not all prepared to speak but I will give you what I have. About two years ago, I did get the letter, because I am grandfathered in that I needed to do more stuff with the city, I came by. I found out since I was grandfathered not to worry about it. But as of now, I said to everyone the letter that said Ginger Beach, I have been going to Ginger Beach since I was little in the 1960s, I have a ton of experience of hosted guests both Airbnb as a home share as well as an STR for the last 34 years. I love Virginia Beach, I want to work with my neighbors, I feel like we have a right to rent. My neighbors have all supported me and they feel like I have the right to rent. They do not want to come forward to speak since they do not want any repercussions personally. So, I find this fear is on both sides of this issue and we are not getting enough input from the communities. All I have heard is rumors, they think that we are boarding houses and the fear mongering among those neighbors is not supported by any statistics I have seen. I believe we started down this rabbit hole and I have read the survey that you send out about project engagement that you have already done. Please review question three again, 59% no, to should be prohibited outside of specifically identified and designated overlays. I know we have all been living in our immediate pandemic quarantine bubbles but let us virtually pop that bubble and start thinking out of the box. I am going to skip quite a bit here because I feel like I am not going to have enough time. The cost of the CUP process and then adding overlays and then again this morning I heard something about density. You are really going down the rabbit hole of more and more regulation instead of trying to keep it easy and simple. The best way to keep it easy and simple, is to look at new solutions and really look at how much we have actually had nuisances out of these STRs. From what I understand from Ms. Peebles, we do not even know how many grandfathered STRs there are. I know there are several applications. So, I agree that I am pro-STR, I have been doing it for 35 years, apply for business license, pay taxes that way, the current ordinances will work with that. Three legitimate grievances a year and then your license can be revoked, that gives you a one-year timeframe instead of a five-year timeframe.

Mr. Weiner: Ma'am. Thank you for your comments.

Mr. Dao: Next speaker is Dana Sampson. Ms. Dana, please start by stating your name for the record and begin your comments. Thank you.

Ms. Sampson: Hi, are you able to hear me.

Mr. Dao: Yes, ma'am, please start your comments.

Ms. Sampson: Thank you. My name is Dana Sampson and my husband and I are a middle class family that supports our income with short-term rentals. We do not see the new

proposal regarding short-term rentals as much of a compromise, but rather further infringement on our property rights. The proposed overly districts just do not make much sense. It seems to be that a lot of the issues with this is some of the irresponsible few STR owners of which we do not know who they are, sort of bringing things up to light that do not make much sense to all of us as current STR owner myself, a group of people that we know, friends and neighbors and things like that. Tourism as our main industry, paid for by all of our tax dollars and it seems like these proposals is just for the interest of the most affluent homeowners in the hotel industry. The new regulations would essentially shutter most of our middle class STR businesses in the strongest economic area of opportunity in Virginia Beach. And, this is also being proposed during a very tough time for small businesses. We bought our short-term rental properties with the intention is on bringing families to Virginia Beach to experience our City, spend money at our local restaurants, our shops, basically, bringing tax dollars into our City and asking them to come here and have fun. We have made sure to go to all the sessions and meetings, when the current ordinance was being put together and we were fully in agreement with it. It brought a sense of fairness and organization to it. We are just now quite astounded that all that work is being threatened by unnecessary changes with overlays and limiting the amount of rentals and it is just unfair and unjust. It also threatens, those of us that have gone through the original CUP process with the idea that those current CUP should expire at the end of the time five-year timeframe with no chance for renewal. We set our business plan in place when we purchased our properties, using the agreed upon ordinance as a guideline and following all the rules, and the proposed changes would only wreck that plan entirely. We personally have never had an issue with our STR, we do not know any other local host that has. Our phone numbers are given to all of our neighbors, they know us, they know how to reach us, they know that we place quality renters in our short-terms. So, I am sure that any homeowner would be happy to work within reasonable short-term rental rules that actually address problems that are allegedly coming up, but making it illegal to rent our property or set extremely strict restrictions, do not seem to be any sort of compromise. Property ownership is one of the few resources, many of us can leverage to work hard and make a better life for their families. Thank you so much for your time.

Mr. Dao: Thank you for your comments. The next speaker is Mr. Lee Atkins. Mr. Atkins, please start by stating your name for the record and begin your comments.

Mr. Atkins: Hi, my name is Lee Atkins. I know I only have got three minutes, I am going to be really, really quick here. I am a citizen here in Virginia Beach and we have a couple of short-term rentals. Other than the new density stuff that is being brought up, the signs. Look, the signs mean that they are unoccupied and they are vacant, that is going to lead to a bunch of crime which is going to make short-term rentals look bad. With density, these items being brought up by Ms. Oliver, we all love Ms. Oliver, but her grandfather and her fathers and uncle everybody in her family has hotels, everything has been brought up by Ms. Oliver as an agenda to that, we all

know that. First thing was about the noise and everything and you got the numbers on that. And then you got the real numbers and the noise and the trouble that was blamed on the association to short-term rentals was not the case. Now it is a CUP issue, you keep blaming different issues, we do not really understand that. The numbers do not lie and the calls and the complaints. I think there should be an overlay. I also think there should be outside the overlay that you make, they should be granted by CUPs or denied by CUPs. I think the overlay should be Birdneck Road to the beach. I do not think you should just go three blocks off, that just protects the developers now that are sort of doing hotels, they are doing short-term rentals now in that overlay. I just feel kind of odd that you are protecting them with the protection of not allowing that past those three blocks off the beach. And now the hotel people are doing condos and short-term rentals because it is profitable. So I know some grandfathered hosts that call on the new people the CUP people because they do not want the competition. What if all these people calling you guys or like Ms. Messner, they just have a weird point about everything and they want to just badger and badger, I mean you have to go kind of with Conditional Use Permits, so, you are making sure you are getting the right input here. Businesses of course depend on growth, I do not have to explain you guys that, you are making a bunch of money off of this, I think it is like, what is it 7% and 2 bucks a night or something like that you are getting. Families, you are not going to go and take your family to a hotel and put everybody in different hotel rooms, you yourself all of you going to get stay at short-term rental, there is no denying that. There is total hotel agenda, we have hotel, I do not have to go into the hotel agenda and the Commissioners or people that are for that. All these people have mortgages on the property and follow certain rules and regulations in that and mortgages what you going to do. Tell them they cannot do it and having default on their mortgages. What other businesses do you regulate like this and why are you spending so much of the taxpayer's money on this. This is crazy. Mr. Redmond is spot on, you need to have codes, you need to enforce the codes and do it that way. Long-term renters, I have had those too, they are a pain in the butt. You got the cars, they do not cut the grass, they do not do the yards. Short-term rental, you have to keep it pristine, you have to keep it perfect, you have to make everybody happy. It is better, I think for business and for the community. And, this is all short-term, what do you think Virginia Beach in 1970, is the same as it is in 2020, so, think ahead, this is a short-term solution.

Mr. Dao: The next speaker is Christopher Sprauer. Mr. Sprauer, please start your comments.

Mr. Sprauer: Hello can you hear me?

Mr. Dao: Yes, sir. Please start your comments.

Mr. Sprauer: We are discussing some of the other callers have indicated. So, we live in Croatan Beach, I know that Croatan Civic League specifically has come out very strongly

against short-term rentals. Supposedly, there is a poll taken that something like 70% of Croatan Beach property owners were against short-term rentals. Well, I can say without a shadow of a doubt that there is no poll that was inclusive that actually polled all of Croatan Beach, and from talking to multiple neighbors, multiple short-term rental owners inside Croatan Beach, most people were excluded from this supposed poll that the Civic League conducted. It was conducted on, I guess the Next Door App, which a lot of people do not even have. And, then in addition to that you are talking about 40 or so rentals in Croatan Beach that would be excluded in your new STR overlay. You are essentially crushing 40 small businesses or 40 small business owners. Additionally, you have to think that a lot of your short-term rental owners are just people who have seasonal homes and maybe they want to live in their home part of the year and rent it out the other part of the year. I think you are essentially ending a lot of business opportunities for Virginia Beach and tourism benefits that people could benefit from in the City and the tax base as a whole, and it is also been brought up that this revenue stream for the City generates a lot, the 7% plus the \$2 a night tax add to the overall tax base for the City and that concludes my comments with that. Thanks.

Mr. Dao: Thank you for your comments, sir. The next speaker is Todd Solomon. Mr. Solomon, you have three minutes. Please begin your comments.

Mr. Solomon: Good afternoon, Chairman Wiener and Council Members or Commission Members, just to a point you may want to call the next name in the list, as you are calling names just to get everybody prepared. I am here tonight or this afternoon actually to reiterate from the Shore Drive Community Coalition, Cape Story by the Sea, and the Bay Front Advisory Committee, that we are against an overlay district for Eastern Shore Drive mainly Cape Story area that makes all 450 homes by right overnight, by right short-term rentals that is just a ridiculous point to try and push on us that. We bought these homes, we are not going to wake up tomorrow and live in a neighborhood that is a tourist overnight hotel next to you next to 450 homes. So, I think the easiest least painful approach would be to just get rid of the overlay districts here in the North End also and just keep it like you are mentioning down at the Oceanfront where tourism is the business. If you want to start talking about figuring things out with density requirements and things like that, it should not just be in an overlay that should be the entire city then. We need to have a future discussion in regards to that and I think talking with the overlay districts if you plan to keep those, you should be talking to our neighborhoods. Nobody City Council, yourself Planning Commission, nobody has come to the Civic Leagues yet, to ask us specifically and have a conversation. Three minutes in front of you, where you just listen to us and not, that is not a conversation, we needed to back and forth discussion, polls and surveys those are not good either, we need a back and forth discussion to understand what you are talking about. It is fun to watch you guys in the workshop, it is kind of neat, it is like watching a football game and cheering and yelling and screaming when your team does bad because it was a stupid play, but unfortunately you cannot hear us in that discussion. So, now that

you have got another month, possibly another two months, we ask as you go through this process come to Cape Story, we can do a Zoom meeting with Cape Story, Planning Commission, Jim Wood, explain to us why you want to keep Cape Story as an overlay because nobody's explained it, why are we special or un-special, however, if you look at it, and the rest of the City is not. So, how did you come up with North End and us. We are not a tourist district, we never had before a neighborhood, creating these unlimited number, even if Conditional Use Permit who is coming up with the number that the bar is going to be set at. So, you will destroy neighborhoods, it might be good for tourists only. So, again, make sure you keep us in the loop, come talk to us before you make any decisions and anything that is decided within the overlay is probably going to be okay for the rest of the city. So, we need to start branching out to that, if that is the method you go. But, again, the easiest way, get rid of the overlay district here at Cape Story and keep us as a neighborhood first. Thank you.

Mr. Dao: Thank you, sir. The next speaker is Kristina Chastain, followed by Jason Sampson. Ms. Chastain, please start your comments.

Ms. Chastain: Good afternoon Commissioners, my name is Kristina Chastain and I am a current resident of Vibe District, restaurant and property owner and a short-term rental operator on 17th Street. Like all of you I am also a Civic Servant, serving as past and first chairwoman of the Resort Advisory Commission and member of the RAMP Steering Committee, also, former VB Restaurant Association President and lifelong lover of Virginia Beach. I am here today in opposition of the new proposed ordinances and feel more time needs to be taken to craft fair and consistent rules for short-term rental operators. I host families and couples and wonderful sports event families and athletes that come to town. I contribute considerably to city taxes and meticulously take care of my property and guests, and refer them to other businesses to showcase our wonderful city. I hope the Commission realizes that this is what guests are now searching out, especially in light of the pandemic and the information that has brought. Many guests want to private home without so many people in volumes such as in a traditional hotel model. I also want you to know that there have been very few legitimate unlawful happenings in STRs in Virginia Beach. I can assure you the STR operators only want good guests too. If we rent to bad guests that is our property and livelihoods that are on the line. We are aligned with you and screen guests far better than a hotel ever could. But, this is not about us versus hotels at all, there is a place at the table for all of us. This is Virginia Beach, a booming tourist town. There are plenty of guests to go around for both. I feel this proposal is rushed and haphazard, and you all as Planning Commission do not have quite enough information from all sides just yet. The complaints about STRs can be personal and anecdotal and they lack supporting data. The facts support STRs and these are some of the facts; in 2020, 88,270 calls were made to 311 and only 0.01 percent just 14 calls related to STRs. This does not support the full on war that has been waged against STRs and their operators. I do have some specific ideas and or requests I ask you to consider.

52 contracts per year is a fair compromise, but please include that this can be two bookings per week. This allows for the busy tourist season and it is a fair balance. I understand parking is a challenge for the city and so we propose that the ordinance should read one parking space per the first two bedrooms and one space for each bedroom thereafter. In other words one parking space per bedroom, minus one. I believe all other items need more consideration and more time as well. I also humbly request an appointment of a task force or subcommittee of STR owners so that we can work together on a proper and balanced solution to present to you. Finally, I want to speak in support of all STRs applying for their CUPs today. The most recent display of.

Mr. Weiner: Ma'am, thank you for your comments.

Mr. Dao: The next speaker is Jason Sampson, followed by Kevin Parson. Mr. Sampson, please start your comments.

Mr. Sampson: Good afternoon, my name is Jason Sampson, I live in Virginia Beach. I am a 38-year resident and real estate investor that owns a multitude of property types, which include a handful of short-term rentals in Virginia Beach. I am here to voice my discontent and tell City Planning and Council have been aggressively, without cause, trying to change the ordinance for short-term rentals approved and passed several years ago. First, I am in favor for short-term rentals throughout the city. I can say that any person I have spoken to that also does short-term rentals, is more concerned with having the approval and support of their neighbors, as well as maintaining better care of our properties than most of the surrounding neighbors. Remember, our goal is to bring people to Virginia Beach and give them an experience that makes them return. So, I knew you heard me, let me say it again, our goal is to bring people to Virginia Beach and give them an experience that makes them return. Please let that sink in, it upsets me that both Planning and Council continually talk about the alleged complaints from other citizens, but will not and cannot provide proof, which from correct and formal communication should be available to the public. I understand that the hotels do not like this, and have someone lobbying on their behalf, because well, we are a threat to their business. As I have owned several businesses throughout the years, it is known that when your business model changes, you have to learn to adapt, rather than lobbyists trying to limit us, they should advise their clients to adapt as we have been here as long as they have and understand that technology like Airbnb has threatened their business model. Sorry guys, it is obvious by looking at the numbers of people want to travel and feel local versus being trapped in a small hotel. Furthermore, the fact that the City Planning Member reached out to an abundance of short-term rental owners and threatened us over an email petition, some of who were not part of it, is uncalled for and proof that changes need to happen in our city level. Additionally, City Planning should not be strong arming CUP applicants into agreeing to ordinances, not approved by City Council in order to get CUPs approved. There is an alliance for the support of short-term rentals and growing

in Virginia Beach. It is being unified so we can come to you as one large group, just as the hotels have. I am not that person, but can be found with a quick Google search. So, I encourage anyone who wants to support this action to find me, so, that I can put them in touch. I am a longtime real estate investor and prefer my money to stay local, but the behavior, actions and uncertainty of the path Virginia Beach is portraying, has me taking my investments to other cities, and I know I am not alone. I volunteer myself in front of you. If desired, as a person to give feedback and opinions in an influential and positive win-win direction, so, it fits the desired outcome and objective of not only Planning, Council, but the citizens and owners of property in the City of Virginia Beach. Thank you.

Mr. Dao: Thank you, sir. The next speaker is Kevin Parson, followed by Emsy Munden. Mr. Parson, please start your comments. Yes, sir, please start your comments.

Mr. Parson: Yes. My name is Kevin Parson, I live up on the North End 78th Street. I bought my house in 2016, with a very specific plan to be able to support it and afford it with the short-term rentals. Many of my immediate neighbors also provide short-term rentals. I followed all the rules, I have never had any incidents or problems, and I have my house professional managed by a local reality property manager. I am grandfathered and I would not have bought here if the 2018, ordinance or these new rules were in placed and they were created after I bought my house. So, I feel a little bit like the rug is being pulling from underneath my property. People have touched on this before, that spoke before me, but I really want this to sink in. We are supporting families with their Virginia Beach vacations and they have their own Virginia Beach legacies, they come to our house and say, they have a wonderful time, their children had a great time, they come back. I cannot explain to you how many times I get repeat people coming back, families, families with little kids that this is their Virginia Beach legacy. They are safe, they do not cause any problems, and they thought to be quite a bit to create a safe family oriented environment in Virginia Beach. These families spend considerable amount of money at grocery stores, our attractions, restaurants, clothing stores, supply store, you can name it. If they leave, they are going to go and seek a similar experience down at Outer Banks, they are not going to go to Virginia Beach hotels. If you remember Ross Perot, that woosh that he says, that woosh you may have heard here is all the Virginia Beach short-term rental dollars that was going to OBX Outer Banks instead of our local economy. So, this is not just about me with short-term rentals, this is about us. I mean, we have got to really think about really the impact and I think with short-term rentals the vast majority of them provide an experience that is really positive to Virginia Beach. It is really not us against the hotels, I disagree a little bit with some of the people on that. We are two different animals, the people that are going to hotels are not the same people that want to go to short-term rental houses. The families that we cater to are safe and that's been proven by the statistics with the police calls and the incident statistics. On your side I support, I am okay with a lot of the inspections we are talking about such as smoke inspections or deck inspection. This is because I want to know of a risk exists on

my property or other neighbor's property, and all of us that rent short-term from North End have considerable amount of money invested both in property and its furnishings. It is a high-end area, so, I would not risk my expensive house if a significant risk were to exist. Again, I have never had any problems with.

Mr. Weiner: Sir. Thank you for your comments.

Mr. Dao: The next speaker is Empsy Munden, followed by Gerald Johnson. Empsy Munden, please start your comment.

Ms. Munden: Good afternoon, thank you for allowing me to speak. I am Empsy Munden Cape Story by the Sea residence and 76. And, I just want to point out I am sure you are all aware but at least three established Cape Story, Fort Story, Shore Drive, Civic Organizations that would be the Bayfront Advisory Committee, Cape Story by the Sea, Shore Drive City Coalition have voted unanimously against the overlay of short-term rental east of the Lesner Bridge. It was presented at a back meeting, I believe in November by Louis Jones and Jim Wood and got a lot of feedback that the neighborhoods and the Civic Organizations were not in favor of these overlay short-term rentals. Jim Wood continued with his proposal for the overlay, Louis Jones withdrew his. The neighborhood is very much opposed to the short-term rentals. We have the Delta Hotel, we have the State Park that can provide short-term rentals if you want to phrase it that way. We are a very busy highway, Shore Drive between two military bases, and the gentleman that spoke before me the reason I am still here is as a young pharmacy student in 72, we were given a rental home in Cape Story by the Sea on the Chesapeake Bay, and we worked at Bill Detterman's Bayside Pharmacy up there, near Pleasure House Road. And, and I came back in 76 and stayed. And I think there are a lot of people that do that and I think we have a marvelous city that entices people to come to a different type of beach and community. And, I hate to see it ruined by short-term rentals. Thank you.

Mr. Dao: Thank you for your comments, ma'am. The next speaker is Gayle Johnson followed by Elaine Fekete. Ms. Johnson, please start your comments.

Ms. Johnson: Hi, my name is Gayle Johnson. My dad's family moved at 81st Street in 1933, and weekly summer rentals have been a part of our neighborhood since my childhood. Since 2012, I have been renting my parent's home in the North End as an STR. That allows me to preserve this historic register property. I have never had a complaint, in fact, my neighbors enjoy meeting my guests. Right now, these STRs are creating a much needed revenue stream for the city, where many people prefer the isolation of a home, rather than sharing space and recirculating air in the hotel. I am chiefly concerned about three areas of the proposals. First, I am against the overlay districts, because concentrating short-term rentals in only three areas, while denying them in other parts of the city, creates problems by creating too many STRs in the overlay areas, while infringing on property rights of responsible homeowners in other areas. And, lots of visitors come to visit family in areas not

near the beach, they want to be in other places. So, maybe just limit the number of STRs per block or per area. Also, the proposed change to 52 contracts a year could really negatively impact beach neighborhoods by encouraging shorter summer rentals. So, please specify no more than two per week. The second thing that really concerns me is the quotas, specifying two adults per bedroom will impact the multigenerational families who are the bulk of the STRs in the North End. They want young cousins to share a bedroom and give adults some privacy. So, most STRs have historically accommodated that preference, just leave it as it is currently configured, do not mess with it. Also the gathering quota, nobody wants a party house, but families often come here to be with their local members of the family. So, do not outlaw family gatherings, that would have more than the renters in the space, somehow that needs to be accommodated. Lastly, please consider a safety issue that is not currently being addressed. Local dog owners want STRs and hotels that allow dogs to post the info about our local laws about dogs on the beach. In 2018, the City Attorney and City Council approved the condensed version which is currently posted at residential beach access points. We ask that the city require that to be posted in STRs and hotels that allow dogs. Thank you for listening.

Mr. Dao: Thank you for your comments Ms. Johnson. The next speaker is Elaine Fekete followed by Thomas Lopresti. Ms. Fekete, please start your comment. Looks like Ms. Fekete just disconnected so we are going to move on to the next speaker. The next speaker is Thomas Lopresti, followed by Maggie Chapman. Mr. Lopresti, please start your comments.

Mr. Lopresti: Hi, this is Tom Lopresti. Can you all hear me?

Mr. Dao: Yes sir, please start your comments.

Mr. Lopresti: Excellent. I am a pro-short-term rental by right which means I do not think the Government of the City should be infringing on that at all in any respect. Specifically, an example of that would be the Planning Commission's decision, I think it was last year to somehow limit the occupancy of short-term rentals with the number of cars. So, what you did is, you went out there and you said one car per bedroom and that car must fit on a driveway and that dimension is whatever it is. And, so what ended up happening is people because we want to comply, we want to do what is right, we went out there and we said, okay, my driveway is not big enough. So, we start extending our driveway making it bigger, when that was got to be permeable versus non-permeable, it is got to have all these different things. And, those things were not really thought through completely and that is the problem with making these recommendations and changes, is those unintended consequences. You had a beautiful two car driveway, but because it was three or four bedrooms, they had to make a four car driveway, which infringed on that curb appeal of their house and made it look not as inviting. There was just like a lot of things that did not happen that really necessarily did not need to happen because

of this unintended consequence of this rule that you guys wanted to put in. And, I feel like a lot of times the Commission takes what the Council says and goes, oh, well this is what the Council wants, so, I guess this will work. And, then the Council turns around and says, see, the Planning Commission agrees with us, so, let's do this. And, there is not really evidence towards getting the things done. It is all kind of emotionally based thing. The evidence against short-term rentals is anecdotal at best. I mean, it just is, we all know that and I get it, people do not want to live next to bad neighbors, but there are bad neighbors exists. They definitely exist in long-term rentals. What makes the short-term rentals, short-term rental three days, seven days, a month, six months, a year, like what is that magic number? And, how would you come up with that? I do not understand that I have had some long-term renters for a year that had been horrible, horrible, and then you cannot get rid of them at least short-term rentals is very short-term. You get them for a short-time and if there is an incident you take care of it, they are gone in a few days. We already have rules and regulations in place. My rights end where yours begin and I respect that with my neighbors. I do not allow parties. I do not allow smoking. I don't allow anything that is going to infringe on my neighbors. But my right as a homeowner is to do what I want with my property and I would appreciate it if you guys kept that. The last thing is I am a 32-year Army Veteran and back in the 90s when General Schwarzkopf came to speak to us, he made a great statement that resonated with me and I hope you guys take that to heart. Do not make a rule or regulation or give an order, you know people are not going.

Mr. Dao: Thank you for the comments, sir. The next speaker is Maggie Chapman, followed by Patricia Hall. Ms. Chapman, please start your comments. Ms. Chapman has disconnected. The next speaker is Patricia Hall, followed by Paige Mijares. Ms. Hall, please start your comments.

Ms. Hall: Yes, this is Patricia Hall. Can you hear me?

Mr. Dao: Yes, ma'am. Please start your comments.

Ms. Hall: Thank you for having me. First of all, I oppose amending section 102 of the City's Zoning Ordinance establishing the proposed four short-term rental overlay districts. Our daughter and family live in Virginia Beach, last year, we decided to purchase a second home close to our daughter and her family. We intentionally purchased a home located in an area that currently allows short-term rentals. Because we are retired and on a fixed income, we thought it a good idea to make our Virginia Beach home a short-term rental in the summer season to help minimize the cost of owning a second home. My daughter and son-in-law will be the property managers and only live two blocks from our home, making them available at all times if ever an emergency of occurs. They will be vetting and watching over the renters. We also got approvals from both of our next door neighbors. We do not think it is fair that short-term rentals would not be permitted outside of the proposed overlay districts, unless they can obtain 60% of the owners

to agree to the request for that proposed additional district. Did 60% of the owners in the city of the proposed overlay districts agreed to have those areas approved for STRs. I feel it would be more fair to keep the current short-term rental ordinance with the Conditional Use Permit process. I think the enhancements and additional changes the Council is considering such as a hotline, monitor rental activity, and an inspection staff would allow the existing ordinance to function effectively. That is all I have to say and thank you for listening.

Mr. Dao: Thank you ma'am. The next speaker is Paige Miyares, followed by Elaine Fekete. Ms. Miyares, please start your comments.

Ms. Miyares: It is Paige Miyares. Thank you for having me. I own Atkinson Realty and we have been in business since 1943, and part of our business has been managing short-term rentals since the 50s. And, we have always had responsible owners, we have always had staff on call to manage these rentals. The current proposal that is on the table gives me some consternation, because I feel like the City is not really looking at the big picture of what they are creating, trying to eliminate short-term rentals in much of the City, including some of our neighborhoods that have had historically short-term rentals in it such as Croatan and Old Beach. The only thing that it is going to accomplish is that they are going to go underground, the City is not going to benefit from the tax revenue, they are not going to be able to find them. That is one of the one of our huge economic engines in the City and, so, I really hate the idea shutting them down there. And, I have to consider all the benefits that these short-term rentals bring to our City as far as visitors, as far as tourism, as far as the restaurants. As far as the hotels, the reality is that people not everyone wants to stay in a hotel and these provide housing for families and especially in the COVID world that we live in. Families are more comfortable in homes, and so, I oppose the measure that is on the table. And, I think we need to look at the bigger picture when it when it comes to these. Thank you.

Mr. Dao: Thank you, ma'am. The next speaker Elaine Fekete got disconnected, so, we are going to move on to the next speaker Maggie Chapman. Ms. Chapman, please start your comments.

Ms. Jessica: Hi, this is her assistant Jessica. She is actually not available at the moment.

Mr. Dao: Thank you.

Ms. Jessica: Thank you.

Mr. Dao: Mr. Chair. That is all the speakers we have for this item.

Mr. Weiner: Okay, thank you all. So, I know we talked about this in informal about making this an indefinite deferral. But after talking to staff, we are going to do 30 days because we are going to hear this in March. And, if everybody's okay with that this is going to be a 30-day deferral. So, in that case, we have two items to be deferred, items

10 is an indefinite deferral. And, Item Number 11 is a 30-day deferral. So, do I have a motion for that, please?

Mr. Wall: Mr. Chairman, I make a motion for agenda item 10 for an indefinite deferral and agenda item 11 for a 30-day deferral.

Mr. Weiner: Great. Do we have a second?

Ms. Klein: Second.

Mr. Weiner: Second by Ms. Klein.

Mr. Inman: I would like to make a statement on this motion. I understood we were not going to defer until we have an opportunity to have the in person meeting for this purpose for this particular overlay discussion and the other discussions about this ordinances. Are we going to be able to do that in March?

Mr. Weiner: We were going to have a virtual workshop before our March hearing, I believe, right. We talked about the virtual workshop, like we did last time.

Mr. Inman: Okay, we are talking about deferring the hearing on these ordinances until indefinitely for 30 days you just said. Okay, are we going to be able to have an in person hearing in March?

Mr. Tajan: Mr. Inman, the plan is that we will have in person public comment at the March 10th Planning Commission Public Hearing.

Mr. Inman: Thank you.

Mr. Tajan: Mr. Chair, just to clarify for the motion. The short-term rental ordinance proposals item number 11 for the same 30 days, the item will be continued or deferred to the Planning Commission Agenda that is dated March 10, 2021.

Mr. Weiner: Okay. Alright, so we have a Jack Wall made a motion and Robyn Klein has a second. We are ready for vote.

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

Mr. Alcaraz: Aye.

Ms. Coleman: Mr. Barnes.

Mr. Barnes: Aye.

Ms. Coleman: Mr. Coston.

Mr. Coston: Aye.

Ms. Coleman: Mr. Graham.

Mr. Graham: Aye.

Ms. Coleman: Thank you. Mr. Horsley.

Mr. Horsley: Aye.

Ms. Coleman: Mr. Inman.

Mr. Inman: Aye.

Ms. Coleman: Thank you. Ms. Klein.

Ms. Klein: Aye.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Aye.

Ms. Coleman: Ms. Oliver is absent. Mr. Wall.

Mr. Wall: Aye.

Ms. Coleman: And, Chairman Weiner.

Mr. Weiner: Aye.

Ms. Coleman: By recorded vote of 10 for and zero against agenda item 10 has been indefinitely deferred and agenda item number 11 has been deferred for 30 days.



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

Item # 11

City of Virginia Beach

A Resolution to Amend the City Zoning Ordinance Pertaining to Short Term Rentals: To Amend Section 102 of the City Zoning Ordinance Establishing Short Term Rental Overlay Districts- West Shore Drive, East Shore Drive, North End, And Oceanfront Resort; To Add Article 23, Consisting of Sections 2300 To 2303, (Short Term Rental Overlay Districts) to The City Zoning Ordinance Establishing Regulations and Requirements Pertaining to Short Term Rentals in Each Overlay District; To Amend The Official Zoning Map by the Designation and Incorporation of Property Into Short Term Rental Overlay Districts-East Shore Drive, North End and or District; To Amend Sections 401, 501, 601, 901, 1110, 1125, 1521, and 2203 of the City Zoning Ordinance and Section 5.2 of the Oceanfront Resort District Form-Based Code Pertaining to the Requirements and Use of Short Term Rentals and Overlays; Establishing Transitions Rules for the Review of Conditional Use Permits for Short Term Rentals in the Short Term Rental Overlays

February 10, 2021

DEFERRED FOR 30 DAYS

Mr. Weiner: Thank you Ms. Coleman. So, today we have no items to be withdrawn, but we do have two items to be deferred. On item number 11, since it was advertised I think we still have a couple of speakers for item number 11, so, we are going to let the speakers talk now before we go through a deferral on items 10 and 11.

Mr. Dao: The first speaker on item 11 is Bobby Sherrill. Ms. Sherrill, please start your comments.

Ms. Sherrill: Thank you for having me here today. I am with Cape Story by the Sea. Our family has had the property for about 50 years, we got a short-term rental notice on December 18, about the short-term rentals, which we strongly oppose. We have had no civic engagement, we have informed City Council, we do not want this, we are not interested in it, and we were never asked about it. And, this has been forced down our throat and we have had to go through these meetings. Our longstanding neighborhood is a deeply rooted neighborhood. Just to give you some idea, with our kind of the neighborhood that we have. Between us, we have 1000s of hours of volunteer work, we do clean-up for Shore Drive, clean-up for the bike path, we have had fireworks, that have been for the greater good of all, parades, block parties, Halloween, cookies for the troop we support, and Santa's gift for underprivileged families. We have helped in voting, we have helped with the vaccine coordination. So, I do not understand why on earth Jim Wood would inflict us with this, and I certainly hope that you can go back to him and we can stop this cat and mouse game that we have made it very clear the Civic League does not want and Shore Drive Coalition does not want. These are our tax dollars, I mean, we hire you, we hire Jim Wood and we keep saying no. I do not understand where this is going. There is nothing in short-term rentals that adds to the wellness and benefits our deeply rooted tight knit community. We are outraged by this and

any of you that would like to come into my neighborhood Cape Story by the Sea, I will invite you, I will take you around and I will show you what kind of fantastic neighborhood we have. And, just to let you know, we have the Delta Hotel that we are sandwiched in, that has I believe 295 rooms and then we also have the park that for guests has over 200 and I believe 40 campsites and rooms. Just to let you know that we also have a note from Councilman Jim Wood on January 27. His words, I am going to request that this area be removed from the Overlay Proposal. Then if he said it, let us make him do it, those were his words, his promise and let us stop all of this now. I would greatly appreciate it and my neighborhood would appreciate it if this could come to an end and we could be left in peace for an outstanding neighborhood, that helps the community. Thank you.

Mr. Dao: Thank you for your comments. The next speaker is Enit Lulushi. Please begin your comments.

Ms. Lulushi: Thank you Councilor, Planning Commissioners rather. I appreciate you hearing this today. My name is Enit Lulushi, I am a resident of Croatan. And, I want to speak in against the changes in the new proposed STR ordinance. We think in Croatan, we should be put in the Overlay District, because Croatan has always been a vacation home historically neighborhood. There is lots of STR support in Croatan as a matter of fact, you may have heard that there is no support, however, we are aware you have not heard the other side of the argument. A lot of Croatan homeowners are in support of STR, regardless of the fact whether they are fulltime residents or part-time residents or vacation property owners. We in Croatan are responsible homeowners, we respect the quiet and peace of our neighbors, and therefore, we do not see why we should be left out of an Overlay. Instead, we are exactly the same as North End, we have 400 feet, five seconds walk to the beach. We cannot even get insurance for our property because we are near the ocean, this is the nature of the neighborhood. According to historical tidbits, this neighborhood has indeed been built as a vacation home neighborhood by surfers that love to surf in Croatan. So, we really are in support of making Croatan Overlay. I would also want to say that if you are going to consider changes, please consider changes of the CUP application process, it is excruciatingly long. It saps resources from the city, where you could use them more efficiently on other areas. It is subjective, it is unpleasant, it is pitting neighbors against each other, and there is no way to win in this application because everybody seems to take all the metric objective parameters, but then for whatever reason or hypothetical reasons, unsubstantiated claims things get denied. So, we are hoping that you will think about change to an administrative type of process, just like we currently do to register our properties with a Commissioner of Revenue, we pay 50 bucks for that and we pay \$360 for your CUP application. We make the whole Commissioner of Revenue fee \$400. If people go through that as a business license, and then enforce it. It is unfair for people that apply for.

Mr. Weiner: Ma'am, thank you for your comments. I want to point out something real quick before we keep going. Everybody does get three minutes to speak on this, I do not like to have to cut people off, but everybody to make it fair for everybody else or for everybody, we get three minutes to speak on this. Thank you. Hoa.

Mr. Dao: Thank you, Mr. Chairman. The next speaker is Ms. Kendall Maynard. Ms. Maynard, please start by stating your name for the record and you have three minutes.

Ms. Maynard: I am not sure if you cannot see me or not. Let me work on that real quick. Can you hear me?

Mr. Dao: Yes, you can start speaking.

Ms. Maynard: Okay, Kendall Maynard, I have a STR in 108 45th Street in North End. I understood that earlier that we were going to be deferred to next month or indefinitely, so, we were not all prepared to speak but I will give you what I have. About two years ago, I did get the letter, because I am grandfathered in that I needed to do more stuff with the city, I came by. I found out since I was grandfathered not to worry about it. But as of now, I said to everyone the letter that said Ginger Beach, I have been going to Ginger Beach since I was little in the 1960s, I have a ton of experience of hosted guests both Airbnb as a home share as well as an STR for the last 34 years. I love Virginia Beach, I want to work with my neighbors, I feel like we have a right to rent. My neighbors have all supported me and they feel like I have the right to rent. They do not want to come forward to speak since they do not want any repercussions personally. So, I find this fear is on both sides of this issue and we are not getting enough input from the communities. All I have heard is rumours, they think that we are boarding houses and the fear mongering among those neighbors is not supported by any statistics I have seen. I believe we started down this rabbit hole and I have read the survey that you send out about project engagement that you have already done. Please review question three again, 59% no, should be prohibited outside of specifically identified and designated overlays. I know we have all been living in our immediate pandemic quarantine bubbles but let us virtually pop that bubble and start thinking out of the box. I am going to skip quite a bit here because I feel like I am not going to have enough time. The cost of the CUP process and then adding overlays and then again this morning I heard something about density. You are really going down the rabbit hole of more and more regulation instead of trying to keep it easy and simple. The best way to keep it easy and simple, is to look at new solutions and really look at how much we have actually had nuisances out of these STRs. From what I understand from Ms. Peebles, we do not even know how many grandfathered STRs there are. I know there are several applications. So, I agree that I am pro-STR, I have been doing it for 35 years, apply for business license, pay taxes that way, the current ordinances will work with that. Three legitimate grievances a year

and then your license can be revoked, that gives you a one-year timeframe instead of a five-year timeframe.

Mr. Weiner: Ma'am. Thank you for your comments.

Mr. Dao: Next speaker is Dana Sampson. Ms. Dana, please start by stating your name for the record and begin your comments. Thank you.

Ms. Sampson: Hi, are you able to hear me.

Mr. Dao: Yes, ma'am, please start your comments.

Ms. Sampson: Thank you. My name is Dana Sampson and my husband and I are a middle class family that supports our income with short-term rentals. We do not see the new proposal regarding short-term rentals as much of a compromise, but rather further infringement on our property rights. The proposed overly districts just do not make much sense. It seems to be that a lot of the issues with this is some of the irresponsible few STR owners of which we do not know who they are, sort of bringing things up to light that do not make much sense to all of us as current STR owner myself, a group of people that we know, friends and neighbors and things like that. Tourism as our main industry, paid for by all of our tax dollars and it seems like these proposals is just for the interest of the most affluent homeowners in the hotel industry. The new regulations would essentially shutter most of our middle class STR businesses in the strongest economic area of opportunity in Virginia Beach. And, this is also being proposed during a very tough time for small businesses. We bought our short-term rental properties with the intention is on bringing families to Virginia Beach to experience our City, spend money at our local restaurants, our shops, basically, bringing tax dollars into our City and asking them to come here and have fun. We have made sure to go to all the sessions and meetings, when the current ordinance was being put together and we were fully in agreement with it. It brought a sense of fairness and organization to it. We are just now quite astounded that all that work is being threatened by unnecessary changes with overlays and limiting the amount of rentals and it is just unfair and unjust. It also threatens, those of us that have gone through the original CUP process with the idea that those current CUP should expire at the end of the time five-year timeframe with no chance for renewal. We set our business plan in place when we purchased our properties, using the agreed upon ordinance as a guideline and following all the rules, and the proposed changes would only wreck that plan entirely. We personally have never had an issue with our STR, we do not know any other local host that has. Our phone numbers are given to all of our neighbors, they know us, they know how to reach us, they know that we place quality renters in our short-terms. So, I am sure that any homeowner would be happy to work within reasonable short-term rental rules that actually address problems that are allegedly coming up, but making it illegal to rent our property or set extremely strict restrictions, do not seem to be any sort of compromise.

Property ownership is one of the few resources, many of us can leverage to work hard and make a better life for their families. Thank you so much for your time.

Mr. Dao: Thank you for your comments. The next speaker is Mr. Lee Atkins. Mr. Atkins, please start by stating your name for the record and begin your comments.

Mr. Atkins: Hi, my name is Lee Atkins. I know I only have got three minutes, I am going to be really, really quick here. I am a citizen here in Virginia Beach and we have a couple of short-term rentals. Other than the new density stuff that is being brought up, the signs. Look, the signs mean that they are unoccupied and they are vacant, that is going to lead to a bunch of crime which is going to make short-term rentals look bad. With density, these items being brought up by Ms. Oliver, we all love Ms. Oliver, but her grandfather and her fathers and uncle everybody in her family has hotels, everything has been brought up by Ms. Oliver as an agenda to that, we all know that. First thing was about the noise and everything and you got the numbers on that. And then you got the real numbers and the noise and the trouble that was blamed on the association to short-term rentals was not the case. Now it is a CUP issue, you keep blaming different issues, we do not really understand that. The numbers do not lie and the calls and the complaints. I think there should be an overlay. I also think there should be outside the overlay that you make, they should be granted by CUPs or denied by CUPs. I think the overlay should be Birdneck Road to the beach. I do not think you should just go three blocks off, that just protects the developers now that are sort of doing hotels, they are doing short-term rentals now in that overlay. I just feel kind of odd that you are protecting them with the protection of not allowing that past those three blocks off the beach. And now the hotel people are doing condos and short-term rentals because it is profitable. So I know some grandfathered hosts that call on the new people the CUP people because they do not want the competition. What if all these people calling you guys or like Ms. Messner, they just have a weird point about everything and they want to just badger and badger, I mean you have to go kind of with Conditional Use Permits, so, you are making sure you are getting the right input here. Businesses of course depend on growth, I do not have to explain you guys that, you are making a bunch of money off of this, I think it is like, what is it 7% and 2 bucks a night or something like that you are getting. Families, you are not going to go and take your family to a hotel and put everybody in different hotel rooms, you yourself all of you going to get stay at short-term rental, there is no denying that. There is total hotel agenda, we have hotel, I do not have to go into the hotel agenda and the Commissioners or people that are for that. All these people have mortgages on the property and follow certain rules and regulations in that and mortgages what you going to do. Tell them they cannot do it and having default on their mortgages. What other businesses do you regulate like this and why are you spending so much of the taxpayer's money on this. This is crazy. Mr. Redmond is spot on, you need to have codes, you need to enforce the codes and do it that way. Long-term renters, I have had those too, they are a pain in the butt. You got the cars, they do not cut the grass, they do not do the yards. Short-term

rental, you have to keep it pristine, you have to keep it perfect, you have to make everybody happy. It is better, I think for business and for the community. And, this is all short-term, what do you think Virginia Beach in 1970, is the same as it is in 2020, so, think ahead, this is a short-term solution.

Mr. Dao: The next speaker is Christopher Sprauer. Mr. Sprauer, please start your comments.

Mr. Sprauer: Hello can you hear me?

Mr. Dao: Yes, sir. Please start your comments.

Mr. Sprauer: We are discussing some of the other callers have indicated. So, we live in Croatan Beach, I know that Croatan Civic League specifically has come out very strongly against short-term rentals. Supposedly, there is a poll taken that something like 70% of Croatan Beach property owners were against short-term rentals. Well, I can say without a shadow of a doubt that there is no poll that was inclusive that actually polled all of Croatan Beach, and from talking to multiple neighbors, multiple short-term rental owners inside Croatan Beach, most people were excluded from this supposed poll that the Civic League conducted. It was conducted on, I guess the Next Door App, which a lot of people do not even have. And, then in addition to that you are talking about 40 or so rentals in Croatan Beach that would be excluded in your new STR overlay. You are essentially crushing 40 small businesses or 40 small business owners. Additionally, you have to think that a lot of your short-term rental owners are just people who have seasonal homes and maybe they want to live in their home part of the year and rent it out the other part of the year. I think you are essentially ending a lot of business opportunities for Virginia Beach and tourism benefits that people could benefit from in the City and the tax base as a whole, and it is also been brought up that this revenue stream for the City generates a lot, the 7% plus the \$2 a night tax add to the overall tax base for the City and that concludes my comments with that. Thanks.

Mr. Dao: Thank you for your comments, sir. The next speaker is Todd Solomon. Mr. Solomon, you have three minutes. Please begin your comments.

Mr. Solomon: Good afternoon, Chairman Wiener and Council Members or Commission Members, just to a point you may want to call the next name in the list, as you are calling names just to get everybody prepared. I am here tonight or this afternoon actually to reiterate from the Shore Drive Community Coalition, Cape Story by the Sea, and the Bay Front Advisory Committee, that we are against an overlay district for Eastern Shore Drive mainly Cape Story area that makes all 450 homes by right overnight, by right short-term rentals that is just a ridiculous point to try and push on us that. We bought these homes, we are not going to wake up tomorrow and live in a neighborhood that is a tourist overnight hotel next to you next to 450 homes. So, I think the easiest least painful approach would be to just get rid of the overlay districts here in the North End also and just keep it like you are mentioning

down at the Oceanfront where tourism is the business. If you want to start talking about figuring things out with density requirements and things like that, it should not just be in an overlay that should be the entire city then. We need to have a future discussion in regards to that and I think talking with the overlay districts if you plan to keep those, you should be talking to our neighborhoods. Nobody City Council, yourself Planning Commission, nobody has come to the Civic Leagues yet, to ask us specifically and have a conversation. Three minutes in front of you, where you just listen to us and not, that is not a conversation, we needed to back and forth discussion, polls and surveys those are not good either, we need a back and forth discussion to understand what you are talking about. It is fun to watch you guys in the workshop, it is kind of neat, it is like watching a football game and cheering and yelling and screaming when your team does bad because it was a stupid play, but unfortunately you cannot hear us in that discussion. So, now that you have got another month, possibly another two months, we ask as you go through this process come to Cape Story, we can do a Zoom meeting with Cape Story, Planning Commission, Jim Wood, explain to us why you want to keep Cape Story as an overlay because nobody's explained it, why are we special or un-special, however, if you look at it, and the rest of the City is not. So, how did you come up with North End and us. We are not a tourist district, we never had before a neighborhood, creating these unlimited number, even if Conditional Use Permit who is coming up with the number that the bar is going to be set at. So, you will destroy neighborhoods, it might be good for tourists only. So, again, make sure you keep us in the loop, come talk to us before you make any decisions and anything that is decided within the overlay is probably going to be okay for the rest of the city. So, we need to start branching out to that, if that is the method you go. But, again, the easiest way, get rid of the overlay district here at Cape Story and keep us as a neighborhood first. Thank you.

Mr. Dao: Thank you, sir. The next speaker is Kristina Chastain, followed by Jason Sampson. Ms. Chastain, please start your comments.

Ms. Chastain: Good afternoon Commissioners, my name is Kristina Chastain and I am a current resident of Vibe District, restaurant and property owner and a short-term rental operator on 17th Street. Like all of you I am also a Civic Servant, serving as past and first chairwoman of the Resort Advisory Commission and member of the RAMP Steering Committee, also, former VB Restaurant Association President and lifelong lover of Virginia Beach. I am here today in opposition of the new proposed ordinances and feel more time needs to be taken to craft fair and consistent rules for short-term rental operators. I host families and couples and wonderful sports event families and athletes that come to town. I contribute considerably to city taxes and meticulously take care of my property and guests, and refer them to other businesses to showcase our wonderful city. I hope the Commission realizes that this is what guests are now searching out, especially in light of the pandemic and the information that has brought. Many guests want to private home without so many people in volumes such as in a traditional hotel model. I also want you

to know that there have been very few legitimate unlawful happenings in STRs in Virginia Beach. I can assure you the STR operators only want good guests too. If we rent to bad guests that is our property and livelihoods that are on the line. We are aligned with you and screen guests far better than a hotel ever could. But, this is not about us versus hotels at all, there is a place at the table for all of us. This is Virginia Beach, a booming tourist town. There are plenty of guests to go around for both. I feel this proposal is rushed and haphazard, and you all as Planning Commission do not have quite enough information from all sides just yet. The complaints about STRs can be personal and anecdotal and they lack supporting data. The facts support STRs and these are some of the facts; in 2020, 88,270 calls were made to 311 and only 0.01 percent just 14 calls related to STRs. This does not support the full on war that has been waged against STRs and their operators. I do have some specific ideas and or requests I ask you to consider. 52 contracts per year is a fair compromise, but please include that this can be two bookings per week. This allows for the busy tourist season and it is a fair balance. I understand parking is a challenge for the city and so we propose that the ordinance should read one parking space per the first two bedrooms and one space for each bedroom thereafter. In other words one parking space per bedroom, minus one. I believe all other items need more consideration and more time as well. I also humbly request an appointment of a task force or subcommittee of STR owners so that we can work together on a proper and balanced solution to present to you. Finally, I want to speak in support of all STRs applying for their CUPs today. The most recent display of.

Mr. Weiner: Ma'am, thank you for your comments.

Mr. Dao: The next speaker is Jason Sampson, followed by Kevin Parson. Mr. Sampson, please start your comments.

Mr. Sampson: Good afternoon, my name is Jason Sampson, I live in Virginia Beach. I am a 38-year resident and real estate investor that owns a multitude of property types, which include a handful of short-term rentals in Virginia Beach. I am here to voice my discontent and tell City Planning and Council have been aggressively, without cause, trying to change the ordinance for short-term rentals approved and passed several years ago. First, I am in favor for short-term rentals throughout the city. I can say that any person I have spoken to that also does short-term rentals, is more concerned with having the approval and support of their neighbors, as well as maintaining better care of our properties than most of the surrounding neighbors. Remember, our goal is to bring people to Virginia Beach and give them an experience that makes them return. So, I knew you heard me, let me say it again, our goal is to bring people to Virginia Beach and give them an experience that makes them return. Please let that sink in, it upsets me that both Planning and Council continually talk about the alleged complaints from other citizens, but will not and cannot provide proof, which from correct and formal communication should be available to the public. I understand that the hotels do not like this, and have

someone lobbying on their behalf, because well, we are a threat to their business. As I have owned several businesses throughout the years, it is known that when your business model changes, you have to learn to adapt, rather than lobbyists trying to limit us, they should advise their clients to adapt as we have been here as long as they have and understand that technology like Airbnb has threatened their business model. Sorry guys, it is obvious by looking at the numbers of people want to travel and feel local versus being trapped in a small hotel. Furthermore, the fact that the City Planning Member reached out to an abundance of short-term rental owners and threatened us over an email petition, some of who were not part of it, is uncalled for and proof that changes need to happen in our city level. Additionally, City Planning should not be strong arming CUP applicants into agreeing to ordinances, not approved by City Council in order to get CUPs approved. There is an alliance for the support of short-term rentals and growing in Virginia Beach. It is being unified so we can come to you as one large group, just as the hotels have. I am not that person but can be found with a quick Google search. So, I encourage anyone who wants to support this action to find me, so, that I can put them in touch. I am a long-time real estate investor and prefer my money to stay local, but the behaviour, actions and uncertainty of the path Virginia Beach is portraying, has me taking my investments to other cities, and I know I am not alone. I volunteer myself in front of you. If desired, as a person to give feedback and opinions in an influential and positive win-win direction, so, it fits the desired outcome and objective of not only Planning, Council, but the citizens and owners of property in the City of Virginia Beach. Thank you.

Mr. Dao: Thank you, sir. The next speaker is Kevin Parson, followed by Empsy Munden. Mr. Parson, please start your comments. Yes, sir, please start your comments.

Mr. Parson: Yes. My name is Kevin Parson, I live up on the North End 78th Street. I bought my house in 2016, with a very specific plan to be able to support it and afford it with the short-term rentals. Many of my immediate neighbors also provide short-term rentals. I followed all the rules, I have never had any incidents or problems, and I have my house professional managed by a local reality property manager. I am grandfathered and I would not have bought here if the 2018, ordinance or these new rules were in placed and they were created after I bought my house. So, I feel a little bit like the rug is being pulling from underneath my property. People have touched on this before, that spoke before me, but I really want this to sink in. We are supporting families with their Virginia Beach vacations and they have their own Virginia Beach legacies, they come to our house and say, they have a wonderful time, their children had a great time, they come back. I cannot explain to you how many times I get repeat people coming back, families, families with little kids that this is their Virginia Beach legacy. They are safe, they do not cause any problems, and they thought to be quite a bit to create a safe family oriented environment in Virginia Beach. These families spend considerable amount of money at grocery stores, our attractions, restaurants, clothing stores, supply store, you can name it. If they leave, they are going to go and seek a similar experience

down at Outer Banks, they are not going to go to Virginia Beach hotels. If you remember Ross Perot, that woosh that he says, that woosh you may have heard here is all the Virginia Beach short-term rental dollars that was going to OBX Outer Banks instead of our local economy. So, this is not just about me with short-term rentals, this is about us. I mean, we have got to really think about really the impact and I think with short-term rentals the vast majority of them provide an experience that is really positive to Virginia Beach. It is really not us against the hotels, I disagree a little bit with some of the people on that. We are two different animals, the people that are going to hotels are not the same people that want to go to short-term rental houses. The families that we cater to are safe and that's been proven by the statistics with the police calls and the incident statistics. On your side I support, I am okay with a lot of the inspections we are talking about such as smoke inspections or deck inspection. This is because I want to know if a risk exists on my property or other neighbor's property, and all of us that rent short-term from North End have considerable amount of money invested both in property and its furnishings. It is a high-end area, so, I would not risk my expensive house if a significant risk were to exist. Again, I have never had any problems with.

Mr. Weiner: Sir. Thank you for your comments.

Mr. Dao: The next speaker is Empsy Munden, followed by Gerald Johnson. Empsy Munden, please start your comment.

Ms. Munden: Good afternoon, thank you for allowing me to speak. I am Empsy Munden Cape Story by the Sea residence and 76. And, I just want to point out I am sure you are all aware but at least three established Cape Story, Fort Story, Shore Drive, Civic Organizations that would be the Bayfront Advisory Committee, Cape Story by the Sea, Shore Drive City Coalition have voted unanimously against the overlay of short-term rental east of the Lesner Bridge. It was presented at a back meeting, I believe in November by Louis Jones and Jim Wood and got a lot of feedback that the neighbourhoods and the Civic Organizations were not in favour of these overlay short-term rentals. Jim Wood continued with his proposal for the overlay, Louis Jones withdrew his. The neighbourhood is very much opposed to the short-term rentals. We have the Delta Hotel, we have the State Park that can provide short-term rentals if you want to phrase it that way. We are a very busy highway, Shore Drive between two military bases, and the gentleman that spoke before me the reason I am still here is as a young pharmacy student in 72, we were given a rental home in Cape Story by the Sea on the Chesapeake Bay, and we worked at Bill Detterman's Bayside Pharmacy up there, near Pleasure House Road. And, and I came back in 76 and stayed. And I think there are a lot of people that do that and I think we have a marvellous city that entices people to come to a different type of beach and community. And, I hate to see it ruined by short-term rentals. Thank you.

Mr. Dao: Thank you for your comments, ma'am. The next speaker is Gayle Johnson followed by Elaine Fekete. Ms. Johnson, please start your comments.

Ms. Johnson: Hi, my name is Gayle Johnson. My dad's family moved at 81st Street in 1933, and weekly summer rentals have been a part of our neighborhood since my childhood. Since 2012, I have been renting my parent's home in the North End as an STR. That allows me to preserve this historic register property. I have never had a complaint, in fact, my neighbors enjoy meeting my guests. Right now, these STRs are creating a much needed revenue stream for the city, where many people prefer the isolation of a home, rather than sharing space and recirculating air in the hotel. I am chiefly concerned about three areas of the proposals. First, I am against the overlay districts, because concentrating short-term rentals in only three areas, while denying them in other parts of the city, creates problems by creating too many STRs in the overlay areas, while infringing on property rights of responsible homeowners in other areas. And, lots of visitors come to visit family in areas not near the beach, they want to be in other places. So, maybe just limit the number of STRs per block or per area. Also, the proposed change to 52 contracts a year could really negatively impact beach neighborhoods by encouraging shorter summer rentals. So, please specify no more than two per week. The second thing that really concerns me is the quotas, specifying two adults per bedroom will impact the multigenerational families who are the bulk of the STRs in the North End. They want young cousins to share a bedroom and give adults some privacy. So, most STRs have historically accommodated that preference, just leave it as it is currently configured, do not mess with it. Also the gathering quota, nobody wants a party house, but families often come here to be with their local members of the family. So, do not outlaw family gatherings, that would have more than the renters in the space, somehow that needs to be accommodated. Lastly, please consider a safety issue that is not currently being addressed. Local dog owners want STRs and hotels that allow dogs to post the info about our local laws about dogs on the beach. In 2018, the City Attorney and City Council approved the condensed version which is currently posted at residential beach access points. We ask that the city require that to be posted in STRs and hotels that allow dogs. Thank you for listening.

Mr. Dao: Thank you for your comments Ms. Johnson. The next speaker is Elaine Fekete followed by Thomas Lopresti. Ms. Fekete, please start your comment. Looks like Ms. Fekete just disconnected so we are going to move on to the next speaker. The next speaker is Thomas Lopresti, followed by Maggie Chapman. Mr. Lopresti, please start your comments.

Mr. Lopresti: Hi, this is Tom Lopresti. Can you all hear me?

Mr. Dao: Yes sir, please start your comments.

Mr. Lopresti: Excellent. I am a pro-short-term rental by right which means I do not think the Government of the City should be infringing on that at all in any respect.

Specifically, an example of that would be the Planning Commission's decision, I think it was last year to somehow limit the occupancy of short-term rentals with the number of cars. So, what you did is, you went out there and you said one car per bedroom and that car must fit on a driveway and that dimension is whatever it is. And, so what ended up happening is people because we want to comply, we want to do what is right, we went out there and we said, okay, my driveway is not big enough. So, we start extending our driveway making it bigger, when that was got to be permeable versus non-permeable, it is got to have all these different things. And, those things were not really thought through completely and that is the problem with making these recommendations and changes, is those unintended consequences. You had a beautiful two car driveway, but because it was three or four bedrooms, they had to make a four car driveway, which infringed on that curb appeal of their house and made it look not as inviting. There was just like a lot of things that did not happen that really necessarily did not need to happen because of this unintended consequence of this rule that you guys wanted to put in. And, I feel like a lot of times the Commission takes what the Council says and goes, oh, well this is what the Council wants, so, I guess this will work. And, then the Council turns around and says, see, the Planning Commission agrees with us, so, let's do this. And, there is not really evidence towards getting the things done. It is all kind of emotionally based thing. The evidence against short-term rentals is anecdotal at best. I mean, it just is, we all know that and I get it, people do not want to live next to bad neighbors, but there are bad neighbors exists. They definitely exist in long-term rentals. What makes the short-term rentals, short-term rental three days, seven days, a month, six months, a year, like what is that magic number? And, how would you come up with that? I do not understand that I have had some long-term renters for a year that had been horrible, horrible, and then you cannot get rid of them at least short-term rentals is very short-term. You get them for a short-time and if there is an incident you take care of it, they are gone in a few days. We already have rules and regulations in place. My rights end where yours begin and I respect that with my neighbors. I do not allow parties. I do not allow smoking. I don't allow anything that is going to infringe on my neighbors. But my right as a homeowner is to do what I want with my property and I would appreciate it if you guys kept that. The last thing is I am a 32-year Army Veteran and back in the 90s when General Schwarzkopf came to speak to us, he made a great statement that resonated with me and I hope you guys take that to heart. Do not make a rule or regulation or give an order, you know people are not going.

Mr. Dao: Thank you for the comments, sir. The next speaker is Maggie Chapman, followed by Patricia Hall. Ms. Chapman, please start your comments. Ms. Chapman has disconnected. The next speaker is Patricia Hall, followed by Paige Mijares. Ms. Hall, please start your comments.

Ms. Hall: Yes, this is Patricia Hall. Can you hear me?

Mr. Dao: Yes, ma'am. Please start your comments.

Ms. Hall: Thank you for having me. First of all, I oppose amending section 102 of the City's Zoning Ordinance establishing the proposed four short-term rental overlay districts. Our daughter and family live in Virginia Beach, last year, we decided to purchase a second home close to our daughter and her family. We intentionally purchased a home located in an area that currently allows short-term rentals. Because we are retired and on a fixed income, we thought it a good idea to make our Virginia Beach home a short-term rental in the summer season to help minimize the cost of owning a second home. My daughter and son-in-law will be the property managers and only live two blocks from our home, making them available at all times if ever an emergency of occurs. They will be vetting and watching over the renters. We also got approvals from both of our next door neighbors. We do not think it is fair that short-term rentals would not be permitted outside of the proposed overlay districts, unless they can obtain 60% of the owners to agree to the request for that proposed additional district. Did 60% of the owners in the city of the proposed overlay districts agreed to have those areas approved for STRs. I feel it would be more fair to keep the current short-term rental ordinance with the Conditional Use Permit process. I think the enhancements and additional changes the Council is considering such as a hotline, monitor rental activity, and an inspection staff would allow the existing ordinance to function effectively. That is all I have to say and thank you for listening.

Mr. Dao: Thank you ma'am. The next speaker is Paige Miyares, followed by Elaine Fekete. Ms. Miyares, please start your comments.

Ms. Miyares: It is Paige Miyares. Thank you for having me. I own Atkinson Realty and we have been in business since 1943, and part of our business has been managing short-term rentals since the 50s. And, we have always had responsible owners, we have always had staff on call to manage these rentals. The current proposal that is on the table gives me some consternation, because I feel like the City is not really looking at the big picture of what they are creating, trying to eliminate short-term rentals in much of the City, including some of our neighborhoods that have had historically short-term rentals in it such as Croatan and Old Beach. The only thing that it is going to accomplish is that they are going to go underground, the City is not going to benefit from the tax revenue, they are not going to be able to find them. That is one of the one of our huge economic engines in the City and, so, I really hate the idea shutting them down there. And, I have to consider all the benefits that these short-term rentals bring to our City as far as visitors, as far as tourism, as far as the restaurants. As far as the hotels, the reality is that people not everyone wants to stay in a hotel and these provide housing for families and especially in the COVID world that we live in. Families are more comfortable in homes, and so, I oppose the measure that is on the table. And, I think we need to look at the bigger picture when it when it comes to these. Thank you.

Mr. Dao: Thank you, ma'am. The next speaker Elaine Fekete got disconnected, so, we are going to move on to the next speaker Maggie Chapman. Ms. Chapman, please start your comments.

Ms. Jessica: Hi, this is her assistant Jessica. She is actually not available at the moment.

Mr. Dao: Thank you.

Ms. Jessica: Thank you.

Mr. Dao: Mr. Chair. That is all the speakers we have for this item.

Mr. Weiner: Okay, thank you all. So, I know we talked about this in informal about making this an indefinite deferral. But after talking to staff, we are going to do 30 days because we are going to hear this in March. And, if everybody's okay with that this is going to be a 30-day deferral. So, in that case, we have two items to be deferred, items 10 is an indefinite deferral. And, Item Number 11 is a 30-day deferral. So, do I have a motion for that, please?

Mr. Wall: Mr. Chairman, I make a motion for agenda item 10 for an indefinite deferral and agenda item 11 for a 30-day deferral.

Mr. Weiner: Great. Do we have a second?

Ms. Klein: Second.

Mr. Weiner: Second by Ms. Klein.

Mr. Inman: I would like to make a statement on this motion. I understood we were not going to defer until we have an opportunity to have the in person meeting for this purpose for this particular overlay discussion and the other discussions about this ordinances. Are we going to be able to do that in March?

Mr. Weiner: We were going to have a virtual workshop before our March hearing, I believe, right. We talked about the virtual workshop, like we did last time.

Mr. Inman: Okay, we are talking about deferring the hearing on these ordinances until indefinitely for 30 days you just said. Okay, are we going to be able to have an in person hearing in March?

Mr. Tajan: Mr. Inman, the plan is that we will have in person public comment at the March 10th Planning Commission Public Hearing.

Mr. Inman: Thank you.

Mr. Tajan: Mr. Chair, just to clarify for the motion. The short-term rental ordinance proposals item number 11 for the same 30 days, the item will be continued or deferred to the Planning Commission Agenda that is dated March 10, 2021.

Mr. Weiner: Okay. Alright, so we have a Jack Wall made a motion and Robyn Klein has a second. We are ready for vote.

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

Mr. Alcaraz: Aye.

Ms. Coleman: Mr. Barnes.

Mr. Barnes: Aye.

Ms. Coleman: Mr. Coston.

Mr. Coston: Aye.

Ms. Coleman: Mr. Graham.

Mr. Graham: Aye.

Ms. Coleman: Thank you. Mr. Horsley.

Mr. Horsley: Aye.

Ms. Coleman: Mr. Inman.

Mr. Inman: Aye.

Ms. Coleman: Thank you. Ms. Klein.

Ms. Klein: Aye.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Aye.

Ms. Coleman: Ms. Oliver is absent. Mr. Wall.

Mr. Wall: Aye.

Ms. Coleman: And, Chairman Weiner.

Mr. Weiner: Aye.

Ms. Coleman: By recorded vote of 10 for and zero against agenda item 10 has been indefinitely deferred and agenda item number 11 has been deferred for 30 days.

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

Item # 12 & 13

**Joseph Layne Donovan [Applicant & Property Owner]
Conditional Use Permits (Short Term Rental)
525 12th Street Units A & B**

February 10, 2021

RECOMMENDED FOR DENIAL – HEARD

Mr. Dao: Yes, sir. Items number 12 and 13 is the application of Joseph Layne Donovan, a Conditional Use Permit requests for a Short-Term Rental located at 525 13th Street for Anits A and B in the Beach District. The applicant is Arika Atkins. Ms. Atkins, please start your comments.

Ms. Atkins: Good afternoon. My name is Erica Atkins and I am representing Joseph Layne Donovan's property located at 525 13th Street A and B. I have not received any complaints referencing this permit request. I have proactively reached out to Planning to stay informed of any emails or letters submitted with concerns, but again, there is no opposition on record at this point with them. A letter of recommendation has been submitted for reference in this properties file as far as I have been informed that is the only item currently on file. This property's location makes it a suitable short-term rental for vacationing families, and it fits with the neighborhood's oceanfront character. There are long-term tenants currently residing in these units at this time. The owner does have plans to renovate the property prior to utilizing it for Short-Term Rentals, in regards to the three foot driveway extension for the parking requirement, the owner has agreed to either pour a three foot addition in broom brushed concrete that matches the apron or install impervious surface. Either solution is acceptable to him, the current apron does not match the existing driveway due to the city replacing it. They poured a different color concrete than the existing driveway at the time of the replacement. Matching concrete poured decades ago is practically impossible as we all know. He is also agreed that if Planning decides on impervious surface, he will try to find an attractive way to meet that requirement. I just wanted to add that the owner is a 22-year real estate agent, primarily focused on properties in the surrounding oceanfront area. He also has over 15 years of short-term rental management experience, which should ease some concerns with any management related issues. Thank you for your time and consideration.

Mr. Weiner: Thank you, ma'am. Any other speakers?

Mr. Dao: Mr. Chair, there are no other speaker on this item.

Mr. Weiner: Alright, Ms. Klein, comments?

Ms. Klein: I have a question, what is to happen of the current long-term renters if the application is approved?

Mr. Weiner: Ma'am, are you still online?

Ms. Atkins: I am. The current tenants do know that there, obviously there is an orange sign out in the front yard and the owner has spoken with them. He is not evicting them by any means, that is why it is not a huge rush to him for the permit. But, when they do exit, he does want to transition into the short-term rental and that is why he is acquiring the permit now.

Mr. Weiner: Okay, any other questions for Ms. Atkins? Alright, thank you, Ms. Atkins. I will close this and open this up for us. Mr. Alcaraz.

Mr. Alcaraz: Okay, thank you. Yeah, I did get a call that someone was been trying to get in, but I do not know what happened, it was an adjacent property owner. But, I did receive some emails I think all of you were on those emails. I did try and find some while we were on the virtual, I found two. I sent them to Mr. Donovan, I know Mr. Donovan personally. I did send them to him, I thought I had some more I just have time to find. I am hoping that you guys did see those and were you able to get those? But, again, with the calls I have received, and also the emails, and I fully understand the whole aspect of getting property, but it is the quiet enjoyment of the neighbors that concern me. One comment that was just said on the resolution that one of the speakers said, he hit the nail on the head. He said, if there is an issue, they will take care of it and then they will move on to the next. Well, that is what the adjacent property owner has to deal with. Yes, they move on to the next. So, with the opposition that I received by phone calls and I thought I had more emails that I think someone received them, I am not sure why the Staff did not get those. But, I am not going to be supporting it. But, however, I want you all to discuss it and we can go from there.

Mr. Weiner: Any other comments? Anybody? No comments? Well, this one is hard for me, because I am sitting here looking-

Mr. Horsley: I lost my connection.

Mr. Redmond: David, we cannot hear you.

Mr. Tajan: I am trying to get Mr. Wiener back up. Sorry.

Mr. Weiner: Here we go. Are we good? Can you hear me now? Okay. I did not watch these buttons, these buttons are over here. Anyway, I am sitting here looking at this on Google Maps and this is a hard one for me, because it is right at the Beach, 13th Street and Mediterranean. I understand this is in a neighborhood and we are trying to keep them out of neighborhoods. I am reluctant to agree with Mr. Alcaraz, but I am not going to support this and it is going to be hard for me to support this one. But, I would like to hear from other people going forward this is going to be a touchy area. Then want to hear what you all have to say. Anybody? Go ahead Whitney.

Mr. Graham: Chairman Wiener, I will not be supporting it as well.

Mr. Weiner: Okay, nobody wants to talk do we have a motion?

Mr. Coston: I have got another question.

Mr. Weiner: Okay. Sure.

Mr. Coston: Does Staff have any complaints of from Short-Term Rentals in the area? How many are in the area.

Mr. Miller: We have not gotten any complaints for this particular address, as you can see on the map, which was updated rather recently, but those are the other ones that we know of. I have to actually look into the different streets to see what kind of complaints we have on all those different streets, to see if there is any short-term rental complaints.

Mr. Coston: Okay, thank you.

Mr. Weiner: Robyn.

Ms. Klein: It looks like and Will please confirm this, that the one of the adjacent properties was denied a Short-Term Rental application also.

Mr. Miller: It was and that was, Summer are you still on here? Because I think that was your case and I think you might have some better information on that, she might have left.

Ms. Peebles: I am here, Will. Yes, you are correct. This one was actually Kevin Hershberger's from last year was Josetta Danner, and it was denied because they were operating prior to their Conditional Use Permit being approved. Adjacent property owners had complained about loud noises and there was a zoning complaint on that specific one, which is why it was denied because they were operating and there were also complaints. But, we do not have any on this address, at least within this block, none. At least none that are recent. I cannot speak for perhaps the entire area of this map, but at least for the immediately adjacent block this block we do not have any at this point.

Mr. Miller: Thank you, Summer. I knew your memory was fantastic, thank you.

Mr. Weiner: Alright, any other comments. Mr. Redmond.

Mr. Redmond: I would be more comfortable if somebody could give me an actual reason for opposing this. I mean, other than to say somebody complained or this is sensitive that is the entire issue and it is a difficult issue. So, I am looking for a particular reason that this particular short-term rental is objectionable. I have not heard it yet, so, that is my view.

Mr. Inman: Mr. Chairman.

Mr. Weiner: Yes.

Mr. Inman: I understand what Dave is saying. I am looking at this, there is not a real proliferation of Short-Term Rentals in that area yet. It is an area that we seriously considering having an overlay by right, is it not?

Mr. Weiner: It is out of the overlay by right. It is not in the OR or the RT district, that is why I was personally thinking that in my opinion, but anyway, go ahead Mike, I am sorry.

Mr. Inman: Well, that is important, because I frankly did not realize that, okay. It is East of Mediterranean Avenue and that has been a sort of a criteria, but it is not the OR, it is not RT. Okay, so, that makes me think more about it. I mean, it is sort of in the resort area, I understand it is also a neighborhood, that's what makes it tough. If we are going to have Short-Term Rentals at all, you would think this particular property would qualify. I mean, that is the way I am looking at it and I do not see a really good reason to deny it. So, I would have to support it.

Mr. Redmond: Per usual, Mike said it better than I do.

Mr. Weiner: And, I am going to chime in again with Mike, and I am with you, I am sitting here looking at it on Google Maps and it looks like to me it would be a perfect place for a Short-Term Rental near the beach, but it is not being consistent and what we have been talking about, it is not in the areas where we want them. My personal opinion is I am going to be consistent with what we have been talking about. So, that's where I stand with that. Jack, did you have your hand up?

Mr. Wall: I did, yeah. So, in terms of consistency, if it is in a neighborhood then is that what we are looking at. Maybe outside the overlay districts that are proposed at this point or is it, because I want to be consistent too and now I find a hard time finding a specific reason. So, I think a lot of the other ones that we looked at, we have had specific reasons for denial, I do not know about this one, I think that you do not see why see if it is an area where we have been denying them and that is one thing for set precedents, that is another, but that is my take on it.

Mr. Weiner: Okay, Mr. Redmond.

Mr. Redmond: Yeah, I am going to go back on what I said earlier, and beat the dead horse again, about that is why this stuff belongs in the ordinance, if you want to be consistent, then you write it into the laws. And, we do not think every time one of these things comes up, that we got to scratch our heads and try and figure out what we did the last time. And, I think Mike put it best, it looks to me like a short-term rental property. Folks, if there is more than one house on a street, it is a neighborhood, this idea that well, this is in a neighborhood, the entire city is a neighborhood. So, I mean, everything that we have discussed, the entire concept has been about neighborhoods, I cannot find anything unique or remarkable about this as a Short-Term Rental. It is in a neighborhood, they are all in neighborhoods. And, if we want to be consistent about things, then I think we ought to be as specific as we can in the ordinance about it and not have this conversation with every single application

that comes up. So, anyway, I am going to support it and I sorry to beat the dead horse again.

Mr. Coston: My daughter stayed a block over in a Short-Term Rental last month and it does appear like there is more than a couple there. And, it looks like it fits the application to me, I would support it as well.

Mr. Weiner: Is there someone who wants to make a motion.

Mr. Alcaraz: I got one thing, Mr. Weiner.

Mr. Weiner: Okay.

Mr. Alcaraz: One thing that I just want to note again, I thought some of the opposition would be voicing their opinion. But, one comment was made I actually met one of the residents out there and just wanted you all know, they kind of called me on the spot. But, I was asked would I live next to a Short-Term Rental, I did not answer him I said something we think about. So, I just wanted you to know that question was asked would I live next to one. So, having said that I would like to make a motion.

Mr. Weiner: Go ahead.

Mr. Alcaraz: I like to make a motion that we deny the application, the Short-Term Rental.

Mr. Weiner: I got a motion for denial. Do we have a second?

Mr. Graham: I will second.

Mr. Weiner: We got a motion by Mr. Alcaraz for denial, second by Mr. Graham. Okay, we are ready for vote.

Ms. Coleman: 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: Aye.

Ms. Coleman: Mr. Barnes.

Mr. Barnes: Aye.

Ms. Coleman: Mr. Coston.

Mr. Coston: No.

Ms. Coleman: Mr. Graham.

Mr. Graham: Aye.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Aye.

Ms. Coleman: Mr. Inman.

Mr. Inman: No.

Ms. Coleman: Ms. Klein.

Ms. Klein: Aye.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: No.

Ms. Coleman: Ms. Oliver is absent. Vice Chair Wall.

Mr. Wall: No.

Ms. Coleman: And, Chairman Weiner.

Mr. Weiner: Aye.

Ms. Coleman: By recorded vote of six for and four against agenda item number 12 and 13 have been recommended for denial.

	AYE 6	NAY 4	ABS 0	ABSENT 1
Alcaraz	AYE			
Barnes	AYE			
Coston		NAY		
Graham	AYE			
Horsley	AYE			
Inman		NAY		
Klein	AYE			
Oliver				ABSENT
Redmond		NAY		
Wall		NAY		
Weiner	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 525 25th Street, Units A & B, and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. Additional driveway surface shall be added as illustrated in the parking plan found in the Staff report. The proposed surface material type and placement shall be submitted to the

Zoning Administrator for review within 60-days of the City Council public hearing. Once the Zoning Administrator's review is complete and a material type is approved, the driveway addition shall be placed within 90-days. In addition, a building permit issued by the Permits and Inspections Division of the Planning Department shall be obtained prior to the installation of the driveway addition.

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.
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.

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 # 14

**Margery & AJ Ellis [Applicants & Property Owners]
Conditional Use Permit (Short Term Rental)
5632 Freewill Lane**

February 10, 2021

RECOMMENDED FOR DENIAL – MOTION TO APPROVE FAILED – HEARD

Mr. Weiner: Thank you. We can move on to item 14.

Mr. Dao: Before we move on to the next item, can we check user 21, can you please identify yourself? Caller 21, can you please identify yourself? Alright, thank you. The next item is item number 14. The application of Margery and AJ Ellis, a Conditional Use Permit request for a three bedroom Short-Term Rental located at 5632 Freewill Lane, in the Centerville District. The applicant is Margery Ellis. Ms. Ellis, please start your comments.

Mr. Ellis: Good afternoon. This is AJ Ellis, I am the husband of Margery Ellis and the co-owner as well. Basically, we are just looking for the Conditional Use Permit for the STR, like I said, we believe it would be a great investment for ourselves and additional income for our family. Basically, we recently just had a daughter, she is a year and a half, and we want to get ahead and be proactive and her tuition as well for the college and of course, we all know tuition is not cheap. So, the income we received from the STR will go to that. And, like I said, as far as management, we have a management team in place. Actually, they manage the same property, my father's property, he has STR, he went through the same process we are going through right now in the Glenwood Area. And, I think they've managed over 14,000 properties and they have over 700 plus destinations. Me myself, I have bought and sold and held rental properties in the area. And, I have managed them myself until it was sold in 2018. I am just looking for approval of the STR.

Mr. Weiner: Thank you, Mr. Ellis.

Mr. Ellis: Okay.

Mr. Weiner: Any questions from Mr. Ellis. Mr. Ellis, I have a question for you. Is this your primary residence?

Mr. Ellis: Correct, at the moment it is.

Mr. Weiner: Do you do plan on living there and doing Short-Term Rentals or as you are living there?

Mr. Ellis: Negative, my wife and I will be moving out and this will be a full time.

Mr. Weiner: Full time Short-Term Rental.

Mr. Ellis: Correct, and we will still in the area.

Mr. Weiner: Okay, thank you.

Mr. Ellis: You are welcome.

Mr. Weiner: Alright. No more questions. Anymore speakers.

Mr. Dao: We have one speaker for this item Kenneth Houck. Mr. Houck, please start your comment.

Mr. Houck: Hello, can you hear me?

Mr. Dao: Yes, sir. Please start your comments.

Mr. Houck: Thank you. My name is Ken Houck and I am a board member and president of The Towne's at Centerville Crossing Homeowners Association. Our community is made up of 40 townhomes on Freewill Lane, which is a dead end street one block long. There are a total of nine buildings located on both sides of the street, which have either four or five townhomes in each building. The HOA conducted a Zoom meeting for the property owners to get their feedback about Short-Term Rentals within the community as well as another related topic. 85% of the owners that we have spoken to are in opposition to allowing Short-Term Rentals within the community. The reasons stated for this opposition are as follows. The neighborhood is not in a beach or commercial or entertainment area. Short-term renters do not have a vested interest in the community. There is no motivation for them to take care of property or even the shared community property. It would create a transient area within the community. There were concerns that there would be a negative effect on property values. There were safety concerns, children play in the street and it would be frequently around people that we do not know. In addition, a single mother expressed her concern for her child's welfare in our community if people were coming and going on a frequent basis. Townhomes do not have a separation between properties, so, renters are literally on the other side of the wall. Residents had concerns about parties on balconies at night that would be just feet away from their bedrooms. The way these townhomes are constructed as you can see from the photo that you have listed, the garage is on the main floor, directly above it is the balcony, and directly above the balcony is the master bedrooms. Homes would be harder to sell. In the Washington Post dated September 7, 2016, it states "Fannie Mae will not buy a loan for a property if the building allows units to be rented by the day. In effect, the rule means that buyers in your condo building would become ineligible for a Fannie Mae loan." These are the reasons for the opposition. These are strongly held beliefs expressed by owners within the community. They want to ensure their quality of life will not diminish in their pursuit of happiness. Thank you for your time.

Mr. Weiner: Thank you, sir. Anybody have any questions with the speaker? No questions. Okay. Mr. Ellis, do you have anything you want to add.

Mr. Ellis: Yes, he was saying as far as kids in the neighborhood, I was on that Zoom meeting for the HOA and there were a few people complaining about they do have kids in the area, and they would not know who is in and out of the STR. I do not know if you guys are aware, but right behind us, we live next to a two 300 unit apartment complex and we all share the same amenities as far as the pool, fitness center, etc. So, again, it's a two 300 unit apartment complex and people are constantly moving out day in and day out. So, you just never know who you are living next to regardless.

Mr. Weiner: Okay, any questions for Mr. Ellis? No questions, that is all the speakers.

Mr. Dao: Yes, sir, that is all the speakers on this item.

Mr. Weiner: Alright, we will come close it to the public and open up for us. Ms. Klein.

Ms. Klein: Thank you. I hear the concerns of the HOA, I live in a connected townhome, so, I can certainly appreciate those concerns. I think that there is a need for Short-Term Rentals in other parts of the city not just along the shoreline. And, I hear the residents' concerns, because there are no direct concerns related to a specific property in their neighborhood, I will support the application.

Mr. Weiner: Okay, any other comments. No comments, nobody. I am going to get back to where we were being consistent, and it is going to be hard for me to support this one, while I cannot support one down the beach that was out of the what we were looking at and what we are trying to do. So, I am personally not going to be able to support this one. Anybody else? Ms. Klein, do you like to make a motion?

Ms. Klein: I move that we approve the application.

Mr. Weiner: Alright, do we have a second?

Mr. Coston: Second.

Mr. Weiner: Alright, we have a motion for approval by Ms. Klein, seconded by Mr. Coston. We are ready for the vote.

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

Mr. Alcaraz: No.

Ms. Coleman: Mr. Barnes.

Mr. Barnes: No.

Ms. Coleman: Mr. Coston.

Mr. Coston: Aye.

Ms. Coleman: Mr. Graham.

Mr. Graham: Nay.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: No.

Ms. Coleman: Mr. Inman.

Mr. Inman: No.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: No.

Ms. Coleman: Ms. Oliver is absent. Vice Chair, Wall.

Mr. Wall: Yes.

Ms. Coleman: And, Chair Weiner.

Mr. Weiner: No.

Ms. Coleman: By recorded vote of seven for and three against agenda item number 14 has been recommended for denial.

Mr. Weiner: Alright, we move on to item number 16.

Mr. Dao: The last item on today's agenda is the application of Albert and Enit Lulushi, for a Conditional Use Permit for Short-Term Rental located at 528 Vanderbilt Avenue in the Beach District. The applicant is Enit Lulushi. Ms. Lulushi, please start your comments. You have up to 10 minutes.

Mr. Tajan: I am sorry, Ms. Lulushi, if you can hold on one second. Just to be clear the motion failed on a vote of three for and seven against. And, I guess I just want to be sure, Ms. Wilson we do not have to vote again, right? It is just the denial recommendation because of the failed motion for approval.

Ms. Wilson: It should be seven to three, we only have 10 members. I figured the math question out.

Mr. Tajan: Just to be cleared for the record, it was three for, seven against, the motion failed, which is a recommendation for denial. Okay.

	AYE 3	NAY 7	ABS 0	ABSENT 1
Alcaraz		NAY		
Barnes		NAY		
Coston	AYE			
Graham		NAY		
Horsley		NAY		
Inman		NAY		
Klein	AYE			
Oliver				ABSENT
Redmond		NAY		
Wall	AYE			
Weiner		NAY		

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 5632 Freewill Lane and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this 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.

Item # 15

**CESJB, LLC [Applicants & Property Owner]
Conditional Use Permit (Short Term Rental)
409 24th ½ Street**

February 10, 2021

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Weiner: Thank you, Ms. Coleman. The next order of business is the Consent Agenda and this will be handled by the Vice Chair, Commissioner Wall.

Mr. Wall: Thank you, Mr. Chairman. These applications that are recommended for approval by Staff and the Planning Commission concurred, there are no speakers signed up in opposition. The Planning Commission places the following applications on the Consent Agenda. Agenda item number two, number three, number four, number five, number seven, number eight, and number nine. 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 for Section 241.2 of the Zoning Ordinance. Staff and the Planning Commission supports the applications and there are no speakers signed up in opposition, items 15, 17, and 18.

Mr. Weiner: Thank you, Mr. Wall. Can we have a motion for those items, please?

Mr. Wall: Mr. Chairman, I move that agenda item numbers 2, 3, 4, 5, 7, 8, 9, 15, 17, and 18 be approved by consent.

Mr. Weiner: Thank you. Do we have a second?

Mr. Horsley: Second.

Mr. Weiner: Alright, we have a motion by Mr. Wall and a second by Mr. Horsley. We are ready for the vote.

Mr. Tajan: Mr. Chair, just to clarify, I am sorry. For items number three and four, there are amended conditions that remove the requirement with this only go with the operator. So, we are clearing that up.

Mr. Weiner: Okay.

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

Mr. Alcaraz: Aye.

Ms. Coleman: Mr. Barnes.

Mr. Barnes: Aye.

Ms. Coleman: Mr. Coston.

Mr. Coston: Aye.

Ms. Coleman: Mr. Graham.

Mr. Graham: Aye.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Aye.

Ms. Coleman: Mr. Inman.

Mr. Inman: Aye.

Ms. Coleman: Ms. Klein.

Ms. Klein: Aye.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Aye.

Ms. Coleman: Ms. Oliver is absent. Vice Chair Wall.

Mr. Wall: Aye.

Ms. Coleman: And, Chairman Weiner.

Mr. Weiner: Aye.

Ms. Coleman: By recorded vote of 10 for and zero against agenda items 2, 3 with the removal of condition number four, 4 with the removal of condition number four, 5, 7, 8, 9, 15, 17, and 18, have been recommended for approval on the consent agenda.

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

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 409 24 ½ Street and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. A driveway apron meeting Public Works Specifications and Standards shall be installed along 24 ½ Street within 90-days of City Council approval. As illustrated on the parking plan included in the Staff report, this apron shall be used for vehicle entry and exit onto the proposed 9-foot by 36-foot north/south oriented compacted gravel driveway.
4. As illustrated on the parking plan found in the Staff report, a planted hedgerow shall be installed within 90-days of City Council approval. All proposed plant species shall be submitted for review to the Zoning Administrator. Only those species approved by the Zoning Administrator shall be installed.
5. All compacted gravel on the east side of the subject lot, located between the dwelling and the eastern property line, shall be removed within 90-days of City Council approval. As illustrated in the parking plan included in the Staff report, this requirement does not include the proposed north/south oriented 9-foot by 36-foot compacted gravel driveway.
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.

Item # 16

**Albert & Enit Lulushi [Applicants & Property Owner]
Conditional Use Permit (Short Term Rental)
528 Vanderbilt Avenue**

February 10, 2021

RECOMMENDED FOR DENIAL – HEARD

Mr. Dao: The last item on today's agenda is the application of Albert and Enit Lulushi, for a Conditional Use Permit for Short-Term Rental located at 528 Vanderbilt Avenue in the Beach District. The applicant is Enit Lulushi. Ms. Lulushi, please start your comments. You have up to 10 minutes.

Mr. Tajan: I am sorry, Ms. Lulushi, if you can hold on one second. Just to be clear the motion failed on a vote of three for and seven against. And, I guess I just want to be sure, Ms. Wilson we do not have to vote again, right. It is just the denial recommendation because of the failed motion for approval.

Ms. Wilson: It should it be seven to three, we only have 10 members. I figured the Math question out.

Mr. Tajan: Just to be cleared for the record, it was three for, seven against, the motion failed, which is a recommendation for denial. Okay.

Mr. Weiner: Ms. Lulushi, I am sorry. Go ahead and please go with your comments, thank you.

Ms. Lulushi: Thank you Planning Commissioner, this is Enit Lulushi applying for 528 Vanderbilt Avenue. Thank you for taking time to listen to our application, it is much appreciated to be able to apply for a CUP, made even harder with these virtual meetings now. My husband apologizes; he could not be here due to a looming deadline at work. Mr. Miller and the Staff, we have no words to express our gratitude for your professionalism and dedication about work during these four long months, thank you for your help. When were looking to buy this house in summer of 2020, we had already been an enthusiastic Croatan homeowner since 2003, seven years, and summer vacationers since late 20th century. The first time we heard of Croatan was from Atkinson Realty, who currently has a property while renting a house in the North End. So, I believe Croatan Oceanfront home at the time and we immediately under appeal once we stayed there, filling them with a neighborhood and neighbors in a tiny quiet public beach with lifeguards rules and regulations. We knew right there and then this is where we want our second home-roots. This is since, the definition of summer at the beach for us. It is the only beach our kids know, our primary residence is in Northern Virginia, and most DC suburbanites indeed consider Delaware and Maryland beaches due to proximity,

but a big shout out to the City of Virginia Beach for having one of the most amazing family friendly boardwalks and the most beautiful and vibrant tourist destination sitting in the Middle Atlantic with a rich history to boot. I have this feeling that we do not want to ever leave this town. So, I have a long list here of why we love Virginia Beach and Croatan, but I understand time is of the essence, so I am going to skip those except for saying there are a lot of things that we love in Virginia Beach, but Croatan is the jewel of our heart. We love the neighborhood, we love our neighbors, and so far, we have been enthusiastic Croatan Civic League supporters. What that means is not only do we pay a voluntary membership fee, but we also occasionally donate to the police and safety fund. So, they hire a cop to patrol our streets. We made countless friends here among full time residents and second homeowners with whom we enjoy summers at the beach. Our children's learned to ride their bikes on Vanderbilt Avenue and Croatan, and surfed with Croatan kids. Our son's middle school science fair project in 2010 was about the Croatan jetty and their ocean, all ready for the Army Corps of Engineers school. We have enjoyed Fourth of July parties here at the Virginia Dare cul-de-sac with face paint, fireworks, parades, free endless margaritas, for adults only I believe, where our kids even won a purple peanut, Easter egg hunt, national night out, you name it, we are ourselves part of a Croatan community and I visit emotionally to see it thrive and flourish. Basically, that was a very long way of saying that we do care about and are not just financially but most importantly emotionally invested in Croatan and the whole of Virginia Beach. All this is part of our life and we are committed to preserve the image of Virginia Beach and specifically Croatan as a beautiful vacation place for families. We are committed to having families vacation here, being impressed with Croatan and Virginia Beach, and ultimately like us, buy their own second home here. And, our guest too, which you can see in the packet from their letters, they did plan our first home and they bought a new house here. The good vacation home in Croatan and I will never ever call or consider it a business. It is just a vacation home, it is a great asset to Croatan, it is a great asset to Virginia Beach at large. You have nothing to be afraid of, decent hard working family, your kids here year after year and having (inaudible 02:04:24) retiring home roots here when the time comes and we are committed to respect the quiet residential nature of the neighborhood and our neighbors right to peaceful enjoyment of their property. But, by living here we got a better understanding on what exactly we needed and wanted in a Beach. Slowly a sufficient number of bedrooms and bathrooms, decks and preferably more ocean views. Really, we are looking for a grandfathered property to buy. However, by the time we got ourselves preapproved for financing, yes, we do have a mortgage, and as we found out it is not as easy as it was before 2008, to prequalify any and all grandfathered properties in Croatan in our price range means magically disappeared from the market at full price or higher, even though they are not necessarily in a turnkey condition. Our home on 528 Vanderbilt was never rented and it is not grandfathered property. It is a beautiful home, we love it, it works perfectly for us as a second home and later will be our retirement home. It does have indeed all of

the things that you are looking for in a house. But, it has stayed in the market for more than eight months because it was not a grandfathered property. And, we gather a great deal from the sellers who are selling it for a considerably lower price than what they paid 15 years ago. We did not think that the house was not being grandfathered would be an issue or give us headaches in any way. When we put the contract in means, the proposal on the city website had Croatan or at least the three streets closest to the ocean as part of the overlay district. Having been here forever essentially, we know how Croatan has always been a healthy mix of vacation second homes that are rented weekly in summer as well as fulltime residences and that the overlay sounded perfectly reasonable and the most natural thing to us. What is the difference anyway between North End and Croatan, you guys tell me. Of course, we thought it made perfect sense, all Croatan homes on Vanderbilt, Surfside, and Safford and three streets with less than a five minute walk from the beach should be allowed to be STRs. Literally, the beach is so close to the streets and residents park on our streets and walk to the beachfront as well. And, no normal home insurance by the way will insure these homes either because they are too close to the ocean. And, because of the neighborhood dynamics, there will always be fulltime residents as well as second homeowners. As a matter of fact, comparing with 2003, fulltime homeownership here has increased considerably. There is zero chance this becomes Airbnb hotspot, we are all ferociously and equally committed to keep this neighborhood as the ultimate definition of an upscale residential neighborhood. Regardless to how long we reside here during the year, by mid-August, when we closed our house, that overlay proposal for Croatan had magically disappeared from the city proposal. And, now we will have to apply for a CUP and we said what's the big deal, we check the requirements. We have five parking spots for a four bedroom house. And, there is a CUP process that allows us to apply. So, everybody so far has the right to apply for CUP, a Conditional Use Permit. It is a certainly long, not only until a bit more than a year ago, it was perfectly legal to rent short-term. So, our rights recently shrank a bit, now we do not have the right to rent short-term, but we do have the rights to apply for a CUP. But, now we risk losing them entirely, if these new changes you do get approved. We are concerned with where this is going and about losing a right that only a short year ago was universal in the city. And, indeed we do support universal by right STR rights for homeowners of the whole Virginia Beach, but specifically for Croatan, which is a beachfront vacation neighborhood. That is really the main reason we want to be able legally to rent short-term. If we so desire, we strongly believe it is a national right, some call it the homeowners panel of right that comes with homeownership, even more so with a property so close to the beach in a neighborhood that historically and continually has been a vacation neighborhood and that has been built by surfers as such. We see a little support from neighbors about the history. Second, we do not want our home empty for long continuous periods of time. Third, flexibility is also something we need and we would not get with longer term rentals. Be able to visit our home at least monthly for the rest of the year. That is what we need. Thus, we shall not run a full year

STR operation here, week in and week out just a few weeks. Our schedules are such that we can come for a weekend or for longer periods of time on a whim and at a short notice, handing the keys to someone for long extended periods of time would deprive us from enjoying our own property. We have owned the house for six months they have been visiting at least once per month except for and in long-term. Our renting we have it rented with a very long term lease over three months and we did have two leases of 31 days or more. We are registered with the Commissioner of Revenue for transit and lodging taxes and just renew for 2020.

Mr. Weiner: Ma'am, thank you very much for your comments. You are out of time. Does anybody have any questions? Nope. Okay. Speakers?

Mr. Dao: Mr. Chair, we have eight speakers signed up for this item. The first speaker is John Mannarino, followed by Christopher Sprauer. Mr. Mannarino, please start your comments.

Mr. Mannarino: Good afternoon. This is Captain Mannarino, thank you for the opportunity to respond to Ms. Lulushi's application, I am in opposition to this application. You have before you my registered letters of opposition, indicating why I do not want this property be considered a short-term rental. I really do not want to spend the time to repeat what I already wrote in the letters. You know, the instances of traffic problems, parking problems, ingress and egress issues because Croatan is single in and single out, and of course the beach. The beach, which has not been extended or restored in accordance with the Moffatt and Nichol study still remains an issue for the residents of Croatan by adding additional short-term residences to Croatan and for Vanderbilt, there are at least 16 properties on each street, and at least another 10 on Surfside, you got that spreadsheet from our short-term rental committee as part of the Civic League, of which I am a member and also a board member, but I am speaking for myself. I have also had a negative experience with the property adjacent to me, I live at 525, 519 has been a rental property both short and long-term and that property has been problematic. In fact, the first time we moved here 519, hosted college beach weekend and the property owner at the time of 519, assured us that it was rented by responsible people. But, the after party ensued and the police were called because at 4 am there were disturbances ongoing. As far as it being a long-term property 519, is also experienced an odd mix of individuals renting the property, including people who caused \$15,000 in damage for the new owner of the property, who also owns three additional properties in Croatan. Now, of course that is 519, for 528, we have observed that that property has been rented for a while. But in fact, those renters were quiet and did not seem to create any problem, but that property was also vacant for a good portion of the year, as are many properties in Croatan that are considered vacation homes. So, the onus is on us to monitor the property to ensure that there is nothing untoward going on and also to register any complaints with the city. When you do that you always risk retaliation in doing so. For 528, our concern is simply this. It is a smaller property, it has only four parking spaces, it does have on street parking,

which is limited, but often that on street parking is taken up by surfers as well as during the season beach goers. It is problematic when you walk down the street, where there are no sidewalks and you have people orbiting the block during the summer looking for spaces. It is also a challenge to leave my driveway. So, in fact, if we look at all the properties that I am surrounded with, that are Short-Term Rentals or potentially Short-Term Rentals, there is not any issue here with whether or not it is suitable, because you know, as well as I do, what Croatan is zoned for, it is zoned medium density residential.

Mr. Weiner: Sir, thank you for your comments. Do we have any questions? No questions. Okay, next speaker please.

Mr. Dao: The next speaker is Christopher Sprauer, followed by Jane Perello. Mr. Sprauer, please begin your comments. We move on to next speaker Jane Perello, followed by Amber Parker. Ms. Perello, please start your comments. Ms. Perello, please start your comments. We will move on to the next speaker, Amber Parker followed by Claire Yoder. Ms. Parker, please start your comments. We will move on to the next speaker Claire Yoder, followed by Paige Miyares. Ms. Yoder, please start your comment.

Ms. Yoder: This is Claire Yoder. Can you all hear me?

Mr. Dao: Yes, ma'am. Please start your comments.

Ms. Yoder: Great, I live at 622 Vanderbilt Avenue, and more recently purchased 624, South Atlantic. I have been in Croatan for 15 years, I do not rent properties, I do not have plans to rent properties. I am not testifying on behalf of the Lulushi's because I have a vested interest in the Short-Term Rental. I am testifying on behalf of them and for the Short-Term Rental for the Lulushi's because I feel very strongly that Croatan has a community vibe and a community character of a mix of people. My husband Eric and I are just the kind of people who like that sort of community. We did not want a gated community, we did not want I do not know how to say, just highly wealthy kind of country club, I do not know, and Croatan appealed to us. I think that I know the character of the neighborhood and I think Short-Term Rentals fit into it, I think that we have one right across from us, we have two beside on either side of us. We have enjoyed the people who come and I know it sounds odd. But, we just really feel it as part of the community to be near a beach like this and see families come and enjoy as we did when we were younger. So, that is it, I just think the Lulushi's are good people, they are going to be very responsible. I know, they have worked very, very hard on this. And, I understand some neighbors have had some bad experiences, I feel bad for them. But again, we at the Civic League, I used to be on the board of the Civic League, are working on and really needs to do a lot more to help with the enforcement that already exists on a few of these properties. That said, I do support limiting them to the extent of maybe the three streets that are close to the ocean, because if you get an 80% mix, I do not know if that would ever happen, but, I think you can be overwhelmed by them. But, at

this point, we have actually sold quite a few Short-Term Rentals, they have been transferred back into primary homes, and we are at the same stable number that we were at two or three years ago. So, I track these things and that is my comment. Thank you for listening.

Mr. Dao: Thank you, ma'am. The next speaker is Paige Miyares.

Mr. Weiner: Excuse me one second. I am getting a text that people are trying to get through and they are not being able to, the people we have you called and said they were not there. They are not being able to hook to get online.

Mr. Dao: Yeah. They were on, but they got disconnected.

Mr. Weiner: Okay.

Mr. Dao: If they sign in back on, we can call them back we can do that.

Mr. Weiner: Okay.

Mr. Dao: The next speaker is Paige Miyares, followed by Dana Sampson. Ms. Miyares, please start your comments.

Ms. Miyares: Thank you. I am speaking on behalf of the Lulushi's, they have engaged with us to manage the property assuming that the CUP is approved, they have not rented it previous to this. And, they are waiting to do things the right way and get their approval. Croatan has been a historically a vacation rental spot and I think the thing to note for you and I would ask the Commissioners is that the new ordinance has not been passed, we do not know what it will look like when it is passed. You guys do not know if they will make changes to it as far as the streets in Croatan or other things and you certainly do not know when it will be passed. So, the request is that you look at this application on merits today, based on the ordinance that we have today. So, that would be the first thing. The other thing and this kind of relates back to the gentleman's comments earlier, the Croatan beach is an asset of the City of Virginia Beach, it is an asset of all the citizens, it is not owned by Croatan or their citizens. If they would like to purchase it from the City of Virginia Beach, perhaps then they can speak about it as if they do own it. But, they do not. It is an asset and it should be leveraged for all of the citizens of Virginia Beach including using it to attract tourists to our area to spend their tourist dollars. So, I would ask you to consider those two things as you look at this at this application. This is a great application, Ms. Lulushi they have been very responsible hosts and landlords, and as you heard her say that she uses it quite often herself and plans to retire there. So, I asked that you would consider this I ask that you that you would pass it, that you would approve that. It is a model place for our vacationers to come and visit our beautiful city and enjoy our beach as citizens of Virginia Beach. Thank you.

Mr. Dao: Thank you, ma'am. The next speaker is Dana Sampson, followed by Kendall Maynard. Ms. Sampson, please start your comments.

Ms. Sampson: Thank you so much. I just wanted to speak on behalf of or in support of Enit's request for the CUP, Enit's home in Croatan is in one of our oceanfront area neighborhoods where homes have been used as Vacation Rentals for many years. She has made this home safe and available to visiting families to enjoy their beach vacation and has followed all the necessary requirements of the existing ordinance. I in general support all applications, excuse me, in principle, based on the belief that we have that it is a natural right of a homeowner to rent their house short-term, long-term, however, they decide as long as they comply with the City Ordinances. As such, I am in support of Enit's CUP application and ask for a favorable recommendation from Planning. Thanks so much for your time.

Mr. Dao: Thank you, ma'am. Our next speaker is Kendall Maynard, followed by Christopher Sprauer. Ms. Maynard. Please start your comments.

Ms. Maynard: Hi, this is Kendall Maynard. I am a long-term and short-term operator in North End, and I fully support this type of STR in Croatan at 528 Vanderbilt and the Lulushi's have done everything required of them. I have done a North End STR for 35 years, and I believe that it is the homeowners right and natural right as well. The opposition unfortunately had a bad experience. That happens everywhere, whether it is long-term or short-term or even in your own home sometimes. So, that has to be taken into account. The STR operators who serve guests and maintain these properties are extremely conscientious and are abiding by all these requirements for contracts per week and parking. This looks like a beautiful home to have as your next vacation for your own family with a great location close to the beach. The likely guests will be families that do not cause any of the alleged issues that are being discussed. No more traffic than normal with a family that owns the property, no more noise or litter. Most STR operators track the deposit, so, if there is anything needed, the deposit will take care of it or as Atkinson has said, a lot of times they charge an extra insurance policy. But, we do not even want to get to those problems, we screen families heavily before we even allow them to rent, long-term or short-term. Most families are very conscientious and well behaved. I have not had a problem in 35 years, the very small problems I have had I have taken care of with the help of my real estate company. I believe Atkinson's a great real estate company will help the city to have a great STR location for families to come visit. There should be no concerns for this lovely family oriented STR. Please vote for this STR, the Lulushi's are very responsible. As David Redmond said earlier, the entire city is a neighborhood there is a serious organic need for STR housing in the city. And, as pointed out by our previous speaker, several STRs have gone back to the homeowners living in them, while some STRs are applying. So, there is a natural attrition rate that is going on that I do not think has even been considered by the Planning Commission. So, I fully support STRs by right and right

of the property owner. And, I believe this would be a great asset for the city and for Croatan. Thank you.

Mr. Weiner: Mr. Redmond, go ahead. Do you have a question?

Mr. Redmond: Yeah, I just want to clarify. This last speaker mentioned some of my comments, I want to clarify the comment I was making earlier with regard to the organic need for housing was for a primary residences and specifically in regards to a multifamily application that we considered earlier. So, I do not want my words to be misconstrued or to be misinterpreted in any way. Thanks.

Mr. Weiner: Thank you, sir. Hoa, any more speakers?

Mr. Dao: The next speaker is Christopher Sprauer, followed by Jane Perello. Mr. Sprauer, please start your comment.

Mr. Sprauer: Yes, I am just trying to speak in favor of her Conditional Use Permit as a homeowner in Croatan Beach, on Surfside. There is this ongoing debate inside of Croatan with the Civic League and everyone else as far as what to do with the Short-Term Rentals from speaking for many of the neighbors walking around, seems like you get a very mixed reaction, but my take is that it is the homeowners right and inherit right to do what their property they see fit based on what the current laws are at the time and under the current recommendations without the STR overlay being ratified one way or the other. It should be her right to do with her property as she sees fit. That is why her Conditional Use Permit should be considered until the City Council comes down with some guidance one way or the other long-term as to what to do. So, I will forego the rest of my time, and that is just my take on it. Thank you.

Mr. Dao: Thank you, sir. The next speaker is Jane Perello, followed by Amber Parker. Ms. Perello, please start your comments. Ms. Perello, Please start your comments. We will move on to the next speaker, Amber Parker. Ms. Parker, please start your comments.

Ms. Parker: Hi, can everyone hear me?

Mr. Dao: Yes, ma'am. Please start your comments.

Ms. Parker: Hi, my name is Amber Parker. Thank you for having me. I am the Vacation Department Manager at Atkinson Realty and I have worked for Atkinson Realty and the Vacation Department for 15 years. We are in support of the CUP for the property located at 528 Vanderbilt Avenue. We maintain the properties year round. We are in constant contact with our owners, our tenants, we meet them every Saturday when the guest checks in, they come in we see them in person. We address any issues that they may have when they get here, what the check in procedure, checkout procedure is, somebody from our staff goes in every week to make sure everything is okay. We have worked with the Lulushi's for years. We

manage one of their properties as well as several other owners in the Croatan neighborhood and we do our best to make sure everything, there is just families they have a good time on vacation. They do not disturb anybody. They get along well with a lot of the neighbors, some of the people that have come back year after year are actually friends with a lot of the families in Croatan. And, just we strive to be professional, we give excellent service to make sure everybody has a great time, and we have on call staff 24/7, so, if anybody has any issues or if there is any problems, there is somebody. We all live here and we address the problems directly and we are available 24/7. So, I believe that Enit has done everything to check all the boxes and the CUP should be approved and professionally managed. We are happy to do that for her with Atkinson Realty.

Mr. Dao: Thank you ma'am. Caller 21, can you please identify yourself? Caller 21. We will try Jane Perello one more time. Ms. Perello, are you there? That is all the speakers we have.

Mr. Weiner: That is all the speakers. Okay. Ms. Lulushi so you have any other comments that you would like to make?

Ms. Lulushi: Yes, I would like to make comments to your response to Mr. Mannarino, who is a neighbor that we have met and we laugh together with his spouse. We naturally do not condone any unfortunate and disorderly events that may or may not have happened in Croatan, and that certainly were not caused by us or by our guests. We intend to assure all our neighbors and relieve them from their anxieties as long or at least as our property in our case is that we are meant to be part of the solution and not the problem in Croatan. First of all, this is all anecdotal or very long time ago experience or example that he gave. I do find it very telling and encouraging in a way that two family members in their letter among them Mr. Mannarino to work hard and drive deep in their joint memory lanes, at least five years back, because when he moved in. So, I did calculate the time backwards and this unfortunate and this horrible event must have happened around 2015. So, why I find this encouraging is because (inaudible 02:29:41) find on the ground, then maybe these are not as frequent as we are led to believe and we intend indeed to just rent to families, families only multigenerational kids. The other issue I wanted to address is because we rent to the families and because we do have four parking spots which the Staff already approved that is sufficient parking for our permit. We do have an exact guest space, we literally have five parking spaces for this house and we do not think we will ever have to work more than two or three cars parked in our driveway. Just think a little bit. They want to lease their personal property, their car with street parking, when they have dedicated parking in the property that they are renting with five parking spaces in it. There is no reason our guests would be doing that. So, it kind of defies logic actually to use that as an excuse. The other thing is people come for vacation at the beach, they do not go around finding some parking spots. They sit there in their house have breakfast and sit at the beach, they do not cause additional traffic in Croatan. They do not cause the erosion in

Croatan. Like Paige also emphasized, this is a public beach and it is really regretful that these about who gets to sit on the beach in Croatan beachfront. I have a house there, are you guys telling me that I cannot have my guests sit on the beach or are you telling me, yes, you may have your brother sit there, but you may not get money for anybody in your house. And, therefore he should not be sitting there, so, where do you guys draw this line on this? And, there are a lot of exclusive properties with beachfront, they are in the Hamptons, they are in Malibu, Martha's Vineyard. I do not know. Maybe in order to live in an exclusive neighborhood like this and buy a home there. But, I love the public beach of Virginia Beach. I do love it, I do love the lifeguards, I do love how you guys have rules and regulations. No place on the beach 10 to 4 or 10 to 6, whatever that is during summer days. Everything is open to all public and what makes people seem that my guests who are on the beach more than the public parking lots guests of Croatan. Everybody is entitled, they park in the parking lot, they can use the beach, it is a free public beach. I do not understand this. The other issue is that in one of our letters, one of our neighbors says that we did not address their concerns. It is not true at all, you have it in your packets in front of you. We went the extra mile to contact everybody. We contact with everybody verbally, we gave them our contacts. We let them know our intentions. We try to ensure them for their anxieties that we do not intend to let rowdy people and non-related parties. No college students, no people under 25.

Mr. Weiner: Ma'am, thank you for your comments, I appreciate that. Does anybody have any questions for Ms. Lulushi? Questions, no. Alright, and that is all the speakers.

Mr. Dao: Yes, sir. That is all the speakers we have on this item.

Mr. Weiner: Okay. We will close this and open it up for discussion. Mr. Alcaraz.

Mr. Alcaraz: I am open to hear some other comments, but I guess I will get started. I hear Ms. Lulushi's comments, I hear her by right, I hear supporters by right. I fully agree. And, I guess on my lap is the concern that and I heard one of the speakers said it is a principle thing. But, yeah, it is and I fully understand. But, what concerns me is the reality of what is happening. And, like I said one of the speakers hit the nail on the head when he was expressing his viewpoint. Sorry, there is a lot of feedback I do not know what that is. But anyway, he had mentioned that when there is issue, they will take care of it, they will fix it and they will move on to the next. And, that is exactly what happens to some of these. I am not saying all of them. And, then the bottom line it all comes down to management. Management is where it comes down and, of course, we do not have a history of management on these. We are not supposed to have a history of management. We are not supposed to have history of incidents because they are not supposed to be operational. But, my concern is, this subdivision with the Civic League has voiced their concern, it is 100 plus is what I have heard from, I know we have heard for some support. I am sorry, there is a lot of noise. Can you guys hear me? But anyway, I just want to

make sure that the reason I cannot support this is because I am on the side of the Civic League, the majority of the Civic League, I am on the side of not turning this in to what they call a commercial rental area. I fully agree with long-term rentals out there. I think in the past years, when I was growing up, my family rented out there. So, but that is what I have to say right now with rentals and short-term aspect in Croatan.

Mr. Weiner: Alright, thank you, sir. Any other comments. Somebody?

Mr. Inman: I will go.

Mr. Weiner: Okay.

Mr. Inman: I certainly agree with George. Croatan it has grown into more of a neighborhood, I think over the years than maybe it was years ago. And, people who have bought there, have invested significant sum of money in their homes with an expectation of some peace and solitude. Yes, it is a public beach that is not the point of this. There is plenty of people has been said utilizing the public beach by parking in the public streets in Croatan, which they have a right to do. So, it is a public beach and is being used as a public beach, it does not mean that the neighborhood has to devote itself or allow members of the community to create mini hotels. And, part of the problem in Croatan and Short-Term Rentals is in fact the number of people that can be housed in one dwelling. So, it is just and there are a number of Short-Term Rentals in Croatan and there is plenty right now. I cannot support this application.

Mr. Weiner: Thank you, Mr. Inman. Anybody else?

Mr. Coston: Yes, as I listened to one of the speakers on the behalf of the applicant, who talked about dealing with issues as they are right now and I know sometimes we look down the road and wonder what might happen. So, whether these things should be approved or not approved based on what will or might happen. And, I think right now, we should probably deal with the ordinance as it is. I agree with that concept, I do not think that we should look to what might happen or what will happen. And, I am going to support it. I think there was plenty of support there. And, it is one of the safest communities in Virginia Beach, Virginia. I mean, there is nothing any safer than Croatan if you know the history. So, that is my comment, thank you.

Mr. Weiner: Thank you, sir. Any other comments? Well, you all know where I am. I am going to be consistent with what we have been putting off for the last couple months and today. So, do we have a motion? George?

Mr. Alcaraz: Yeah, I am going to have to make a motion that we deny the application.

Mr. Weiner: Alright, do we have a second?

Mr. Wall: I will second.

Mr. Weiner: Alright, we have a motion by Mr. Alcaraz for denial and second by Mr. Wall. We are ready for vote.

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

Mr. Alcaraz: Aye.

Ms. Coleman: Mr. Barnes.

Mr. Barnes: Aye.

Ms. Coleman: Mr. Coston.

Mr. Coston: No.

Ms. Coleman: Mr. Graham.

Mr. Graham: Aye.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Aye.

Ms. Coleman: Thank you. Mr. Inman.

Mr. Inman: Aye.

Ms. Coleman: Ms. Klein.

Ms. Klein: Aye.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Aye.

Ms. Coleman: Ms. Oliver is absent. Vice Chair, Wall.

Mr. Wall: Aye.

Ms. Coleman: And, Chair Weiner.

Mr. Weiner: Aye.

Ms. Coleman: By recorded vote of nine for and one against agenda item number 16 has been recommended for denial.

	AYE 9	NAY 1	ABS 0	ABSENT 1
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Alcaraz	AYE			
Barnes	AYE			
Coston		NAY		
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 528 Vanderbilt Avenue, and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this 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.

Item # 17

**Cynthia Sheppard [Applicants & Property Owner]
Conditional Use Permit (Short Term Rental)
304 28th Street, Unit 201**

February 10, 2021

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you, Ms. Coleman. The next order of business is the Consent Agenda and this will be handled by the Vice Chair, Commissioner Wall.

Mr. Wall: Thank you, Mr. Chairman. These applications that are recommended for approval by Staff and the Planning Commission concurred, there are no speakers signed up in opposition. The Planning Commission places the following applications on the Consent Agenda. Agenda item number two, number three, number four, number five, number seven, number eight, and number nine. 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 for Section 241.2 of the Zoning Ordinance. Staff and the Planning Commission supports the applications and there are no speakers signed up in opposition, items 15, 17, and 18.

Mr. Weiner: Thank you, Mr. Wall. Can we have a motion for those items, please?

Mr. Wall: Mr. Chairman, I move that agenda item numbers 2, 3, 4, 5, 7, 8, 9, 15, 17, and 18 be approved by consent.

Mr. Weiner: Thank you. Do we have a second?

Mr. Horsley: Second.

Mr. Weiner: Alright, we have a motion by Mr. Wall and a second by Mr. Horsley. We are ready for the vote.

Mr. Tajan: Mr. Chair, just to clarify, I am sorry. For items number three and four, there are amended conditions that remove the requirement with this only go with the operator. So, we are clearing that up.

Mr. Weiner: Okay.

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

Mr. Alcaraz: Aye.

Ms. Coleman: Mr. Barnes.

Mr. Barnes: Aye.

Ms. Coleman: Mr. Coston.

Mr. Coston: Aye.

Ms. Coleman: Mr. Graham.

Mr. Graham: Aye.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Aye.

Ms. Coleman: Mr. Inman.

Mr. Inman: Aye.

Ms. Coleman: Ms. Klein.

Ms. Klein: Aye.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Aye.

Ms. Coleman: Ms. Oliver is absent. Vice Chair Wall.

Mr. Wall: Aye.

Ms. Coleman: And, Chairman Weiner.

Mr. Weiner: Aye.

Ms. Coleman: By recorded vote of 10 for and zero against agenda items 2, 3 with the removal of condition number four, 4 with the removal of condition number four, 5, 7, 8, 9, 15, 17, and 18, have been recommended for approval on the consent agenda.

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

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 304 28th Street Unit 201, 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.

Item # 18

**Ryan Summers [Applicant & Property Owner]
Conditional Use Permit (Short Term Rental)
304 28th Street, Unit 113**

February 10, 2021

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Weiner: Thank you, Ms. Coleman. The next order of business is the Consent Agenda and this will be handled by the Vice Chair, Commissioner Wall.

Mr. Wall: Thank you, Mr. Chairman. These applications that are recommended for approval by Staff and the Planning Commission concurred, there are no speakers signed up in opposition. The Planning Commission places the following applications on the Consent Agenda. Agenda item number two, number three, number four, number five, number seven, number eight, and number nine. 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 for Section 241.2 of the Zoning Ordinance. Staff and the Planning Commission supports the applications and there are no speakers signed up in opposition, items 15, 17, and 18.

Mr. Weiner: Thank you, Mr. Wall. Can we have a motion for those items, please?

Mr. Wall: Mr. Chairman, I move that agenda item numbers 2, 3, 4, 5, 7, 8, 9, 15, 17, and 18 be approved by consent.

Mr. Weiner: Thank you. Do we have a second?

Mr. Horsley: Second.

Mr. Weiner: Alright, we have a motion by Mr. Wall and a second by Mr. Horsley. We are ready for the vote.

Mr. Tajan: Mr. Chair, just to clarify, I am sorry. For items number three and four, there are amended conditions that remove the requirement with this only go with the operator. So, we are clearing that up.

Mr. Weiner: Okay.

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

Mr. Alcaraz: Aye.

Ms. Coleman: Mr. Barnes.

Mr. Barnes: Aye.

Ms. Coleman: Mr. Coston.

Mr. Coston: Aye.

Ms. Coleman: Mr. Graham.

Mr. Graham: Aye.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Aye.

Ms. Coleman: Mr. Inman.

Mr. Inman: Aye.

Ms. Coleman: Ms. Klein.

Ms. Klein: Aye.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Aye.

Ms. Coleman: Ms. Oliver is absent. Vice Chair Wall.

Mr. Wall: Aye.

Ms. Coleman: And, Chairman Weiner.

Mr. Weiner: Aye.

Ms. Coleman: By recorded vote of 10 for and zero against agenda items 2, 3 with the removal of condition number four, 4 with the removal of condition number four, 5, 7, 8, 9, 15, 17, and 18, have been recommended for approval on the consent agenda.

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

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 304 28th Street Unit 113, 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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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.