

Virginia Beach Planning Commission

Public Hearing

March 10, 2021

"I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

Mr. Weiner: Thank you. Who would like to wing it and introduce the members since we did not pick somebody to do that. Mr. Redmond.

Mr. Redmond: Happy to do it. Well, let me start out, typically Ms. Wilson is sitting next to us in a in a different environment. So, over there is Kay Wilson, she is the Deputy City Attorney and she helps us with all legal matters and keeps us on a straight path. And, directly across from me as Robyn Klein, she has a real job, she is a social worker, so, she actually does things that help people, which is good. Next to her as Mr. Horsley, Don Horsley is a farmer he served on the Planning Commission for a very, very long time, any given day he is the smartest guy in the room. And, he is a heck of a farmer. He serves at large by the way. George Alcatraz represents the Beach District, he is a contractor has a number of other business interests and he is all around good guy too. Next to him is Dee Oliver, she does all kinds of things too, but one of them is she is in the funeral business and has interest in restaurants and all kind, I cannot keep up with all kinds of other things. She is our immediate past Chairman as well. And, next to her is David Weiner, David is a commercial salesman in the building industry. He is our Chairman, he represents the Kempsville District. Next to him our Vice Chairman is Mr. Jack Wall, Jack represents the Rose Hall district and he is an engineer by trade. Mike Inman to my right, Mike serves at large. He is an attorney, he is genuinely one of the most capable Real Estate Attorneys in the Commonwealth of Virginia, I mean that, he represents the city at large. My name is Dave Redmond, I am a commercial real estate broker. I represent the Bayside district. This is Mr. John Coston. He is retired fire chief and no wonder I know it because he serves as well at large. Over there as Bobby Tajan, he is the Planning Director and seated next to him is the Zoning Administrator Mr. Kevin Kemp and Bob is going to introduce a couple

more of his staff people. Thank you, who are all very capable by the way and we appreciate all of their good work.

Mr. Tajan: Thank you very much Mr. Redmond. In addition to the Staff that you have called out, we also have a City Attorney, Victoria Eisenberg with us as well as on our staff, Pam Sandloop, who is clerking, Hoa Dao, and Nicole Garrido amongst a number of other staff has helping clerk the meeting today. Thank you.

Mr. Weiner: Thank you. First order of business is the explanation of the rules and our clerk will read that for us. Thank you, please.

Ms. Sandloop: Thank you Mr. Chair. Today, we will have both in person speakers and speakers via WebEx. In order to limit the number of people in Suite Five at any one time, in-person speakers will remain in Suite Four where they will be able to view the meeting on monitors until called. For Ordinances and Resolutions, we will recognize in-person speakers first, calling the first speaker and up to three additional speakers to avoid any unnecessary delay between speakers. Each person whose name is called may enter Suite Five and must remain socially distance until it is their turn to speak. Each speaker must exit Suite Five after providing their comments and may return to Suite Four to finish viewing the meeting. After all, in-person speakers have been called, we will then recognize the speakers participating via WebEx. We will recognize the applicant or their representative first, whether they are in-person or participating via WebEx. All other speakers will be recognized as previously stated. Speakers participating via WebEx, please mute any additional devices you have in the room to avoid any unnecessary background noise and or the possibility of echoing or reverberation. It is important that once recognize, please wait two to three seconds to begin to ensure the Commission hears your complete remarks. Please begin your comments by identifying yourself. Also, do not ask, can you hear me, as only one feed is open at a time to minimize the echo and reverberation, and as such you will be unable to hear a response. Again, speakers will be recognized in the order which they registered. Please note if the speaker does not respond or if a technical issue occurs, which renders the comments unintelligible, we will move on to the next registered speaker. Commissioners are there any questions about the process for the speakers?

Hearing none, I will move on to the public hearing rules. The Virginia Beach Planning Commission takes pride in being fair and courteous to all parties in attendance. It is important that all involved understand how the Commission normally conducts its meetings. It is equally important that everyone treat each other and the Members of the Commission with respect and civility. The Commission requests that if you have a cell phone please silence it or turn it off. This is an abbreviated explanation of the rules, the complete set of rules is located in the front of the Planning Commission Agenda. Following is the order of business for this public hearing with withdrawals and deferrals, the chairman will ask if there are any requests to withdraw or defer an item on the agenda consideration of these requests will be made first. Consent Agenda, the second order of business is a consideration of the Consent Agenda, which are those items that the Planning Commission believe are unopposed and which have favorable staff recommendation. Regular agenda, the Commission will then proceed with the remaining items on the agenda. Speakers in support or opposition of an agenda item will have three minutes to speak, unless they are representing a large group, such as a Civic League or Homeowners Association, in which case they will have 10 minutes. Please note that the actions taken by the Commission today are in the form of a recommendation to the Virginia Beach City Council. The final decision to approve or disapprove an application will be made by City Council. The Commission thanks you for your attendance and we hope that your experience here today leaves you feeling that you have been heard and treated fairly. Thank you.

Item # 1

City of Virginia Beach – Resolution to schedule monthly meetings of the Planning Commission of Virginia Beach for April 2021 to December 2021

March 10, 2021

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Weiner: Thank you. We are unaware of any items to be withdrawn, there are no items to be withdrawn. So, now we will move on to the Consent Agenda and our Vice Chair Wall will take that over. Thank you.

Mr. Wall: Thank you, Mr. Chair. These are applications that are recommended for approval by Staff and the Planning Commission concurred, and they are no speaker signed up in opposition. We have five items on the Consent Agenda today. The first item is agenda item number one, City of Virginia Beach resolution to schedule monthly meetings at the Planning Commission of the City of Virginia Beach for April 2021 to December 2021. Can someone from City Staff please speak on this.

Mr. Dao: This is a Resolution to adopt a date of the Planning Commission for the year of 2021, basically from April 2021 to December of 2021.

Mr. Wall: Thank you. Is there any opposition for this item being placed on the Consent Agenda. Hearing none, so, moving on to agenda item number three, Presmont Construction Services, an application for Conditional Use Permit for Automobile Service Station. Is there a representative for this item.

Mr. Beaman: Yes, thank you Mr. Vice Chair, Mr. Chair, and Members of the Commission for the record, my name is Rob Beaman local land use attorney with the Troutman Pepper Law Firm. We have read the conditions, they are acceptable and we certainly appreciate being on consent today. Thank you.

Mr. Wall: Thank you. Is there any opposition for this agenda item being placed on the Consent Agenda. Hearing none, Mr. Redmond has been asked to read this item into the record.

Mr. Redmond: Thank you Mr. Vice Chairman and Mr. Chairman. This is an application for a Conditional Use Permit for an automobile service station. Specifically, it is a convenience store with eight gas pumps at the corner of Pleasure House Road and Shore Drive, in the Bayside District in Northwest Virginia Beach. The site is zoned B-2 community business district, so, it is quite appropriate for this kind of business. It is a 35,000 square foot site, so, just under an acre. The applicant seeks to redevelop the site with a 4000 square foot convenience store and eight fuel pumps as I said if anybody is familiar with this neck of the woods, this site has been an eyesore for about two decades. The design that the applicant has provided is of a coastal style, which is quite attractive for this kind of product and

it has a very nice mix of materials. The landscaping plan is quite attractive, it includes some site improvements including sidewalks around both sides of the property, there is one that exists on Shore Drive, but that will be improved as well. There is really nothing not to like about this application. There is no opposition, the Staff has recommended approval and the Commission concurs by consent. Thank you, Mr. Chairman.

Mr. Wall: Thank you, Mr. Redmond. The next agenda item is agenda item number four Grace Bible Church of Virginia Beach Incorporated. This is a Modification of Conditions for Religious Use. Is there a representative for this item? Please state your name for the record.

Mr. Bourdon: Eddie Bourdon Virginia Beach Attorney representing Grace Bible Church on this application. All of the eight conditions as recommended by Staff are certainly acceptable. We appreciate all of staff's work on this. There was a gentleman now who was here, who is an adjoining property owner he was here to speak in favor of, I think he may still be here, but he was in favor of the application I advised him is on the Consent Agenda. He did not need to speak in his view. I understand, this morning I was here for the informal that some of you all had some questions and I am more than happy to try to address or answer them if you, if they were not answered satisfactorily to any of you or give you little bit of background if that is what the Commission desires, but otherwise we appreciate being on consent.

Mr. Wall: Okay, thank you. Mr. Horsley has been asked to read this agenda item into the record.

Mr. Horsley: Thank you, Mr. Wall. Back in 2017, a Conditional Use Permit was approved on this piece of property just shy of 14 acres and had six conditions, condition five stated that the parking lot must be at the current grade of the adjoining property. And, at this time, the applicant is requesting modification of the conditions to allow changes to the design and changes to the Stormwater Strategy Conceptual Plan. And, in doing this, the water drainage will change direction it is going to be going towards London Bridge Road. But, the property is somewhat lower than it needs to be to drain like it should be. So, three to four feet of field needs to be put in the property to raise it up and then the stormwater management facilities will work as is supposed to. I think this will be a big benefit for the surrounding community, the understanding the residential people in the close by will appreciate this and it will overall help with our drainage also. So, in staff's opinion, this was a good application and they deemed it acceptable. We had nobody in opposition to it, so, we put it on the Consent Agenda. Mr. Bourdon had said if anybody had any questions he will be glad to answer them, but I think everybody must have gotten satisfied with the questions this morning. Thank you.

Ms. Wilson: Mr. Inman, do you have a disclosure to make.

Mr. Inman: Yes, I do. I have a disclosure to make and that I am on the Advisory Board of Townebank. Townebank appears to have financing on this particular property, and I do not have a position where I make decisions on loans, and I will be voting on this matter.

Mr. Wall: Okay, thank you. The next agenda items are agenda items number six and seven. Dam Neck Storage, LLC, Conditional Use Permit for Bulk Storage Yard and Modification of Proffers for Mini Warehouse and this includes with amended condition number two. Do we have a representative to speak on this item.

Mr. Beaman: Yes, sir. Thank you, Mr. Vice Chair, Mr. Chair, and Members of the Commission again for the record Rob Beaman local land use attorney with the Troutman Pepper Law Firm. We have read the conditions with the correction and Mr. Wall noted, they are acceptable and we certainly appreciate being on the Consent Agenda. Thank you.

Mr. Wall: Thank you. Is there any opposition for this item to be placed on the Consent Agenda? Hearing none, Ms. Klein has been asked to read this application into the record.

Mr. Klein: Thank you, Mr. Wall. This property was rezoned from AG1 and 2 Agricultural Districts to Conditional I-1 Light Industrial District in 2005, for office warehouse and storage uses. The southern parcel is developed with self-storage, the eastern half of the site is developed with office warehouse and bulk storage, and the applicant seeks to expand the office warehouse and bulk storage yard uses onto the remaining western half of the site. The applicant seeks a Conditional Use Permit for a bulk storage yard and a Modification of Proffers request to amend proffers one, two, and four that were associated with the rezoning of the property in 2005, except for those proffers, the remaining proffers associated with the 2005 rezoning remain in effect. The proposal includes four buildings with an eight foot tall privacy and chain link fence and extensive vegetation buffer, exceeds the parking requirements by 22 spaces, there is no additional driveway or access proposed. And, as it falls into within the Navy restrictive easements, the Navy reviewed the proposal and has no objection.

Mr. Wall: Thank you. That was the last item on the Regular Consent Agenda.

Mr. Weiner: Yes, madam my turn. Yes, I am making a disclosure regarding this decision items number six and seven, I will be not voting on address a 1441 London Bridge Road, the applicant is a client of mine. The client is Dam Neck Storage, LLC.

Ms. Wilson: No, do you work for Batchelder and Collins.

Mr. Weiner: I work for Batchelder and Collins at 2305 Granby Street in Norfolk, Virginia.

Ms. Wilson: Thank you. Within 24 hours a written letter of abstention will be provided to the Planning Department.

Mr. Weiner: Thank you.

Mr. Wall: Okay, thank you. So, that was the last item on the Regular Consent Agenda. The Planning Commission also replaces 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. These applications are number 10 and number 12. Okay, I make a motion that we approve agenda items number 1, 3, 4, 6, and 7. And, for the Short-Term Rentals agenda items number 10 and 12.

Mr. Weiner: We have a motion for approval. Do we have a second.

Ms. Klein: I will second.

Mr. Weiner: Okay, we have a motion by Mr. Wall and a second by Ms. Klein.

Ms. Wilson: Mr. Redmond, there are two Short-Term Rentals on here you need to make your disclosure.

Mr. Redmond: Sure, I was going to wait until we had the hearing, but it seems like it is more appropriate time. I am abstaining on not just these two items that are on our Consent Agenda, but on every short-term rental application going forward, as well as on our consideration of the new ordinance. I have a small client in the travel business called Expedia Cruises, which I guess you are going to ask me to read these addresses. Expedia Cruises is a travel agency specializing in cruises. So, if you wanted to go to Cancun you could walk into a physical location which is what I am helping them to find and book a cruise. They are located at 1066 West Hastings Street, number 900 Vancouver, British Columbia V6E 3X1, Canada, and my involvement is through my commercial real estate work with my employer Divaris Real Estate Inc. at 4525 Main Street, Suite 900, Virginia Beach, Virginia 23462. I do a small amount of work for this cruise company, they are part of a much larger company called Expedia Group, which also owns I came to learn a couple weeks ago for the first time, which also owns a couple of online booking sites VRBO and HomeAway, and therefore I have concluded that it would be inappropriate for me to participate, not just in the ordinance but in any of the short-term rental applications, going forward so when we get to that point and the Commission starts those considerations I will take my leave and leave them to do their work on their own. Is there anything else you would like me to say, Ms. Wilson. That is the last time I will make that explanation other than to say, I have on file with the Planning Department a letter that explains my recusal from this part of our body of work. Good. Alright. Thank you, Mr. Chairman.

Mr. Weiner: We had a motion by Mr. Wall a second by Ms. Klein for the Consent Agenda, we ready to vote.

Ms. Sandloop: Okay, Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

Ms. Sandloop: Mr. Graham is absent. Mr. Horsley.

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein.

Ms. Klein: Aye.

Ms. Sandloop: Ms. Oliver.

Ms. Oliver: Aye.

Ms. Sandloop: Mr. Redmond.

Mr. Redmond: Aye, with the stipulation that I am particularly recusing myself on the items with regard to short-term rental. Thank you.

Ms. Sandloop: Vice Chair, Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By a recorded vote of nine in favor and zero against with modifications to agenda items 1, 3, 4, 6, and 7, with modifications to agenda item six related to fencing short-term rental agenda items 10 and 12 have been approved nine in favor and zero against with Mr. Redmond abstaining from items 10 and 12 and Chairman Weiner abstaining from items six and seven.

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

Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Item # 2A - 1

City of Virginia Beach – East Shore Drive Overlay District

March 10, 2021

RECCOMENDED FOR APPROVAL – HEARD

Mr. Weiner: Okay. So, now we are voting on now we need to go to 2A-1, East Shore Drive.

Mr. Kemp: And 2A-1 just to be clear, we have talked about density, whether it is a Conditional Use Permit or not, that those are addressed in 2C and 2D. What 2A is, is just the boundary. I know it's muddied the waters a little when we have discussed them along with the boundary but what 2A is, is the boundary and the area included in any short-term rental overlay.

Mr. Weiner: But we still have to determine if we want to let this keep going, or do we want to put a cap on it.

Mr. Kemp: Correct. And that is a discussion,

Mr. Weiner: Right, it is only 165 houses residential houses in that area. So, what do we want to do about that.

Mr. Inman: Well is one legitimate issue that we do not want an overlay?

Mr. Coston: I thought it is where we were kind of headed to, no overlay.

Mr. Weiner: That is what I wanted to do and do it all at one time, we are going to be breaking them up. So, somebody make a motion or discussion.

Ms. Klein: I move that there be no overlay on East Shore Drive.

Mr. Weiner: We have a motion for no overlay.

Ms. Oliver: I will second that.

Mr. Weiner: We have a motion by Ms. Klein and second by Ms. Oliver. We are ready for vote.

Mr. Tajan: Do you want to have any further discussion?

Mr. Weiner: No, we are just saying no overlay at all, it's no overlay whatsoever.

Ms. Oliver: And just to clarify that means no more STRs in that area, is that correct?

Mr. Weiner: That is not correct.

Ms. Oliver: No, that's not correct?

Mr. Inman: Not necessarily. It's a start.

Mr. Tajan: So just to understand and this is where we get into the complicatedness of a zoning. So, this is the actual zoning district that is being created. There are rules that go into the zoning district right, or can be globally changed for the city. So, those rules that are globally changed, as Kevin noted is going to come up in 2C and 2D, so right now if we just want to say we are not going to have the overlay and then you will look through those zoning regulations without overlay, without this overlay in place. Does that make sense.

Mr. Kemp: Yeah, so you would not be putting special conditions that did not apply elsewhere onto this one specific area.

Mr. Wall: Just before we do vote, let us do have a brief discussion on the reasons why and not, not why to support this overlay district.

Ms. Klein: I'll start since I kind of started it. So, I based on what we have heard from the community, it does not sound like that as a whole, the East Shore Drive residents are amenable to the idea of having a by right short-term rental overlay, not that they want to exclude short-term rentals entirely, but they do not want to allow a by right overlay. And so my motion is to say that we do not have a by right overlay on East Shore Drive. Right, that's what I said?

Mr. Weiner: Was it worded like that to begin with?

Mr. Inman: An overlay does not have to be by-right.

Mr. Weiner: It can be an overlay with Conditional Use Permits, which that is the way it was supposed to be. So, this was an overlay with Conditional Use Permits, that is what we are trying to do. So, if we say no overlay, now people can actually still come back in with a Conditional Use Permit for this area and try and get a short-term rental in this area.

Ms. Klein: Yeah, I am okay with that.

Mr. Weiner: Okay, but just not in this overlay so that means we are going to go back to what we were doing from day one, six years ago and we are going to listen to each one individually in the future.

Ms. Klein: So, I am not saying that I agree with that, I apologize I could not have been at the last workshop, I also was not here six years ago. I am saying that, aside from the Oceanfront Resort, I do not think certain parts of the city should have special privileges over others and I apologize that that was unclear and I did not say that properly.

Mr. Weiner: I understood what you were saying, I understood exactly what you were saying.

Ms. Oliver: Wait, I just had to ask Robyn a question. So, when you said special privileges over the rest of the city. What does that mean, I'm just curious because now all of a sudden I am thinking.

- Ms. Klein: Sure. So the way I read this right now, and based on Kevin's wonderful presentation earlier today, East Shore Drive and North End overlays would be permitted short-term rentals under certain conditions, and the Oceanfront Resort overlay would be permitted short-term rentals by right. That is my understanding. What my ultimate point opinion is, is that I think that the Oceanfront Resort should receive short-term rentals by right. Okay, so that one I agree with, I think the rest of the city should have the opportunity to run a short-term rental, not that I agree with the method that we have right now to go about it, but I do not think that residents in Centerville or Kempsville should be excluded.
- Ms. Oliver: So, okay so that is what I am trying to. Yeah, but I do not know and I have just thrown this back out to you, Kevin. That is not the discussion at hand for this particular ordinance.
- Mr. Kemp: Well, it all ties in, because if you wanted to have the Oceanfront Resort overlay, and then treat the rest of the city in a different way, you would have to remove this overlay from the ordinance going forward.
- Mr. Weiner: So actually, there is a North End overlay we are just not going to permit your short-term rental.
- Mr. Kemp: It was going to be an overlay on an overlay.
- Mr. Weiner: Okay. So, let us get back to this, go back to the East Shore Drive real quick. So we have a motion on table to take the overlay off and a second, to take the overlay out, okay. If we vote on that and that goes, somebody can still go back in there with a Conditional Use Permit, next month.
- Mr. Tajan: So, we have not gotten to that discussion yet right. We need to get there so the key is, is that I am going to try to, I am trying to summarize, in an easy way it is not easy because it is all in pieces right. So the overlays were used to say when they were referred to you the overlays were used to say this is where short-term rental should be, and it should not be anywhere else. That is the general concept, so if you say that you do not want this overlay here, that's the saying that, that in that general thought you are not distinguishing this as someplace that is different, that should be treated differently either for or against short-term rental. Does that make sense. So, if you remove this, if you choose to remove this or if you and you choose to remove the North End, short-term overlay district, then the questions for the regulations become a different discussion if that makes sense.
- Mr. Inman: Okay. It seems to me that we once talked about putting these limits on and using the overlay to do so. Limits in those. So if we eliminate the overlay, then we now have lost the ability to put a cap on short-term rentals in those areas.
- Mr. Weiner: And it gets deeper from that. That means some because I understand where we are coming from, you do not want to see the whole city not be able to have short-term rentals. That's basically what you're getting at. And I think there's uhm, so I

guess we are just going to have to have a consensus on us between us. We agree with that. Somebody needs to speak up.

Mr. Coston: I agree with that.

Mr. Weiner: So, you agree to having short-term rentals in the whole city. Okay, to for the whole city. I personally do not, I do not, okay to say no to Mike does not. Jack.

Mr. Wall: I think that we also have the grandfathering aspect of it, which is going to come up 2C. So that to me that kind of plays into it also.

Mr. Weiner: It does and it doesn't but not in this particular one it is going to come in 2C I think that's something 2C.

Mr. Wall: Right and I did hear from the residents, from a fairly large percentage of those who lived in the Shore Drive East Shore Drive area that they were, they were opposed to this, being treated differently. You know, having an overlay on them that treats them differently than the rest of the city. So then, that kind of weighs was on me. It wasn't just those who spoke today it was quite a bit of correspondence that we did receive, so that that does weigh on me in this aspect.

Ms. Oliver: Well, the way I, the way I read and heard them was with this particular overlay, was that, yes, they did not like being singled out as far as this was where the short-term rentals were supposed to be. And from what I gathered, they did not want them, or did not want any more. They do not want any more, no more to this neighborhood. It's a neighborhood and they did not, they were like cap it, stop it.

Mr. Inman: Absolutely right.

Ms. Oliver: Yeah, and to the point where Whitney had even said, you know, we will take the southern side of the overlay out to protect it, to keep them from having any more but they were saturated enough, and there were enough letters to, I thought to warrant that. So that's where I was coming from and taking the overlay out was, because the rest of the city was out of that, and not and I totally get where you're coming from, but I was looking at this particular concentrated area. And so in order to take it out of the overlay I was trying to stop the addition of STRs that were already there. Not that the ones that were there could not operate but more of them, because it is such a high density area.

Mr. Weiner: Ms. Wilson. To get around this, because I think this has changed. Can we look at a substitute motion, or do we have to vote on this.

Ms. Wilson: You can substitute Ms. Klein's motion, but you are just making this even more complicated.

Mr. Weiner: I know, but now that we understand where we are at, I think I think there's a lot of us here who do not want to follow through with that motion.

Ms. Wilson: Okay the motion was that we would remove the East Shore Drive overlay, as a by right use of STRs.

Mr. Weiner: Slash no short-term rentals at all?

Ms. Wilson: No, that is not what that says.

Mr. Weiner: Alright. So, how do you all feel about that, I'm not on board with that. Somebody needs to make a motion.

Ms. Wilson: So we need to vote on that, somebody needs to make a substitute motion.

Mr. Weiner: Somebody. Do you understand what the substitute motion would be? The substitute motion would be that we actually had to go back to an overlay and just have the caps, stop, no more short-term rentals there. Have an overlay, yes, there is an overlay there, with no more short-term rentals allowed. We can do that.

Mr. Wall: I do not think that would be the right, I think it would just be not having an overlay period. And not treat it any differently than the rest of the city.

Mr. Inman: How does that helps stop the flow. I do not know,

Mr. Weiner: Let us try to figure it out how to stop the flow.

Mr. Tajan: So, the question still has to be asked whether, if you take this out of overlay so remember, you are the overlay is identifying something specific about this area that means it should be treated differently. Okay, if you are removing the overlay, and you plan on treating it like the rest of the city, we still need to get back to the discussion. The rest of the city is it not permitted? Which is what, which is what the consensus is right, that is what we took down as the consensus, was that the short-term rentals were no longer permitted outside of any of the overlay districts. So that is where staff is sitting right now, because that's the information we have.

Mr. Weiner: So if we get at this vote on this then, we go to the North End, we vote on the North End and keep the overlay there and cap, do a percentage there and that will take away everything from the city, the rest of the city.

Mr. Coston: I did not hear the same thing from the North End that I heard from Shore Drive.

Mr. Inman: That because you did not read the 625 pages.

Mr. Coston: We are not short-term enthusiast you say it. Well, we know short-term rentals are here to stay. We just want to make sure they're monitored better, even, and there are a lot more people who say they wanted them that we heard from today, than not, but the ones who did not want them, said, let us monitor them better and make sure they are safer for us.

Mr. Weiner: Okay, let us get through East Shore Drive, because I think we know that we don't want an overlay.

Ms. Klein: So we have the question as to whether or not we will allow short-term rentals in the rest of the city, that is a part of 2C.

Mr. Kemp: That will ultimately be resolved, I mean that is a decision that has to be made it would ultimately be resolved in 2D, which is where we update the use permit or the use tables and each section where short-term rentals are permitted. So you could have short-term rentals in OR district, a "P"- permitted short-term rentals in North End, a "C" conditional short-term rentals everywhere else in the city, and "X" for prohibited, "P" for permitted you could do it through that with the use table.

Ms. Klein: Okay, so I understand what Mike is saying, regarding if there's no overlay we cannot cap it. Right. Okay. And that the question of whether or not we allow it, other places in the city is a different question that we can answer farther down.

Mr. Kemp: Correct, yes that is addressed in our use tables.

Ms. Klein: Okay, so I would like to revise my own motion.

Mr. Weiner: Can we do that.

Ms. Klein: Okay. I would like to revise my motion to approve the East Shore Drive overlay with a cap of 11.5%. Okay, so I move that we approve the East Shore Drive overlay within an 11.5% density cap.

Ms. Wilson: What do you mean by East Shore Drive overlay, is that all the way - all of it or just Shore Drive? I guess that is whatever that is.

Mr. Kemp: Is it what Council referred down, which is what you are seeing on the map, or did you want to move that southern boundary up?

Mr. Weiner: What does that do to the houses, north, south of the Shore Drive to the trail.

Mr. Kemp: If you move the boundary up to Shore Drive the houses of south of the trail would no longer be in the overlay, so if you prohibited short-term rentals elsewhere in the city they would be prohibited in that area.

Mr. Weiner: Perfect for me.

Mr. Inman: So we want to modify the definition of the overlay in your motion.

Ms. Klein: I am modifying it to stop at Shore Drive?

Mr. Inman: Correct.

Mr. Weiner: North of Shore Drive

Ms. Wilson: I guess the next question is, in the overlay, let's get them all done, let's not parcel them out for the next six hours. What is, do you want, okay, you are going to do an overlay, is that they are going to be permitted by right?

Ms. Klein: No.

Ms. Wilson: Permitted with a CUP?

Ms. Klein: Yes.

Ms. Wilson: Let's go ahead and get that here. Because all you are really doing here is getting it so that I can write it.

Ms. Klein: So if there is a 10% cap or 11.5% cap, does it matter if there is?

Mr. Inman: Yes, because they could go away. It could go down to 8%

Ms. Klein: But does it matter if we do the permits verses the registration?

Mr. Weiner: What do you mean?

Ms. Klein: So, if it's a, can we do an 11.5% by right.

Mr. Inman: No.

Ms. Klein: You have to do a CUP?

Mr. Kemp: You could but it sounds like the discussion is more that, the desire would be that if this area dropped under that percentage and there was still density left, that any property that wish to do it would require a CUP. That Council still would want, you know, you would still want to see those properties.

Ms. Klein: Okay

Ms. Wilson: Okay, so where we are is you have made a motion for the East Shore Drive overlay that would be bounded by Shore Drive. That any short-term rentals in the overlay would require a CUP, and that you want a cap for density of 11.5%.

Ms. Oliver: No.

Mr. Weiner: Yes, that's it.

Ms. Oliver: No, don't panic. Are we at 11.5 there or 10? I thought we were at 10.5 on Shore Drive. That is, I am just checking the numbers.

Mr. Kemp: The earlier number we had calculated was 11.5.

Ms. Oliver: Just on the north side?

Mr. Kemp: That is 19 short term rentals of 165 properties.

Ms. Oliver: On the north side of Shore Drive?

Mr. Kemp: On the north side of Shore Drive.

Ms. Oliver: Okay

Mr. Weiner: So, we have a motion by Ms. Klein, we need a second.

Ms. Wilson: Well actually this was an amendment to her motion. So we need the second to agree with her motion.

Mr. Coston: I agree for the second.

Ms. Klein: Which was the original motion?

Mr. Weiner: So, we have an amendment to Ms. Klein motion and second by Mr. Coston.

Ms. Sandloop: The original second was by Ms. Oliver.

Ms. Oliver: I second.

Ms. Wilson: Okay, before the vote Ms. Oliver needs to disclose.

Ms. Oliver: Ms. Oliver, needs to disclose that she owns a piece of property in The Hollies. The address of it is 4500 Oceanfront Avenue. And so, with that I will abstain from voting on the addition or the exclusion of The Hollies when we go to vote on that. But that all other short term rentals

Ms. Wilson: Where is your short term rental located?

Mr. Weiner: What street?

Ms. Oliver: It is located in The Hollies, 45th Street. That is the address is 4500 Oceanfront. I said.

Ms. Wilson: 4500 Oceanfront is there. However, for all the other STRs you are only disclosing this fact, because you feel you are a member of a group, and you can independently, objectively, and in the public interest, be unbiased for those votes.

Ms. Oliver: Yes, I do. I can be unbiased and all the rest of the votes. Thank you.

Ms. Wilson: Okay, then we are going to put that in all of them. Wherever she abstains, when she's going to abstain on one and then she is going to disclose on the others. And what we will put is disclosure and I will give you a letter tomorrow.

Ms. Oliver: Yes, ma'am.

Mr. Weiner: Okay, we are ready for the vote.

Ms. Sandloop: Okay, so it is an amended motion by Ms. Klein to approve the East Shore Drive overlay with a density cap of 11.5% and the boundaries modified to stop north of Shore Drive.

Mr. Weiner: Yes ma'am, with Conditional Use Permits

Ms. Sandloop: With Conditional Use Permits. Thank you very much. Okay, Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

Ms. Sandloop: Mr. Graham is absent. Mr. Horsley is absent. Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein.

Ms. Klein: Aye.

Ms. Sandloop: Ms. Oliver.

Ms. Oliver: Aye.

Ms. Sandloop: Mr. Redmond is absent. Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By a vote of seven in favor zero against you have approved the motion to approve the East Shore Drive overlay with modifications as described.

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

Item # 2A - 2

City of Virginia Beach – North End Overlay District to include The Hollies

March 10, 2021

RECOMMENDED FOR APPROVAL – HEARD

Mr. Weiner: Okay, on to the North End. So, we really kind of know what we just did. So, the North End should be a little bit easier.

Mr. Coston: So you want to do the same thing?

Mr. Inman: Should be easier.

Mr. Weiner: So, we know we are going to do. We are at the North End, we are at a 10.6%. And, of what's in there now, and we can do it. I do not see why we can't keep it at 10.6% Yes.

Ms. Oliver: So, Kay, I have one legal question for you. When we talk about these percentages to cap them, so that there are no additional STRs in these overlays, does that hold up. I mean, how.

Ms. Wilson: What would happen is now when another one comes before Planning as an application, they will have to figure out if it is below the percentage that is in the ordinance. If it is above the ordinance, they can still go forward with, that would be the main part of the staff report and the staff report should probably say and it needs to be denied.

Ms. Oliver: So, how do we, if the objective here is to stop the addition of them. How does that how do we implement that, with, is there an additional, something that we can add to that, so that we if we say 10.6% is the saturation point of which this particular area can handle STRs. That the ones that already existing can obviously exist and should there be no more, should it go below that then we can add into it but, how do we protect these particular delicate areas from that happening.

Mr. Inman: I think what Kay just said, keep statistics and then they have to calculate it when an application comes in, and say I'm sorry, this area is saturated.

Ms. Oliver: But you said it would still come forward.

Mr. Inman: They can't process that application.

Ms. Wilson: It would still come forward.

Ms. Oliver: It would still come forward to Planning

Mr. Weiner: Then we deny it.

Mr. Inman: But my question is, what goes into that statistic to determine the 10.6% Is it permitted, by CUPs, is it grandfathered?

Mr. Weiner: I think the overall STRs, whether the grandfathered, and they are legal, that would be the percent.

Mr. Inman: So, we got to list the grandfathered, the CUPs.

Mr. Weiner: Yes, I would say yes, he's shaking his head.

Mr. Kemp: Yes, the methodology would be, we are going to have a number of dwelling units in that area, and that's our base number to go off of. We will also have and we do not have it yet, because we do have to go through applications and registrations, but in the relative near future we are going to establish how many grandfathered we have, how many Conditional Use Permits. Basically how many short-term rentals are in that area, because we have that number, there might be some illegal ones that we will regulate, because if they are not legal, of course, you know they cannot. But that is how the regulatory method. We will have the total number of units and when an application comes in or registration comes in, if it is a new property, we will compare it to and see if there is room in that overlay district for that short-term rental to operate.

Mr. Weiner: Alright, we good?

Ms. Wilson: We've gotta decide if we are going to modify this a little bit. We are all gathering we are trying to make sure we can do the best thing, okay. So I am sorry it is not all done and we cannot do this. But what we can do is, in when somebody comes in to get an STR in the North End or in the East Shore Drive, what would happen is, Mister Zoning Administrator would make a determination whether or not they could apply whether or not it could not be done. And then the route of appeal is through the BZA, just like any other determination by Mr. Kemp. Okay, then it would not come to you unless the BZA says, you know, disagrees with him.

Mr. Weiner: Sounds good.

Mr. Inman: Mr. Chairman.

Mr. Weiner: Yes sir.

Mr. Inman: But before we move on to the next topic, I just want to say for the record of about why I am having a sort of a change of mind not since our last discussion really, but just having thought about what we are going through with short-term rentals. The reasons that you know we are seeing increasing public resistance. It is building and building every time we have a consideration of this, and it is become clearer that it is not a very popular idea with the most of the people. Number two, we have enforcement problems, not because they do not want to enforce it, it is just a question of, of manpower and detection, and all kinds of issues with trying to

enforce our rules. And we do not need to have more problems with enforcement than we've already got. And we need to recognize the impact of internet business and entrepreneurial activity, that we have so many people entering into this business, that never really thought about doing it, and maybe, you know COVID has had an impact on escalation of that but I think it is going to be permanent. And I think it is time to recognize it, but we are in a new dimension of resort rental property ownership.

Mr. Weiner: Very well said.

Mr. Coston: Mr. Inman. I think that there is a proposal to hire people based on revenues raised from this business. My understanding is they got cut last year because of COVID not being sure what the income was going to be like, but there will be some enhancement in that enforcement power.

Mr. Inman: That would be great.

Ms. Oliver: And, to be honest with you on that note, and, and I have got to go along, if I can get my internet backup, but with Mike on that. What was concerning was they had talked about the short-term rentals, with a real estate management companies, but we have zoning for a specific reason. And we have residential areas to differentiate against the industrial areas and our businesses and what is concerning. One was the, what happened this past weekend, because the neighbors sent me the videos, and I sent them to Bobby and passed them on and to see and hear the activity that was going on and, granted it was an illegal STR. But, had it been one that we had approved it, I do not think it would not have changed the behavior. He just happened he just didn't happen to register it. But to hear the gunshots, to hear the screaming, to watch the police to see that this group, it didn't bother them. They were selling tickets, they was a shoot out at 3am on Friday morning or Saturday morning and they came back and they did it again the following night. It was difficult for them to get it under, under control. So, at one point, we are standing there and we are listening to both sides, and what you hear is, this is our neighborhood, the proximity of it just happens to be near the ocean, it is a public beach. They deal with the public all the time, and these people pay an enormous amount of real estate taxes on this property so I have, I kind of have this thing where it is these STRs where we bring all this revenue to the city. Well, the real estate taxes alone is large on these small pieces of property, which is revenue for the city. Along with that you had all these people kept saying, Well, it is my right, it is my property, it is a, I bought this to start a business. Well if you bought it to start a business, then you need to be in an area that zoned for that, not in an area that's zoned as a neighborhood, to protect this particular, these are us, we are because we are all residents of the city we all live. For the most part we do not live in an industrially zoned area or a business area. We live in a residentially zoned areas so that we know that we have consistent neighbors throughout. You buy one or two houses in your life and that's where you live and you grow up and

you raise your kids and you have dogs and you do all those things. And all of a sudden, it's become a right or it appears to, from one person after another to buy property in a residential area and start to conduct a business. And, I am not sure that is exactly where we are intending for our city to go. I am not against short-term rentals or long term rentals or anything like that, but I am not in favor of this changing or morphing into what it's become. And it is become a burden to the city and its residents, and to Planning Staff and to Zoning, because they cannot possibly monitor or chase this, they just cannot, and so now we have we have we have introduced a different type of entity into an area that was never designed to handle something like that and I just have a difficult time with it. I am sorry.

Mr. Inman: And to add to that, our zoning code, when it talks about residential districts it sets the tone for residential districts, it talks about certain accessory uses that are harmonious with a residential community living. And I do not think this is a large number of quasi-commercial if you want to call it, that enterprise is then harmonious with residential living.

Mr. Weiner: So, I do not want to bring more into this but I think we have been the City of Virginia Beach, has been very lenient with short-term rentals, through this process we have been dealing with this for the past five, six years, compared to other cities. So, I mean, where we are at now we have a lot. The map that Mike sent out to us the other day if you clicked on the amount of short-terminals that are in cities, there is quite a few, so I have no problem with what direction we are going in right now. Saying that, good segue into North End unless y'all have something. Okay, North End. Right now at North End we are at 10.6%. And we put, we just put a cap on the Shore Drive area, how do we want to work the North End.

Ms. Klein: Where does the 15% cap come from,.

Mr. Weiner: We just made it up the other night.

Ms. Klein: Okay, we really do not need to be there.

Ms. Klein: Okay, the 10.6, does that include the Hollies or is that excluding the ones that are in The Hollies.

Mr. Tajan: That includes The Hollies.

Ms. Klein: So, I would support a motion with a 10.6% cap.

Mr. Weiner: Okay. Do you want to make the motion.

Ms. Klein: I move to accept the North End overlay to include The Hollies, and to cap short-term rentals by Conditional Use Permit to 10.6%.

Mr. Kemp: And just to be clear, it is the boundaries as shown as what is referred to Council plus The Hollies.

Mr. Weiner: That is correct. I do have a motion. Do we have a second.

Mr. Coston: Second.

Mr. Weiner: I have motion by Ms. Klein and a second by Mr. Coston, comments.

Ms. Sandloop: This is a vote on the North End Overlay District to approve the North End Overlay District with a density cap of 10.6% and with the addition of The Hollies. Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

Ms. Sandloop: Mr. Graham is absent. Mr. Horsley is absent. Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein.

Ms. Klein: Aye.

Ms. Sandloop: Ms. Oliver is abstaining. Mr. Redmond is absent. Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of six in favor of and zero against with one abstention. You have approved the North End Overlay District as modified.

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

Item # 2A - 3

**City of Virginia Beach – Oceanfront Resort (to include properties zoned RT Districts)
Overlay District**

March 10, 2021

RECOMMENDED FOR APPROVAL – HEARD

Mr. Weiner: Okay, now we go to OR district, Oceanfront Resort district, which is going to include the RT district, we will include the RT, and we will also we are going to change it to, is this where we change it the two rentals per week, allowed and also this will be by right.

Mr. Kemp: Yes, I think we included all that and we are just knocking this out.

Mr. Weiner: I like to have that in motion.

Mr. Alcaraz: I was ready to make that motion, it is going to be easy one. I like to make a motion that we create the overlay district for the oceanfront, adding the RT zoning districts, STRs permitted by right, two rental contracts permitted per seven day period.

Mr. Weiner: We have a motion by Mr. Alcaraz.

Ms. Klein: I will second.

Mr. Weiner: We have a second by Ms. Klein. Mr. Inman did you have a comment.

Mr. Inman: I just wanted to clarify that the territory shown on the overlay, is it the pink on the map?

Mr. Kemp: On which map, on the far left, it is the orange and in the middle map the pink are actually streets or property, so it is really there is very few properties. There is one RT4 in the middle of Old Beach, the RT3 property the blue you see, that is only a few properties down by Winston Salem, a majority of that blue area is water. And as you can see there is some scattered RT3 properties but, I mean we are talking a handful of properties in the city. And I do not believe any of them are north of the one RT4 property left in Old Beach, they are all south of that.

Mr. Inman: Alright.

Mr. Weiner: That is correct.

Mr. Alcaraz: Mr. Weiner let me amend that include OR district and what I just said to. I just said RT3, it is OR district.

Mr. Weiner: Okay, yeah, OR district, okay. We are ready for vote.

Ms. Sandloop: Okay, so the motion made by Mr. Alcaraz is for the Oceanfront Resort District to include the RT, by right, with two rentals per seven day period. Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

Ms. Sandloop: Mr. Graham is absent. Mr. Horsley is absent. Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein.

Ms. Klein: Aye.

Ms. Sandloop: Ms. Oliver.

Ms. Oliver: Aye.

Ms. Sandloop: Mr. Redmond is absent. Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor zero against the North End Overlay District has been recommended for approval as modified.

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

Item # 2A (Divide 2A into Three Separate Voting Actions, (2A-1) E. Shore Drive, (2A-2) North End and (2A-3) Oceanfront Resort)

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, 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 Oceanfront Resort 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; To Amend Section 241.2 of the City Zoning Ordinance pertaining to Short Term Rentals and Establishing Additional Safety Requirements.

March 10, 2021

APPROVED UNANIMOUSLY

Mr. Weiner: That is all the speakers. Alright that is all the speakers, we are going to close this and open this up for discussion, we want to start with 2A, Mr. Kemp, we are going to call on you to walk us through this like we did, think I know what we are going to do here, but I am 2A consist of establish three short-term rental overlay districts, East Shore Drive, North End, and Oceanfront Resort. Do you just want to read through it real quick in this give us all right percentages for, if we want to do.

Mr. Kemp: Yes, sir. Mr. Chairman, I think that is the best way I will just give a brief summary and then control the slideshow depending on what your speaking, take notes of where the discussion goes so we have an idea, and a clear understanding when the votes taken. So, agenda item 2A is the Ordinance to create the short-term rental overlays, you have heard speakers talk about them. The three overlays are East Shore Drive and as I mentioned earlier, as shown is what Council referred you had, had the discussion of moving that southern boundary up to Shore Drive from the Cape Henry bike trail. The second overlay district is the North End overlay. If you will remember from this morning, you have discussed, including The Hollies into the North End.

Mr. Weiner: Let us go back real quick my were on the Shore Drive, what was the total percentage of the Shore Drive overlay, was it 8% from Shore Drive north, not including to the trail. Well I think we might talk about percentages real quick.

Mr. Kemp: Bobby has given me the one second, I think he has that information.

Mr. Weiner: At least that is what we talked about in our workshop, so I wanted to bring that up now. So, if we want to go that direction we know what direction we are going to go in

Mr. Kemp: Right and in the workshop the Bobby will hopefully get those numbers.

Mr. Tajan: Mr. Chair, there are just residential properties when again I was counting it this morning just trying to eyeball, we are doing it by address points. I believe there is 165 now in that area. That is the new area that you have identified which is north of Shore Drive to the Chesapeake Bay in the same boundaries.

Mr. Weiner: So, there is a 165 residential property, what is the percentage of STRs in that do we do we know that number.

Mr. Tajan: I wrote it down I just do not know where. Give me one second. And, again this is based on the information that was pulled in November, when we started the process from the Host Compliance information. When I counted those that were listed that Host Compliance had pulled down there were 19 properties there so 19, it is 11.5%. Let me double check that. Give me one second.

Mr. Kemp: That sounds about right, 10% would be 190. So, 11.5% and then the density CAP figures that were discussed at the workshop was 10%.

Mr. Weiner: It is already over that 10%. Okay. Alright, I am not doing that one. Okay, go ahead.

Mr. Kemp: And, a short-term rental you had discussed where Council had referred it as a by right you had discussed it as a Conditional Use Permit correct. The North End overlay, you had discussed, including The Hollies area between 49-and-a-half to 42nd Street, including that area into the overlay district, again short-term rental allowed by Conditional Use Permit with a density CAP of 15%.

Mr. Inman: I think we did 15%, because we were already past 11 or 12 or something.

Mr. Kemp: We were close to 15%, I forget the exact figure.

Mr. Inman: There was really never any kind of consensus about 15%.

Mr. Coston: It was just a plug number, something over 10.

Mr. Kemp: Okay. So, with a density of North End of 10.5% approximately is where we stand right now.

Mr. Weiner: I have another question. I know you are going to hate me after today. I think I asked this question at our workshop, how many short-term rentals do we have. I think Summer if I am not mistaken said there is two coming up in the future for the North End area that are coming up for Conditional Use Permit. Do you all know that number, by chance, there is still just two coming up right now. Maybe because

I think, Summer took a minute, was like 18 coming up in the next two or three months, two of them were in the North End.

Mr. Kemp: I am not aware. I do not know if Bobby's checking that, I am not aware of any additional ones that have come in from the North End. And, that stems us through the next couple of agendas.

Mr. Weiner: Okay.

Mr. Tajan: I think the number that you were referring to Chairman Weiner is the question about the number of short-term rentals that were coming up in The Hollies area, I think that was Mr. Inman's question that come up. And there were no pending applications at that point in time. Let me see if I can find the other one, if there was one for the North End. Mr. Chairman, it is three.

Mr. Weiner: It is three in the North End coming up.

Mr. Wall: Yeah, let us recognize them and Will Miller, also have some information he would like to share so if it is okay with you, we would like to recognize him.

Mr. Weiner: Sure definitely all information to help out.

Mr. Miller: Atlantic Avenue is one duplex, so that is two of the applications and then there is one more in the North End, so, three in the next coming hearings.

Mr. Kemp: Okay, Will could you repeat that from the start, I think you were cut off at the beginning.

Mr. Miller: Okay, like you said there are three in the North End coming up. However, one of those applications is a duplex and the same owner owns both units at 8809 Atlantic.

Mr. Kemp: Okay, thank you Will. And the last overlay that was referred down to you as the Oceanfront Resort you had discussed, including the remaining RT properties into this, though there are few remaining. They are in the Oceanfront Resort area and you felt that short-term rental is appropriate. This overlay you did agree that it would be by right, you suggested that two rentals per week was appropriate for this overlay with no density requirement. And, those are the three overlay districts that were referred to you and included in item 2A.

Mr. Weiner: What about the RT District are we not doing that, is that going into this 2A.

Mr. Kemp: Yes that would be included in the Oceanfront Resort Overlay. And, that would be included in the 2A.

Mr. Weiner: That is all of 2A, so, we have to make a determination on 2A. Comments. Yes ma'am, Robyn.

Ms. Klein: I would prefer to vote on the overlays independently.

Mr. Weiner: We cannot, we have to do 2A.

Ms. Klein: We have to do 2A. Okay, in that regard, I can support the Oceanfront Overlay, I am having a much harder time reconciling the North End and East Shore Drive, especially, and this will come up later on at the exclusion of the rest of the city I think like you move to the Oceanfront you understand you are in a resort district, but the North End and the Shore Drive favor the wealthy, and so that excludes the rest of us in the city who may be able to take advantage of short-term rentals. So I will be voting against 2A.

Mr. Weiner: Well, not unless we reword it.

Ms. Klein: As it is currently written.

Mr. Weiner: As it currently written, I mean personally, we could make it.

Ms. Wilson: We have looked at it again, and again, and again, and again. And I think if you want to do it, and divide the question, what you need to do is just do East Shore Drive, North End, Oceanfront. Do not do The Hollies we are going to put The Hollies, that would be discussed when you do North End.

Mr. Weiner: Okay, let us go back to Shore Drive, then we go to North End, we decide if we want to put The Hollies in North End.

Ms. Wilson: Then we can do RT in ORD. If you want to split them up that way I think we can do that. Somebody has to move to divide the question. Okay, and then you have to have a second and then you have to vote to do that, but that would be fine. I think that will catch everything.

Mr. Weiner: Can we eliminate The Hollies completely, or do we have to vote on the North End to eliminate The Hollies.

Ms. Wilson: Yeah, when you vote on the North End you will decide whether the Hollies are in or out. Yes, but it is something they have talked about putting in, so I think you have to decide in or out for The Hollies.

Mr. Weiner: How about if I said no more short term rentals in the North End, Shore Drive area, only Oceanfront OT RT district, bottom line.

Ms. Wilson: That's fine. Then you wouldn't have to vote on them individually.

Mr. Weiner: Okay, we can just do 2A and I think that is where Mrs. Klein was going.

Ms. Wilson: Okay, and then, if we do that, then Ms. Oliver will need to abstain on that one.

Mr. Weiner: Okay, let's hear some comments first before we go that direction.

Mr. Coston: So, are we saying only, to cut North End and Shore Drive, cut those out of the overlays.

Mr. Weiner: No, cut them out completely. No short term rentals at all. Only short term rentals in the Resort District, in the RT OR district.

Ms. Klein: Oh, I don't know that I agree with that.

Mr. Coston: I don't either.

Mr. Weiner: So, you are saying you still want short term rentals in the North End.

Ms. Klein: So, I am saying that I agree, excuse me John, for talking over you. I agree with Oceanfront RT by right. I don't think that that should exclude other parts of the city from being able to either by registration or by permit. This was more just a "I don't support the by right in the Shore Drive and the North End."

Mr. Weiner: Okay, I don't think it was worded like that anyway, you know what I mean? Jack.

Mr. Wall: I was just going to make a motion. First, to split.

Mr. Weiner: I was trying not to but I think we are going to have to. But if anybody wants to make a motion to split them up, please do.

Ms. Klein: I would like to make a motion to divide 2A into three separate votes. 2A one, two and three, so that we vote individually on each of the overlay districts.

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

Mr. Coston: Second

Ms. Klein: Kay, I have a question. Voting on these districts, in the requirements for short term rentals in the overlay districts zoning, so like if I say I vote in favor of the Oceanfront Resort district, does that mean that I am also voting in favor of excluding the rest of the city, or is that a separate?

Mr. Tajan: So that's why we are having trouble here right. So, if you divide the question you are essentially saying that you want to determine that you are okay with these overlays. If you are not okay with the overlays at all and you just want to, it sounds like Ms. Klein, that you are talking about Conditional Use Permit everywhere in the City, but by right in the OR and the RT district. That sounds like what you are looking for.

Ms. Klein: Yes.

Ms. Wilson: But we are not going to do those in this section. What you have to do is probably.

Ms. Wilson: That is kind of like a completely different than what is already on the table, so you may need, you need to take the whole question together if that makes sense.

Mr. Weiner: That is not really even in this ordinance, that is completely different. We are just talking about the overlay in this ordinance.

- Ms. Wilson: What I will say is this is the only place the ordinance will say where STRs may be allowed. So every place else it will not be allowed, it will be an X, not anything else.
- Mr. Weiner: Right, that would be something we would have to bring up differently in the future, bring it back, wouldn't it? The rest of the city anyway. That would be something that Council would have to bring back to us.
- Mr. Tajan: Technically, so you can take it, and Kay, you can fuss at me how you want, but you can technically vote on whether you support or not support City Council's proposal, right? But what you are doing is you are bringing forward your own recommendation, ok? And so you need to have consensus on your own recommendation moving forward. So, you can vote either up or down, thumbs up thumbs down on what City Council sent you, or you can say in place of that, we recommend this. And so, the key is when you recommend this, you should probably have a consensus on what you want to do, probably determine if there is any support for any alternatives, which is what is kind of what's on the table at this point. Kay, I think that is the easiest way to kind of explain it?
- Ms. Wilson: Okay, so if you want to have a discussion about everybody else, about the rest of the City, make it a discussion and then you can divide that question too. Okay Ms. Klein?
- Ms. Oliver: So I just want to be clear, because I thought during workshops we had pretty much clarified this. The way it's presented to us, handled down from Council, as this Ordinance is written, we had discussed in the workshops, specific things according to the overlays. And one of those was that if the overlay was chosen to be removed from these two or three areas, which, let's take out OR and RT, but Shore Drive and North End, that there would not be any short-term rentals permitted at all. Just like Council has asked for the rest of the city.
- Mr. Weiner: That's what I was understanding.
- Mr. Kemp: Yes, and while Kay is talking, let me explain a little because this got all muddled together. Because you have item 2 and then it's broken up. What 2A is, is the boundaries of any overlay district, so you are dealing with the area included in the overlay. What B deals with is amending the zoning map, then you have C which is the requirements.
- Mr. Weiner: Back up a minute. So, A & B, let's think about this a minute. If we break up A, we may have to break up B.
- Mr. Kemp: Well, B, whatever is voted on in A and approved in A, B just goes and coincides with that to update the official zoning map.
- Mr. Weiner: Okay, so let us go this route. Let us get this route we got a motion on the table to break them up. Okay, and a second. Let us vote on that, then we can break these up, and then we can determine we can talk about each individual one. Does

sounds good everybody? All right, so we have a motion by Ms. Klein, and a second by Mr. Coston, to break these up and vote them on individually.

Ms. Sandloop: Okay, Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

Ms. Sandloop: Mr. Graham is absent. Mr. Horsley is absent. Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein.

Ms. Klein: Aye.

Ms. Sandloop: Ms. Oliver.

Ms. Oliver: Aye.

Ms. Sandloop: Mr. Redmond is absent. Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor zero against you have agreed to divide 2A into three different questions.

Mr. Weiner: Real quick, for the record, Mr. Horsley has left the meeting.

Ms. Sandloop: Thank you. So, noted.

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

Item # 2B

City of Virginia Beach – An Ordinance 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 Oceanfront Resort District

March 10, 2021

RECOMMENDED FOR APPROVAL – HEARD

Mr. Weiner: No problem. Okay. We are on the 2B, let's rock and roll.

Mr. Kemp: So, 2B just to remind you is, now that you have voted on proposed overlays, it would be taking the areas you voted on and putting those onto our official zoning map, which is kept in in the Zoning Office. That is what you're voting on.

Mr. Weiner: I need a motion.

Ms. Klein: I would like to a motion 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 Oceanfront Resort District.

Mr. Weiner: We have a motion, do we have a second.

Mr. Alcaraz: Second.

Mr. Weiner: We have a second my Mr. Alcaraz.

Ms. Sandloop: Okay, calling for the vote. Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

Ms. Sandloop: Mr. Graham is absent. Mr. Horsley is absent. Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein.

Ms. Klein: Aye.

Ms. Sandloop: Ms. Oliver.

Ms. Oliver: Aye.

Ms. Sandloop: Mr. Redmond is absent. Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against you have approved an ordinance to amend the official zoning map by the.

Mr. Kemp: Just to be on the record, just to be clear, that was amend the zoning map to the areas that were discussed and approved in 2A

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

Item # 2C

City of Virginia Beach – An Ordinance to add Article 23, consisting of Sections 2300 through 2303 (Short Term Rental Overlay Districts), to the City Zoning Ordinance establishing regulations and requirements pertaining to Short Term Rentals in each Overlay District

March 10, 2021

RECOMMENDED FOR APPROVAL – HEARD

Mr. Kemp: Now 2C we start to get to the meat and potatoes. These are the requirements that City Council referred down, to be in the overlay districts. So, Mr. Chair, however you would like to go through this, would you just like to.

Mr. Weiner: We went through it this morning. Does anybody have any changes. Ms. Klein.

Ms. Klein: So I do, now that I have a better understanding. I would like to amend the established overlay districts. For this, the parts of the city that are outside of these three new overlays, that we permit STRs with Conditional Use Permit it is at a cap of, 10-15% that encompasses the entire rest of the city. And or allowing STRs by right for those who use the home as their primary residence, so that would allow like military that goes overseas or families that travel or whatever.

Mr. Inman: Is not that home sharing.

Mr. Weiner: Not they are not there. You mean if they leave and want to rent their house.

Ms. Klein: Right, If I own a house and then I deploy for six months, I want to be able to rent my home out well I am gone, but it is still my primary residence.

Mr. Weiner: Not by right though. It would still have to be a Conditional Use Permit. I don't know if I am 100% on board with that.

Ms. Wilson: I have a second to discuss it.

Mr. Weiner: Okay. Discussion. I think Mike Inman and Dee Oliver have already voiced their opinion on that particular the rest of the city, and I feel the same way as in I believe we have enough short-term rentals outside the area. I do not feel like we need more short-term rentals inside neighborhoods, they are not businesses like that so I cannot be, I got to say no to that. George.

Mr. Wall: Well, so, what was the motion was for primary residence to allow short-term rentals and also to provide a cap on the rest of the city, at some undetermined percentage 5-10% of them like that okay, yeah. I think that is the point of the overlay districts is to limit that and limit the additional short-term rentals. And then, the ability to use the home, if it is a principal residence, I think that includes less than six months. I think that is how it would be defined, I think there are other communities that do

that but I do not think that is really, since we have not necessarily approached that at this point, I mean I am not necessarily on board with that.

Mr. Weiner: Okay, so, we have a motion and we have a second. So, we need to vote on that the motion. Can you go through that motion one more time please.

Ms. Klein: The motion is to permit STRs outside the overlay district at a cap of, whatever they are as of this date, which would not allow more, and to allow residents to use their homes and STR as their principal residence.

Mr. Weiner: You wanted that by right or Conditional Use Permit?

Ms. Klein: By Conditional Use Permit.

Ms. Sandloop: Okay. So, I have a motion by Ms. Klein and a second by Mr. Coston. Mr. Alcaraz.

Mr. Alcaraz: Nay.

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

Mr. Coston: Aye.

Ms. Sandloop: Mr. Graham is absent. Mr. Horsley is absent. Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein.

Ms. Klein: Aye.

Ms. Sandloop: Ms. Oliver.

Ms. Oliver: Nay.

Ms. Sandloop: Mr. Redmond is absent. Vice Chair Wall.

Mr. Wall: Nay.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: No.

Ms. Sandloop: We have a vote of three in favor and four against, therefore the motion has failed.

Mr. Weiner: So, now it will stay the same, moving forward. Anybody have anything else?

Mr. Wall: So, the grandfathering aspect of, is that in the one once if we move for grandfathering of the existing STRs. Where is that place.

Mr. Weiner: I think the terminology grandfathering is not correct, in this particular aspect. What it needs to say, is actually on the existing Conditional Use Permit, after five years

it will be administratively reviewed at five years. Because grandfathered is grandfathered, that is they are not going to come back.

Mr. Wall: I thought the point of the overlay districts was. I mean, that once it reaches that administrative review five years then it terminates.

Mr. Weiner: It does but we said it in our workshop that we do not want that. We want that to be five years to be administratively reviewed.

Mr. Wall: Administrative really reviewed, and I am on board with that, but I just want to make sure that that is that that's clarified, because I am not on board with that.

Mr. Kemp: So for grandfathering as its referred down and as the discussion has been a grandfathered STR. That was grandfathered, not one that got a Conditional Use Permit but a grandfathered STR, has that grandfathering status. It does not lose that status. I know staff had brought up the fact that we may want to have a time period where that would be taken away but that did not move forward. So as it stands, a grandfathered property would keep their grandfathered status.

Mr. Kemp: Now they can, okay so then that brings up the Conditional Use Permit for the administrative review, and five years. So now, where does that stand.

Mr. Weiner: That is going to be in this particular 2C, when we vote on this we are going to have to. Actually it is not in here so we are going to have to add it in on whoever makes the motion, we will need to add that into this 2C, if we are all on board with that. We all on board with that? To add that into 2C. And the other, the only other issue that I was thinking, which is item number eight, where it says, oh, I'm sorry, that is what Council sent us, we changed it around and kept it as one rental per week. Correct. And is that still in here one rental per week?

Mr. Kemp: Except in the OR district.

Mr. Weiner: I am talking yes exactly yeah this is the rest of the city and the overlay districts. That is one rental per week, and on the Conditional Use Permits, after five years will be administratively reviewed, not denied.

Mr. Wall: So, how does that affect. So these are, these conditions just for the, these conditions affecting our city or do they affect.

Mr. Tajan: So, these conditions as are drafted will affect the specific overlays. So the one rental per week is specific and effects then what you would propose is the North End overlay and the East Shore Drive Overlay. For everyone else is limited by the, by what they were approved under, if that makes sense. So the grandfathered ones technically can do, concurrently still do two rentals per 7-day period, that Conditional Use Permits will be based on whatever their conditions are at the time of their approval. But moving forward, this is what, this is what everyone that would get a Conditional Use Permit would be limited to.

Mr. Wall: Okay what about Sandbridge.

Mr. Tajan: This does not impact Sandbridge. The only amendments in any of this proposal that affects Sandbridge are the life safety requirements for the deck inspections, and the fire extinguishers and other things like that.

Mr. Weiner: How do we make this notion.

Mr. Kemp: Chairman, if you want

Mr. Weiner: You want to make a motion?

Mr. Kemp: No, I cannot make a motion. I can briefly clarify the things that I understand as varying from what Council referred to you, and just make sure that we are all on the same page. One rental per week, rather than Council's 52 per year, CUP administratively approved, that was added on. You wanted to add on that a sign be posted on the outside of the short-term rental with contact information visible from the right of way. Parking, a minor change from one garage space to all available garage spaces, so if you had more than one you could use more than one towards your parking requirement. Responsible party to be able to be on site in one hour rather than 30 minutes. And that is what I have for what I varied from what Council referred to you.

Mr. Weiner: Okay.

Ms. Klein: The thing that we already voted on, whether or not to have the overlay districts is that excluded from this new motion because we already voted on it.

Mr. Wall: Yes, what you voted on. Yes, we will have to go through because some of what you voted on may land in 2C, but we will have to vet that out, such as density requirements, because as I said 2A was just the boundaries, but those will be specific.

Ms. Klein: We are voting on the changes for 2C. We already had a vote on a city, the rest of the city, overlay district. We just like before.

Mr. Wall: Right, you have already voted not to allow short-term rentals in the entire city by Conditional Use Permit.

Ms. Klein: So, will the next vote exclude that section of 2C.

Mr. Kemp: The next vote, these regulations will only pertain to the overlay districts. It will not pertain to the rest of the city. In the rest of the city, they will be prohibited.

Ms. Klein: So, if I vote in favor am, I saying that I agree with no STRs and the rest of the city.

Mr. Tajan: No, you are just agreeing with these regulations. If you vote yes, you are agreeing with these regulations that you are proposing the, the number of parking spaces no special events, responsible party must respond within 30 minutes and

physically be present in one hour. Number of rental contracts, you are agreeing, you are saying that those are appropriate, those rules.

Ms. Klein: Right, but I do not agree when we get down like to violations, I agree with that one. I do not agree with the established overlay districts where it says new STRs prohibited outside of overlay districts.

Mr. Kemp: Right and that is where this worksheet, blended if you have already voted on a few that are included in there. So really, if you look at the staff report under the recommendation section that's what you're voting on. In this, with the additions I made.

Mr. Weiner: I understand where Robin is coming from. Once we vote on this for the overlay districts, yes that means that these can't happen outside of the overlay districts, short term rentals.

Ms. Klein: Right, because I agree with all of the rest of them. I do not agree with that one. And so, I want to make sure that it is clear.

Mr. Weiner: The only way that you could do is say no to the whole thing.

Ms. Klein: Okay.

Mr. Weiner: Okay.

Ms. Klein: That was my question, thank you.

Mr. Weiner: Alright, so who remember what we had to make a motion.

Mr. Coston: Before we vote I've got to ask one more thing. Originally when Council sent this to us there was a provision for short-term rentals within a given distance from city venues or a main venue, city sportsplex or whatever. It was like within a mile or something, and then it kind of disappeared. Is that still available or on the table.

Mr. Weiner: It is not on the table in this ordinance.

Mr. Coston: Can't get it in either, huh?

Mr. Weiner: Not right now. Well, I assuming no, because we are voting on this ordinance now because what is in this ordinance. I mean, we would have to have to come up with some type of overlay to do that, wouldn't we, to say a mile from a sporting event or the amphitheater. It would have to be some type of overlay.

Mr. Tajan: It could be a performance criteria, but it is not something that has been discussed nor advertised. So, maybe if that's something that may be discussed in the future you may, it may be something you want to bring forward after this.

Mr. Weiner: Okay, I need a motion.

Mr. Wall: Can I run through it one more time? Not necessarily because I want to rehash it but just because I want to make sure that we get it right on the motion. So we are making a motion to approve 2C with changes. And those changes include, based on what I am reading here, because I did not necessarily capture it when you were going through it, but new STRs are prohibited outside of overlay districts, I think that is covered in here, is that right, or is that, that is not covered.

Mr. Kemp: You have already voted on that with the last vote.

Mr. Wall: Okay, we have already covered that. The parking is definitely part of this which is the allowed parking that meets, available dimension requirements to count towards parking inside. Is that part of this, the parking?

Mr. Kemp: Yes, the garage.

Mr. Weiner: Council sent it to us as one parking space in the garage, and we turned it around to say if there was two places in the garage they could use them.

Mr. Wall: And the same thing about the impervious part.

Mr. Kemp: Yes, the impervious part was a change in language.

Mr. Weiner: Added parking to be impervious.

Mr. Wall: Added parking be impervious, the responsible party must also physically respond within one hour to complaints as opposed to 30 minutes. But they must be able to respond to complaints within 30 minutes and then physically respond within one hour. Okay.

Mr. Weiner: One rental per seven days.

Mr. Wall: One rental per seven days. Okay.

Mr. Tajan: Just to clarify, that is one rental per seven days in the North End and East Shore Drive overlay, with two rentals per seven day period in the RT3 and 4.

Mr. Weiner: And then big one is the Conditional Use Permit to be administratively reviewed after five years.

Mr. Wall: Allow administrative approval and review every five years, is how it is.

Mr. Kemp: Correct and then the last thing was the sign with the contact information posted on the exterior of the home visible from the right of way.

Mr. Wall: Require posting of contact phone number of operator representative visible from the street, including Sandbridge.

Mr. Weiner: Does it say Sandbridge?

Mr. Wall: It does.

Mr. Weiner: Alright, sounds like you are ready to make motion.

Mr. Wall: Okay, I am ready. I make a motion that we approve 2C of the short-term rental agenda item with noted changes that include, number one required posting of contact phone number of operator representative visible from the street, including Sandbridge. That we allow administrative approval and review every five years of existing Conditional Use Permits. In terms of parking, that we allow all parking that that is available and meets dimension requirements to count towards parking, including spaces inside garages. Parking added shall not be impervious. Responsible party must respond to complaints within 30 minutes, responsible party must also physically respond within one hour to complaints. Within the RT and OR zoning districts two rentals for seven day period are allowed. Outside in the other two overlay districts, one rental per seven day period will be allowed only.

Mr. Weiner: Did that catch everything?

Ms. Sandloop: No special events.

Mr. Kemp: Yes, as I was checking them off.

Mr. Weiner: Okay, think we caught everything. We have a motion by Mr. Wall, do we have a second.

Mr. Inman: Second.

Mr. Weiner: Second by Mr. Inman.

Mr. Tajan: I am sorry I just want to make sure we capture this, I want to make sure this does not lost anywhere. It also includes the no special events on the property, the occupancy calculation, and the RPP permit that you are not allowed to have the additional parking permits. You are aware of those, I want to make sure for the record is clear that those are there.

Mr. Weiner: Madam clerk did you catch that, we have a motion by Mr. Wall and a second by Mr. Inman.

Ms. Sandloop: Yes sir, Okay. I am calling for the vote, the vote is on the agenda item 2C. Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

Ms. Sandloop: Mr. Graham is absent. Mr. Horsley is absent. Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein.

Ms. Klein: Aye.

Ms. Sandloop: Ms. Oliver.

Ms. Oliver: Aye.

Ms. Sandloop: Mr. Redmond is absent. Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda item 2C has been recommended for approval with the following modifications; one rental per seven days in the North End and Shore Drive overlays and two in the OR and RT districts, a Conditional Use Permit Administrative Approval after five years, a sign posted with contact information visible from the right of way, parking to include all available garage spaces, responsible party be within contact within 30 minutes and physically on site within one hour. Parking added shall not be impervious, no special events, occupancy calculated and RPP no additional permits.

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

Item # 2D

City of Virginia Beach – An Ordinance 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

March 10, 2021

RECOMMENDED FOR APPROVAL – HEARD

Mr. Tajan: Mr. Chair, we are good to go if you want to begin.

Mr. Weiner: Alright, 2D.

Mr. Kemp: 2D, to summarize what this ordinance amendment does is put into the use tables in our zoning code, so everywhere that short-term rental use is permitted in the use table, it will amend the use table to reflect what you have voted for approval today. So, it will reflect where it is permitted by right in the OR, where it is permitted by Conditional Use Permit in the overlays and where it is not permitted elsewhere in the city. These will all be reflected in the use tables and that is what this vote is for.

Mr. Weiner: Okay, so, we know where we are. I mean that is pretty much lined up with what we have now, what we have already voted on. Right?

Mr. Kemp: Correct. I guess you could call it somewhat of a housekeeping item the same way as amending the official zoning map, we have to amend the official zoning ordinance to reflect these changes and that is what 2D does.

Mr. Weiner: Comments.

Ms. Klein: So, I think this is where I was confusing, you and everyone else before. This is where I will be voting nay because this use table will say that new STRs are permitted the rest of the city.

Mr. Weiner: Okay. Anyone else. Do we have a motion. We are going to wait for George to get back.

Mr. Coston: I was getting ready to ask those existing outside of the overlay districts would not be covered in this chart, right. You all just going to keep track of those in the office.

Mr. Kemp: Correct, yes, the ones that have the additional or have an existing Conditional Use Permit, we will have a record of that with the Administrative Approval those that are grandfathered have their grandfathered status.

Mr. Weiner: Alright. We need a motion.

Mr. Wall: I make a motion that we approve, agenda item 2D, an ordinance to amend sections 401, 501, 601, 901, 1110, 1125, 1521, and 2203 of the city's zoning ordinance and section 502 of the oceanfront resort district four base code pertaining to the requirements and use of the short-term rentals overlays.

Mr. Weiner: I have motion by Mr. Wall, do we have a second.

Ms. Oliver: I second that.

Mr. Weiner: I have a second by Ms. Oliver. We are ready to vote.

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

Ms. Sandloop: Mr. Graham is absent. Mr. Horsley is absent. Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein.

Ms. Klein: Nay.

Ms. Sandloop: Ms. Oliver.

Ms. Oliver: Aye.

Ms. Sandloop: Mr. Redmond is absent. Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By vote of six in favor and one against agenda item number 2D has been recommended for approval.

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

Redmond				ABSENT
Wall	AYE			
Weiner	AYE			

Item # 2E

City of Virginia Beach – An Ordinance establishing transition rules for the review of Short Term Rental Conditional Use Permit applications submitted before and after the City Council date of referral

March 10, 2021

RECOMMENDED FOR APPROVAL – HEARD

Mr. Weiner: 2E.

Mr. Kemp: This ordinance, as I discussed this morning are the transition rules, saying that after any application filed prior to the date of the referral to you by City Council October 21, 2020, subject to whatever rules when it goes through Council. This is a standard ordinance of how we treat those applications that come in in that flex time between when we are considering an ordinance change, and when it goes into effect. Any application that goes through City Council once any new regulations are passed will be subject to the new regulations.

Mr. Weiner: Pretty simple. We agree with that?

Ms. Klein: I make a motion to for an ordinance establishing transition rules for the review of short-term rental Conditional Use Permit applications submitted before and after City Council date of referral.

Mr. Weiner: We have a motion by Ms. Klein, do we have a second.

Ms. Oliver: Second.

Mr. Weiner: Second by Ms. Oliver, ready to vote.

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

Ms. Sandloop: Mr. Graham is absent. Mr. Horsley is absent. Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein.

Ms. Klein: Aye.

Ms. Sandloop: Ms. Oliver.

Ms. Oliver: Aye.

Ms. Sandloop: Mr. Redmond is absent. Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda item 2E has been approved.

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

Item # 2F

City of Virginia Beach – An Ordinance to amend Section 241.2 of the City Zoning Ordinance pertaining to Short Term Rentals and Establishing Additional Safety Requirements

March 10, 2021

RECOMMENDED FOR APPROVAL – HEARD

Mr. Weiner: Alright, gentlemen hang in there we got one more. Okay, we will be done. 2F, which I should have said this a while ago, because that was actually in 2C.

Mr. Kemp: 2F in the staff report was included in 2C, because it is its own ordinance after the staff report went to print, we pulled it from 2C and created 2F. As I said it is its own ordinance and it warrants being voted on separately. So, 2F will include the two life safety conditions that were regulations that were listed in 2C originally.

Mr. Weiner: George you have comments on this one.

Mr. Alcaraz: Yeah, I just want to make sure that as far as the deck safety inspection be done by a licensed design professional or licensed architect or what I am sorry Bobby gave me another licensed design professionals. And again, I do not want to include Class A or B contractors. That is all I have.

Mr. Weiner: Is that okay with everybody.

Mr. Tajan: And that they are required every five years, right, that was the consensus of the Commission.

Mr. Alcaraz: Yeah, everything that you had listed here was fine except for that, as I was kind of referencing that.

Mr. Inman: So, are we going with licensed professional engineer or architect.

Mr. Alcaraz: Both.

Mr. Tajan: Licensed design professional.

Mr. Inman: Licensed design.

Mr. Tajan: DPOR is very particular.

Mr. Inman: So, is that a term of art with that.

Mr. Tajan: It is a term per DPOR, anyone that that has a seal that has knowledge in that field is that they are called a design professional.

Mr. Weiner: Alright, Mr. Alcaraz, I think you can make this motion.

Mr. Alcaraz: I would like to make a motion that the ordinance to amend section 241.2 of the city zoning ordinance pertaining to short-term rentals establishing additional safety requirements with the amendment of licensed design professional.

Mr. Kemp: And every five years.

Mr. Alcaraz: It is on there already, right.

Mr. Kemp: It was referred to you as every year. So, we would need to alter that.

Mr. Alcaraz: Structure report must be submitted every five years to the Zoning Office.

Mr. Kemp: Okay, perfect. Just wanted to make sure it is on record.

Mr. Weiner: We have a motion by Mr. Alcaraz. Do we have a second.

Ms. Klein: Second.

Mr. Weiner: Second by Ms. Klein. We are ready to vote.

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

Ms. Sandloop: Mr. Graham is absent. Mr. Horsley is absent. Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein.

Ms. Klein: Aye.

Ms. Sandloop: Ms. Oliver.

Ms. Oliver: Aye.

Ms. Sandloop: Mr. Redmond is absent. Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda item 2F has been recommended for approval and modified to add deck safety inspections will be done by a licensed design professional and inspections will be completed every five years.

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

Item # 2 - Speakers

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, 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 Oceanfront Resort 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; To Amend Section 241.2 of the City Zoning Ordinance pertaining to Short Term Rentals and Establishing Additional Safety Requirements.

March 10, 2021

Mr. Weiner: Right, on to number two.

Ms. Sandloop: Our last agenda item is agenda item number two. City of Virginia Beach, a resolution to amend the city zoning ordinance pertaining to short-term rentals.

Mr. Weiner: Alright, first speaker.

Mr. Dao: I will begin calling speakers in order of three just a reminder once you make your comments please make your way back to suite four to listen for the remaining public hearing. The first speaker is John David followed by Douglas Rudley, followed by Steven Bishard. Mr. John David you can please come to suite four.

Mr. Weiner: Okay. On the way, guys I will make a point hopefully everybody can hear me that everybody will get three minutes to speak. We have a lot of speakers so just to make it fair to everybody and we want to make sure everybody knows they will have three minutes to speak. Thank you. Welcome, sir, please state your name for the record.

Mr. David: My name is John David, I am the current president of the North Virginia Beach Civic League. I like to thank you all for inviting me to speak today. The North Virginia Beach Civic League and when I say we or I, am speaking for the Civic League and not for myself. The North Virginia Beach Civic League is charged to protect the character and the community in the North End. We are there to protect the tranquility. We firmly believe in short-term rentals as you may have seen in the news, if you listened to the news and Andy Fox last night, effect that tranquility. We are very concerned about this and we have some valid points. First off, we do not want short-term rentals added to the current North End Overlay, the R5R-NE that is there as you know, for dwellings. We do not want short-term rentals added to that overlay. We also do not want The Hollies added to an overlay of any type.

I am going to briefly discuss and not to take up your time, the points that we would like, if in fact short-term rentals are going to be in the North End. First off, we would like short-term rentals to be approved by CUP. That we feel is the only process which guarantees our neighborhood. We are in neighborhood and we need to CUP process to guarantee that we are not overrun with short-term rentals. We would like a rental frequency of one per seven day period. It is one rental per week, any more than that, you are starting to become a commercial enterprise, you are ruining our neighbor. We would like a current physical survey for every CUP application with a detailed site plan showing the parking. The Civic League President and the member of our Zoning Committee, I am uninitiated with parking problems for CUPs, I know that staff goes out and reviews CUP applications but I can show you emails, where we have parking problems from the CUP. I have seen applications coming forward to this Commission, where it is drawn on a piece of paper and hand drawn it does not reflect the parking when I have gone out there and looked at it, it was supposed to be there to support that CUP. We would like to have additional inspectors funded and hired for the city. Right now, there simply are not enough inspectors to enforce the program. They do not have short-term rental ordinances and if you do not have inspectors it is an un-enforceable program, and again, I have it that. You are going to degrade our quality. Finally, density is a big issue for us, that was brought up in your workshop and I do not know that we ever came to a consensus. I have sent numerous emails out to Planning Department. I have sent emails to the City Attorney asking for clarification, and I did not have any answers. We believe, if the City Attorney is correct, that short-term rentals cannot be reduced by more than the current density. We believe that short-term rental density should be the number of current legal short-term rentals to the ratio of dwellings in the North End. Illegal short-term rentals should not be continued, they do not follow the rules, they do not deserve to be in the process of consideration for that density number. We prefer the density be done by street. But City Attorney has said that in your workshop that was not possible and I have reached out twice and not had a reason for that. But, if you are going to do it by neighborhood we would like it to be no more than the current density of legal short-term rentals to number of dwellings in the North End. The R5R-NE zoning, R stands for residential, it does not stand for rental. This is the neighborhood, this is where my children play in the street, they ride their bikes here. My wife and I go for walks here, we meet our fellow citizens in the streets in North End. Bringing the short-term rails turns it into a commercial area. It is not, it is my neighborhood. This is where we live, you got to think about that when you think about turning short-term rentals loose into established neighborhoods of caring citizens, putting individuals in that neighborhood who do not care about me, do not care about my kids, and do not care about my family and my neighbors. Thank you for your consideration.

Mr. Weiner: Thank you, sir. Any questions? Thank you.

Mr. Dao: The next speaker is Douglas Rudley, followed by Steven Bishard, followed by Dr. Carl Ashman.

Mr. Weiner: Mr. Alcaraz.

Mr. Alcaraz: Mr. Tajan, just a quick question. R5-S residential 5000 single family, R5D duplex, R5R means.

Mr. Kemp: R5R permits single family duplex dwellings. And, in the North End Overlay it does permit two single family homes on one lot. The size standards are 5000 square feet for a single family home, 10,000 for a duplex or two single family homes. However, if a lot was legally created and is nonconforming, it still holds the full development potential.

Mr. Alcaraz: What I was asking is R mean resort. R5R means resort.

Mr. Tajan: Yes.

Mr. Alcaraz: Thank you.

Mr. Tajan: Yes, it is.

Mr. Weiner: Okay. Welcome, sir. Please state your name for the record.

Mr. Rudley: My name is Doug Rudley. I am a homeowner in the North End and I have listened in all the meetings in the workshops that the Planning Commission has held, so, I appreciate the time and attention you guys have given to this matter. And, I will be brief. My wife and I moved to Virginia Beach three years ago to retire and fell in love with the North End. We purchased a home on the East Side of Atlantic Avenue, and are full-time residents, year around residents as our most of our neighbors. We were drawn to the North End, well because it is a real neighborhood because we can go out on the feeder road and walk our dog and see our neighbors jogging or walking or riding their bikes or we can go on the beach and see our neighbors, and we can do that year around unlike many beachfront communities, it is not merely a seasonal community and we love the fact that we see our neighbors year around and we enjoy a sense of neighborhood year around. As you know it is primarily a residential community of homeowners. It has a relatively high-density and many attached homes, given the fact that it is close to the ocean, land is at a premium, Given that it is a neighborhood of single family homes of owner occupied homes that density is tight. My wife and I really do not understand why STRs are being even allowed in our neighborhood when the city proposes to ban them in most of the city. I guess I would ask as a homeowner, I would ask the Members of the Commission and the Members of the City Council for that matter, how would you feel about it, if next to your own home assuming you are homeowners that someone proposed to operate a weekly rental business for three months during the summertime every summer. I don't think that you would think that that enhances the quality of the desirability of your neighborhood or your own

quality of life. Common sense says that it does not. This really has the potential to do great harm to our neighborhood. So, I guess I would echo the sentiments of Mr. David who spoke before me, that if you must allow this, which I hope that you do not, but if you must please keep the density to an absolute minimum. Because this really does have the ability to do substantial harm to what is really a charming and cherished residential community. Thank you very much.

Mr. Weiner: Thank you, sir. Any questions. Thank you.

Mr. Dao: The next speaker is Steven Bishard, followed by Dr. Carson Ashman, followed Morgan Brooke-Devlin.

Mr. Dao: Mr. Chairman, it looks like Mr. Steven Bishard signed up to speak virtually. So, we are going to circle back to him. The next speaker is Dr. Carson Ashman, followed by Morgan Brooke-Devlin, followed by Polly Street.

Mr. Weiner: Dao, are they allowed to line up in the hallway.

Mr. Dao: Yes, sir.

Mr. Weiner: Okay. Welcome, please state your name for the record.

Ms. Ashman: I am Carol Ashman. I own 207 and 209B 88th Street and live at the latter. I am here to request the resort designation of the North End be repealed. And, second, to oppose the city's attempt to rezone the North End by creating the North End Overlay, which would extend the oceanfront resort area north through 89th Streets, devastating our greater than 100-year-old residential neighborhood. The overlay would allow the city to create regulations, tax revenue, and land use decisions that favor the hospitality industry over residents. It would allow any property owner to operate a short-term rental by right without having to seek a Conditional Use Permit as is required now. Year around resident's peaceful enjoyment of their properties would end. And property values decrease due to greater density and more short-term tourist rental activity with its unending problems, including increased noise, traffic, garbage, crime, and the destruction of the community from the constant influx of tourists in the summer and the creation of a ghost town in the winter. We bought our home in this neighborhood precisely because it was in a quiet residential neighborhood. This neighborhood cannot be rezoned now to permit commercial enterprise without the citizens voting on this matter, talk about undemocratic. I also oppose the overlay because it would allow a greater number of homes per unit of land, for example, two large homes could be squeezed onto 7500 square foot lot increasing density and creating more concrete, pavement, and buildings on the same amount of land, ripping out yards and trees in the process, the very things that make this area beautiful and livable. Green space and trees are vitally important to help reduce the sweltering heat in the summer. We also need to preserve some un-built land rather than building on every square inch. This is crucial to helping absorb stormwater and prevent or reduce flooding.

I oppose the cookie cutter models to which the new homes must conform because they are utterly devoid of character, and we make our 100-year-old neighborhood look like a condominium complex. I urge everyone here to email Governor Northam and ask him to veto Senate Bill 1298, which would allow the city to use taxpayer money to manage or buy properties in the North End to create a highly desirable home inventory to rent out as short-term rentals that will generate real estate profit and taxes for the city at our expense. Senate Bill 1298, could serve as an intermediary step toward creation of a Tourism Authority. If the North End Overlay becomes official by City Council vote, it would be governed by that authority, converting our over 100-year-old residential neighborhood into a money making commercial real estate enterprise that benefits the city to our detriment. Surprisingly, none of this has been voted on through a referendum.

Mr. Weiner: Thank you for your comments.

Ms. Ashman: Please voice your opposition to the City Council.

Mr. Weiner: We have a question for you.

Ms. Ashman: Thank you.

Ms. Oliver: Ma'am. Would you repeat the last two sentences that you just read.

Ms. Ashman: Sure. Surprisingly, none of this has been voted on through a referendum. Please voice your opposition to the City Council.

Ms. Oliver: Go further back about the tourist overlay.

Ms. Ashman: Yeah, if the North End Overlay becomes official by City Council vote, it would be governed by that authority converting our 100-year-old residential neighborhood into a money making commercial real estate enterprise that benefits the city to our detriment.

Ms. Oliver: Thank you.

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

Ms. Ashman: Thank you.

Mr. Weiner: Next speaker.

Mr. Dao: Next speaker is Morgan Brooke-Devlin, followed by Polly Street, followed by Gail Mottola.

Mr. Weiner: Welcome ma'am, please say your name for the record.

Ms. Devlin: My name is Morgan Brooke-Devlin. I reside on 88th Street in Virginia Beach. First of all, I want you all to know that we have been told that there has not been much reaction to the proposed overlay in the North End. This is absolutely not true, the

problem is, most people do not know what is being proposed and certainly do not understand the ramifications. I have reviewed carefully the amendment to the zoning ordinance that was entered in 2015, and what it proposed. One of the main things I noticed in this is that you all are to be guided by public necessity, convenience, general welfare, and good zoning practices. We do not believe that this has been done. First of all, we do not want this proposed 2015 Zoning Ordinance Overlay to be continued and we certainly do not want it to be made permanent. As you all know, we believe that this is a violation of the Dillon rule and that is a very serious thing here. We do not believe the citizens have been consulted in this, we certainly do not believe that people on the North End are aware of what is being done and we are angry. We are very upset and we are angry. We live in a very, very tight community, our neighbors are close to us, we are responsible to each other. Each of the houses on my street only have two parking spaces, no one parks in someone else's parking space, unless there is an emergency or unless you ask in advance. We pull each other's garbage cans in if someone's out. We look out for each other. Across the street for me, you have allowed to be put four new houses where two small houses used to be. Each has five bedrooms, 20 bedrooms in those houses are technically available under what you are proposing for short-term rental. Where are those cars going to park. Where is that garbage going to go. I have reviewed what has been proposed regarding what will happen if there is a problem. A landlord has to be called and available in 20 minutes. There is nothing that says what happens if the landlord is not there or if the landlord does not remedy the situation. There is nothing there about to take off the short-term rental authority, because it is by right. We do not want this, and we are looking to all of you to stop this. We should not be sacrificed in the North End for additional revenue for Virginia Beach. Thank you.

Mr. Weiner: Thank you, ma'am. Any questions.

Ms. Devlin: One other thing, we have got numerous, numerous petitions like this, signed up and down our street, we do not want this.

Mr. Weiner: Thank you.

Ms. Devlin: You are welcome.

Mr. Dao: The next speaker is Polly Street followed by Gail Mottola, followed by Leslie Richards.

Mr. Weiner: Welcome. Please state your name for the record.

Ms. Street: My name is Polly Street, and I live in the old beach cottage, at the end of 88th Street on the land side. This house was built in 1946 and is presently still largely in the same condition as the day it was built, having been lovingly maintained by numerous owners, including myself. My remarks today will be about the neighborhood that I live in called the North End in Virginia Beach. I will give you

my personal opinion on things that I am in support of that I believe will maintain the neighborhood that I live in, and things that I vehemently oppose those being the things that I believe will threaten and measurably change my neighborhood. First of all, I love the beach and I believe that it should remain a public beach for all to enjoy, including people from Virginia Beach from Norfolk, and for wherever else they come from. I really like that part of it. I love the natural and historical environment of my immediate neighborhood including the maritime forest at the end of the street. The house is even older than mine, and the canopy of huge live oaks that covers the street. What do I oppose I am opposed to the changes to the short-term rental ordinance that would allow for operation of short-term rentals, without needing a Conditional Use Permit. It is not lost on me that the last 45 minutes was spent approving and disapproving and reviewing those Conditional Use Permits that would go away with short-term rental by right. I am aware of some recent major safety issues that occurred at short-term rentals on other North End streets, think about it, those problems that exist with the Conditional Use Permit process in place, imagine what it would be like if there were no Conditional Use Permits required. I oppose the proposed designation of the area of 49th Street to 89th Street becoming an official overlay. I oppose the move to rezone the area and designate it as a residential resort district. I demand the word resort be removed from the description of the North End residential neighborhood, and the previous zoning of R5R be restored. I strongly oppose recently proposed state legislations SB1298 that would allow for tourism and improvement districts to be created, this would be an unelected board appointed by the City Council not directly accountable to voters. Taxpayer money could be used to buy or build properties or rent out a short-term rentals that would generate real estate profit and taxes for the city at the expense of homeowners like myself in the North End neighborhood. We cannot have a neighborhood if the properties are owned by developers and real estate companies who rent the home it says short-term rentals.

Mr. Weiner: Thank you for your comments ma'am. Any questions. Thank you, ma'am. Next speaker.

Mr. Dao: The next speaker is Gail Mottola, followed by Leslie Richards, followed by Erica Atkins.

Mr. Weiner: Ma'am, please state your name for the record.

Ms. Mottola: Good afternoon. I am Gail Mottola I live at one 115 88th Street. While they are passing those around the first item is the where a person can go online to Virginia Beach.com to find out a property search. When we do that in the North End, what we see is unofficial zoning district. R5R (M) it is incomplete. It is not finished. It is not an official overlay, but it looks like it when you read the Ordinance 3431 of 2015, for a long time, we were not paying attention. That is our fault as citizens. But what we have found is that that North End Overlay is a fabrication, it is

nonexistent. It is a paper that essentially is going to put us under regulations, by the City that we have never been before. We are used to one-week rentals, in our area, but not what is happening now. The North End is treaty land goes back to 1607. Treaty land is private land. The land described is the Cape Henry Syndicate Treaty Land Private Land of the early 1900s. The State of Virginia is a federal territory and unfortunately, when one goes to the Dunn and Bradstreet we find and is all over our website we are a municipal corporation. The corporation is not the same as government. The Tourism Bill HS-243, would have placed all of our properties that date back to Cape Henry Syndicate of 1898, and Virginia Beach Parks and Land Company of 1890, both private land corporations, under an unelected City Council appointed board tax exempt, property tax funded organizations.

Mr. Weiner: Ma'am thank you for your comments, appreciate that. Does anyone have any questions. Thank you, ma'am.

Mr. Dao: The next speaker is Leslie Richards, followed by Erica Atkins, followed by Lee Atkins.

Mr. Dao: It looks like Ms. Leslie Richards is a virtual speaker, so, we are going to move on to Erica Atkins, followed by Lee Atkins, followed by Brent Montello.

Mr. Weiner: Welcome, please state your name for the record.

M. Atkins: Hi, my name is Erica Atkins. I am a citizen of Virginia Beach, a short-term rental owner and member of the Virginia Beach Short-Term Rental Alliance. I am speaking today in approval of short-term rentals for Virginia Beach. I am advocating for a fair and sustainable compromise of regulations for both owners of short-term rentals and members of the community. After researching other short-term rental communities around the country, we have found balanced policies that we could use as a model for Virginia Beach to follow. I believe we need an advisory board or committee that meets every other month to provide guidance and recommendations on administration, enforcement, and other policies pertaining to short-term rental permitting. Members should consist of short-term rental hosts, non-hosts, industry stakeholders, and Virginia Beach elected officials. I think overlays should be by right. I think the OR and RT zoned properties should be in an overlay, and operate by right as they were zoned to do. Remove the other overlays instead of imposing regulations that call for cumbersome enforcement. For properties outside of an overlay choosing to operate as a short-term rental, we should implement a simplified registration process, more of a streamlined checklist to be submitted to the Planning Department for inspection before the owner is allowed to operate a short-term rental. To ensure the city is not oversaturated with short-term rental properties, use a density cap that cannot exceed 1% of the total number of housing units within Virginia Beach. Once all requirements are met, submit the information to Planning, register with the Commissioner and at that point, the owner may start operating. As far as violations, use the three strike rule.

After three valid complaints, the Planning Department could recommend removal of a short-term rental registration and its ability to operate. Property owners should have the right to rent their property how they choose. If they choose to operate a short-term rental, the owner should be allowed to operate on an innocent until proven guilty principle. We need a collaborative solution for our community that is not only manageable, but enforceable. One that allows for a higher rates of compliance and alleviates the cumbersome CUP process that is draining city resources and time. Let us find a solution that works for everyone. Thank you for your time.

Mr. Weiner: Thank you, ma'am. Any questions. Thank you.

Mr. Dao: The next speaker is Lee Atkins, followed by Brent Montello, followed by Dana Sampson.

Mr. Weiner: Welcome, please state your name for the record.

Mr. Atkins: Lee Atkins, I would like to start by thanking you guys for the last six months of taking my emails and phone calls and so it has been a pleasure of speaking with each of you. Good afternoon, my name is Lee Atkins I am a citizen of Virginia Beach, and a short-term rental owner. I would like to say that short-term rentals have been going on for decades in Virginia Beach. I would also like to speak in approval of the short-term rentals at this point, Virginia Beach has always been looking to drive towards revenue. This proposal will do the exact opposite. Believe it or not, I would say the majority of people especially now with the pandemic would rather stay in a short-term than a hotel. For some reason short-term rentals are being bashed repeatedly on how terrible they are, so, terrible that in over 88,000 calls made to 311, in 2020, only 14 of those nuisances pertain to short-term rentals. Property rentals have been all over Virginia Beach, hotels, do not get shut down after a guest checking in, is behaving badly during their stay. As with any kind of rental, short or long-term, you can have a really great tenant or you can have a really bad tenant. The difference is bad tenants in short-term rentals are only there for a few days, maybe a week and then they go home. A bad long term tenant is there for the entirety of their lease. If there are valid complaints, punish those that are not properly managed, not all of us. I have also heard conversations of how STR negatively affect property values that is totally false. A realtor friend of mine that specializes in selling properties along the oceanfront resort area confidently said, the ability to rent properties as an STR versus not being able to rent them as an STR absolutely affects the property values. Properties allowed to rent as a STR would definitely have higher value than those not to be allowed. Creating overlays negatively affects the value of one person's property. While positively affecting the value of another person's property at the same time. When properties sell at higher prices to short-term rentals properties like short-term rental properties do, it can and will boost the value of the entirety neighborhood. On the other hand, if you restrict how these properties can be used in certain neighborhoods like Croatan

for example, you absolutely see the neighborhood values decline in his professional opinion. Many homes in Croatan along the oceanfront have sold to investors and second homes, who intend to use them as STR properties when they are not being occupied by them themselves. Croatan was always one of the most desirable and highest rented areas out of all the STR properties that this gentleman managed. If you cut off certain property owners ability to do that.

Mr. Weiner: Thank you for your comments sir, I appreciated that. Any questions. Thank you.

Mr. Dao: The next speaker is Brent Montello, followed by Dana Sampson, followed by Jason Sampson.

Mr. Weiner: Welcome, sir. Please state your name for the record.

Mr. Montello: Good afternoon. I am Brent Montello. I am a local realtor also, so, I really appreciate the things that the last two people said, very positive things about Airbnb. We have been operating since 2017, as an Airbnb at the oceanfront, the beach bureau, earlier caller you have from California, where he is trying to explain his driveway, basically we are on the same street. We have registered with the city, we pay the taxes, it is been almost four years. They have talked about driveways over everything at our home, it sets up to all the minimum requirements that we have seen so far. I believe the overlay seems to be an issue I have seen a couple difference I do not know where we are exactly. I wanted to come here today to support Airbnb. I have travelled all around the country, staying in Airbnbs from California, Texas, North Carolina. Owners, always, always rehab these properties to another level. I had to rent this home rented since 2003, for 12 years. When we turn it to an Airbnb, we had it, we took it up another level, because of the type of people that are actually wanting to rent it, because it is mostly families, not parties, but mostly families. I have had more problems with the tenants next door that are on a yearly lease parking in the front yards in the grass, and that is for an entire year that we have had to deal with. So, as far as my support for Airbnb, one I would like to know if people will be grandfathered that have been actually doing this for four years or have had it permanent rental on a yearly lease for the last 17 years, which we have, and that the overlays would change if we are not in that section. So, just to conclude, I believe that the owner personal ownership that the owners take as an Airbnb, because they treat it as a bed and breakfast is going to end up being a lot better than even the yearly lease owners that are renting it usually at a lower price. So, we are getting better tenants, better guests with short-term rentals, then you are in the yearly lease, permanent tenants that are coming in, and they take better care of the properties during that time, I appreciate your time. Thank you.

Mr. Weiner: Thank you sir, any questions. Thank you.

Mr. Dao: Dana Sampson, followed by Jason Sampson, followed by Marjorie Chapman.

Mr. Weiner: Welcome. Please say your name for the record.

Ms. Sampson: Dana Sampson. Good afternoon. I am a member of the Virginia Beach short-term rental Alliance. My husband and I are a middle class family that supplements our income with short-term rentals. I do not see the new proposals regarding short-term rentals as much of a compromise, tourism is our main industry paid for, by all Virginia Beach tax dollars and it seems like the latest proposals are not for the interest of us. Virginia Beach as a whole but mainly for affluent homeowners in the hotel industry. The new regulations essentially shutter our small middle class STR business in the strongest area of opportunity in Virginia Beach. This is all being proposed during a very tough time for small businesses. Short-term rentals are a needed accommodation option for those who cannot stay in hotels and are the only true social distancing lodging options, especially for those with existing health issues. We are told that the proposed changes have been brought up because short-term rentals are disruptive to neighborhoods. All the short-term rental hosts that I know including myself rent mainly to families and have a new party's description and requirement in our listing. If disregarded, which we have never had happen, the guests would need to immediately vacate the property, and lose all the monies they paid for their stay. We have never had a single complaint or issue and our grandfathered STR has been running now for four years. We bought our short-term rental properties with intentions on bringing families to Virginia Beach to experience our City, spend money at our local restaurants, shop, and have fun. We made sure to go to the sessions and council meetings as the ordinance was being put together. We were in agreement with the original ordinance and the sense of fairness brought forth with the original conditions. We are now confused that all the work is being threatened by unnecessary changes for reasons were unclear about, as they previously pointed out, we have never had an issue and we do not know any other local host that has. If there are real concerns this proposal does not seem to address them. I am sure that any homeowner would be happy to work within reasonable short-term rental rules that actually address the problems, leaving the ordinance as is. Making it illegal to rent our property or set extremely strict restrictions does not seem to be any sort of compromise. Property ownership is one of the few resources that many of us can leverage to work hard and make a better life for ourselves. In addition, many of us feel that this is an infringement on our rights as property owners. I would understand if there were restrictions in the property covenants, by laws, HOA, condo rules when purchased but when there is not this seems to be an extreme overreach. We understand that the CUP process is a burden to the city, but rather than eliminating it, instituting overlays and banning the opportunity for a future host to apply for the CUP outside of the proposed overlays, we ask that the city consider making the process easier and more efficient. We would just ask that you please do not make our small business illegal. Thank you.

Mr. Weiner: Thank you, any questions. Thank you, next speaker.

Mr. Dao: Next speaker is Jason Sampson, followed by Marjorie Chapman, followed by Kim Davenport.

Mr. Weiner: Welcome, please state your name for the record.

Mr. Sampson: Sure. My name is Jason Sampson. Good afternoon by the way, I live in Virginia Beach and I am a member of the short-term rental Alliance. 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, and I am in favor of short-term rentals throughout the city. I am here to voice my discontent how City Planning and Council have been aggressively, without cause, trying to change the ordinance for short-term rentals approved in past several years ago. , 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 you heard me, I want to say this again, the reason why we do this is to bring people to Virginia Beach, and to have them come back. It upsets me that both Planning and Council continually talk about the alleged complaints from other citizens but will not and cannot provide proof. I understand that the hotels do not like STRs and have someone lobbying on their behalf because STRs 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 STRs, they should advise your clients to adapt to short-term rentals, have been here as long as they have and to further understand technology like Airbnb has threatened their business model. Sorry guys it is obvious by looking at the numbers that people want to travel and feel local versus being trapped in a small hotel. Furthermore, the fact that a City Planning Member reached out to an abundance of short-term rental owners, including myself and threatened us over an emailed petition, some of who were not part of it, is uncalled for and proof that changes need to happen at 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. It is clear by attending these meetings over the last year that Planning and Council have as they are making up ordinances, bully their constituents in a direction has a prominent influencers best interests in mind. One final point, be very leery of what you are trying to accomplish as you are infringing on the property rights of all citizens of Virginia Beach with everything you are trying to push here today. I am a longtime real estate investor and prefer my money to stay local, but the behavior, actions, and uncertain 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 that 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. Weiner: Thank you. Next speaker.

Mr. Dao: Next speaker is Marjorie Chapman, followed by Kim Davenport, followed by Kendall Maynard.

Mr. Weiner: Welcome. Please state your name for the record.

Ms. Chapman: Marjorie Chapman and I am a property manager with Berkshire Hathaway Property Management, and I have been managing Vacation Rentals in Virginia Beach for 30 years and I currently have an inventory of 20 vacation rentals. And, our success with assisting our guests shows year after year what the percentage of returning guests and no negative reports ever reported to the city. Short-term rentals were never considered a major problem until just recently when it seems that a lot of individual homeowners have decided to become landlords. We want to help you figure out a solution to this problem and not be considered the problem. Some suggestions, lots of professional property managers handle the STRs. We know the rules, we follow them. Our history is proof of this, eliminate the resource consuming CUP process and implement a simple registration process with the Planning Department that includes the safety inspection. A previous speaker mentioned have the three strike rule with three verified complaints, the Planning Department could recommend the removal of STRs and the ability to operate. Allow STR by right in oceanfront resort overlay in RT zone with no density CAPs and remove the overlays in the North End, East Shore Drive and determine a density CAP percentage of the total housing units with concrete facts, excluding the grandfathered STRs. For all STR registration holders perhaps set the following rules, no annual zoning permit fee required, this can be self-funded with the STR tax revenue. Allow 52 contracts per year with two contracts per week throughout the year. One parking space for the first two bedrooms, one space for each additional bedroom. We all know how hard it is to accommodate what you have now, especially when they are oceanfront condos. Occupancy limit, keep it at three per bedroom, having an age limit would be difficult to monitor for us. Respond to a complaint verbally within 30 minutes and be onsite within two hours of notification if needed. Balcony and deck inspections every five years for a second level decks or higher. And of course continuing to allow the grandfather properties to rent indefinitely providing a follow the guidelines. Thank you for your time.

Mr. Weiner: Thank you, ma'am. Any questions. Next speaker.

Mr. Dao: Next speaker is Kim Devonport, followed by Kendall Maynard, followed by Paige Mijares.

Mr. Weiner: Welcome, sir. Please state your name for the record.

Mr. Davenport: My name is Kim Davenport. I own a small duplex in the North Beach area, which I bought with the intention of renting it as a short-term rental. I bought it in 2019,

and in hindsight, my timing on buying the property was not very good because I was not aware of all the regulations and unsettled requirements and the issues that are going about at this time. When I bought the property, I bought it as a short-term rental, and I spent the year updating it and furnishing it and it needed a lot of work. Like everyone else who has spoken before the Commission, my wife and I were very enchanted with the area, appreciate its history and its beauty and wanted to share it with others. We want to ultimately live in the area, but this was a means for us to financially pay for the property and ultimately become permanent residents. So, I think we can all agree that everybody who speaks here appreciates the area, wants to maintain the integrity of it and the beauty of it. It is a very special place. I was late in applying for the Conditional Use Permit, because I was not as aware of it as I should have been which was my fault. I signed up, and paid business taxes, which I thought was all requirements that were necessary to do a short-term rental. When I found out I started to do the application process and of course it is difficult to keep up with all the changing conditions. There was delays caused by the COVID virus and the administration of getting things done, understanding the process. I had further delays by having to work on the surveying of the property. It was an old property, the parking wasn't where it should have been so I had to have it surveyed and finally got that settled. So, I am at the point now where I am applying, I've got a hearing next month before this Commission to go over the process and then hopefully the following month go to the Council for a vote. At the last meeting, there was discussion of limitations of properties applying and there was discussion that permits would only be issued to those properties who are currently existing as short-term rentals legally. And, I'd just like to say I think it would be very unfair to pull the rug out from people like myself who were in the process, earnestly trying to comply with the law and go through the process and get the Conditional Use Permit to legally be able.

Mr. Weiner: Thank you for your comments sir. I appreciate that. Any questions. Thank you, sir.

Mr. Dao: Next speaker is Kendall Maynard, followed by Paige Mijares, followed by Brendan Beaver.

Mr. Weiner: Welcome, ma'am.

Ms. Maynard: Good afternoon, my name is Kendall Maynard. Dear Chairman, Planning Commissioner members, thank you to those who have responded to some of our emails, and thank you for your time and service to our great City of Virginia Beach. I have managed trust in property in different states for over 35 years. I am a member of the same Virginia Beach Short-Term Rental Alliance, we are working hard together to help with some of these issues. Today I would like to touch on what these overreaching proposed ordinance amendments may mean to our military families and contractors. As a former military wife I see that by banning STRs in all of Virginia Beach except these overlays that are proposed, in the OR

and RT areas you are cutting off military families options who may need to STR for a short period of time if they get deployed and one, cannot long term rent or two, cannot sell their homes in time, they have taken orders and they have to leave, or three do not want to sell since they will be hopefully returning to our great city. We serve a greater area and community and I want you to think about that. I have personally hosted both military personnel and contractors in my home under short-term rental status, I am grandfathered in. Virginia Beach has a long and proud relationship with the military and I want us to keep it. Not only is Virginia Beach home to several military facilities and the Department of Defense, actually I have found out spends \$14.8 billion annually in the region. Let that sink in for a second, we have to help our military families as well, and let them do short-term rentals. Naval Station Norfolk is the world's largest Naval Station, which I am sure you already know. I looked up the population for the military in this area, we are ranked 11th in the state with 9% population that are military or over 421,000 people. So, I request that you look before you leap, this proposal is overreach of government and putting the cart before the horse way before even the simplest things are implemented like the weekend personnel to take calls for disruptions in neighborhoods that we are being blamed for all the time, and or the current ordinances or even being enforced. The actual numbers do not support a ban on all Virginia Beach outside of their proposed overlays of the OR and RT areas. This will hurt our tourism and economy when we need to grow the economy, I thought we are here to help grow after this horrible pandemic. And, this will also hurt our fine military families and contractors. We want everyone to have options and not be stripped of these options by this proposal, which will affect all of Virginia Beach for forever. Do not go through with it, STRs represent income, tourism, options for military families and contractors, and charm for the families and vacationers, as we have probably all agreed on both sides no overlays.

Mr. Weiner: Thank you for your comments, ma'am. Any questions.

Ms. Maynard: Thank you. I really appreciate your time. Have a good afternoon.

Mr. Weiner: Next speaker please.

Mr. Dao: Next speaker is Paige Mijares, followed by Brendan Beavers followed by Joanne Fox.

Mr. Weiner: Welcome.

Mr. Mijares: Good afternoon Commissioners, my name is Paige Mijares I am the principal broker of Atkinson Realty. And, in the 80 years my brokerage has operated in the North End and we have never seen the problems we hear from some that Airbnb produces. The rogue parties, unsightly trash, shootings, which is a quite low bar to say that we have not had these problems. But why have not we, because we are professionals, we know what we are doing. We respect and preserve our neighborhoods, we have been following the city rules for decades, and the rules

of decent decorum. Look Airbnb is a market disrupter, it is not going away. It sparked the entrepreneurial spirit and homeowners but more importantly it is changed the way people think about travel. So use us as part of the solution. The city requires people who have sprinkler systems hooked up to the city water supply to produce backflow prevention tests on an annual basis. The city provides a list of contractors to their citizens here you need a professional. Here is a list of them how much more important is it to have professionals involved in this endeavor. Create incentives for proper management, such as waiving the CUP requirement for people who are registered with Virginia Beach deep or licensed brokerages, that will end 95% of your problems. This new proposal is clumsy, it will only hurt the good actors. These maps, yes, they will diminish your docket, but they are completely arbitrary. Neighborhoods cut up by Council Districts, in that respect I agree with Aaron Rouse on that point, that neighborhoods that have a history in this space should have a path forward. All of them should share equally or eliminate the overlays completely. There is a lot of other tinkering in this proposal and others folks speaking today will give you good suggestions that you should seriously consider, but if you are going to redo the ordinance, you should provide a comprehensive solution, something the public can trust and that will last. Include things like fixing the parking in the high rise condos, this firm sunset provision for current CUP holders whether there are problems or not is disturbing. And now you want to talk about density measures which could be a viable conversation but they need to be grounded in facts, such as the North End is made up of 44% second homes, 44% of the homes in the North End are not owner occupied, that is a significant fact. A few months ago the Planning Department sent postcards out as a notice to all of the proposed overlay districts, to inform them of their proposed by right use for short-term rentals, effectively lobbying a lot of the anti-property rights folks to a fever. So, if you change this proposal, new postcards need to go out and where are the postcards to the rest of the city letting them know that their rights are being eliminated. Where is that notice. For those of you who would like to shut down vacation rentals, I would encourage you to proceed with caution on what you're willing to hand over to your government, they will gladly take it. Property rights are at the foundation of our democracy.

Mr. Weiner: Thank you for your comments. Any questions, please.

Ms. Oliver: Paige, I have got a question to you about. I wrote it down in all this scribble, 44% of the homes in the North End are not owner occupied, where is that number from.

Ms. Mijares: Access to the tax records.

Ms. Oliver: Okay. And are they rentals or are they just second homes.

Ms. Mijares: About 20% of those are short-term rentals,

Ms. Oliver: Short-term rentals, old short-term rentals.

Ms. Mijares: Actually, I do not know, I would say that probably maybe half of those are grandfathered but I do not know, most of mine are grandfathered but I have access to see a lot of what this city can see as far as that goes.

Ms. Oliver: So there is a difference between what the city can see and then what you are able to say is that correct.

Ms. Mijares: I have a program that where I can see where the Airbnb is and Vrbos are operating, which is important to me and my business. I am sure we have the same information actually, I do not think we have different ways.

Ms. Oliver: Can you say just for your company how many short-term rentals that you operate, let us just take this because Virginia Beach is huge and so is Sandbridge so let us just take the North End Overlay for instance.

Ms. Mijares: We probably operate 50 grandfathered properties and obviously we do not manage them unless, if they have to get CUP we do not take them in our portfolio until that process is complete. So, we have a handful of CUPs but most of ours are grandfathered.

Ms. Oliver: Grandfathered they have been there for a long time.

Ms. Mijares: 50 out of 60, out of our whole portfolio.

Ms. Oliver: Okay.

Ms. Mijares: But, we only operate along the coast.

Ms. Oliver: Right, but I am just specifically sort of laser beamed right into the North End. Does that include, I just want to make sure we are cleared on the North End and not including The Hollies or Cavalier Shore.

Ms. Mijares: That is correct. Yeah.

Ms. Oliver: Okay. Great, thanks

Ms. Mijares: Yeah, you are welcome. Anything else?

Mr. Weiner: Do we have any questions. Thank you.

Ms. Mijares: Thank you.

Mr. Weiner: Next speaker.

Mr. Dao: Next speaker is Brandon Beavers, followed by Seth Lindale, followed by Lynn Simon.

Mr. Weiner: Welcome, sir. Please state your name for the record.

Mr. Beavers: Good afternoon everyone. I have been running an Airbnb. Brandon Beavers here. I have been doing a Vrbo since 2015, in 16th Street. We are very engaged with our with our tenants, our short-term rental occupants, everybody I have to talk to before they rent my home. I am on the phone with them. I am interacting, I am finding out who are you, are you coming to my house or is this a 17-year-old kid wanting to have a you know a high school party when school's out. So we have vetted everybody who comes through our place we have never had any complaints. My house was a foreclosed home when I bought it in early 15, and I can guarantee you if you drive by it looks nothing like it did when I bought it. I would say the horror stories that you hear about short-term rentals would be the exception not the rule. I would say out of the 150 almost members of the Short-Term Alliance the shirts that we are wearing, we are all like me. We are engaged on our rentals. I am right down the street if there is a problem I am going to be there. I have got a doorbell camera I can see what's going on, decibel readers in the home. You know I think adding more regulation on to what we already have on the books is the wrong way to go. I feel like we are kind of changing the rules of the game midway through the game. I mean how does that work right? I mean take away these CUPs for folks that have gone through the process, I do not think that is fair. I am grandfathered in, I do not have a dog in this fight other than to say I have been doing it a long time and I know the folks that are operating now and have gone through these CUP rules, they should not be negatively affected in my opinion. Some of the notes I wrote down, enforce the rules that are on the books I mean, most recently our buddy you know that was on the news last night. If there was a raging party going on whether it was owner occupied or short-term rental why where not there the Police there to shut this thing down. I think we should enforce the rules, whether it is a short-term rental or my home that I live in full time. If I am being loud and got cars parked all over the driveway, then then enforce the rules that are on the books. I think short-term rentals are someone said earlier, laser focused right we are honing in on the short-term rentals. But what I am doing is not a detriment to the neighborhood I would think that I brought up my, my home from what it was in 2015. I think, short-term rentals should be by right. I am pretty sure the Constitution says that my home is my castle and I can do with it as such, you know, and I would like the Commission to consider that. You know I am all for certain regulations and making sure that folks are not abusing the system but I would like to think that most of short-term operators like myself are doing the right thing and making sure that we are good stewards to the neighborhood, and to the City of Virginia Beach. Come, people come to our town because of that oceanfront and I want to share my home that I have lived my entire life with folks that do not get to see it every day, the way that I do. Thank you for your time.

Mr. Weiner: Thank you sir. Any questions. Thank you, next speaker.

Mr. Dao: Next speaker is Seth Bloomingdale, followed by Lynn Simons, followed by Kristina Chastain. Seth is not here in person, so, we will move on to Lynn Simons, followed by Kristina Chastain, and followed by Todd Solomon.

Mr. Weiner: Welcome, ma'am. Please say your name for the record.

Ms. Simons: Good day I am Lynn Simons. Hello, everybody. Thank you for your time. I am Lynn Simons I reside here in Virginia Beach, I am an owner on Baltic Avenue of one of the newer units, so I am actually an owner and I reside in the home. One of the things that just disturbs me about this whole thing is that there is so much blame being placed on the short-term rentals for the high crime disruptions etc. It is just unfair and unjust. The number of calls that the number of calls against have come out to the City for any disturbances and things, are really not excessive and have not put any type of strain on our city resources. The numbers are probably really minimal so we need to take a look at that, but instead the short-term rentals are really bringing in opportunities for small businesses, for women and minority owned businesses, people who have cleaning companies or landscapers the handyman, all of those things are all those companies are being utilized, also for large businesses even. So when you start looking at the contracts that the Airbnbs do use to help such as for companies like to maids and a mop is one that I have used before for quarterly or yearly linens and cleaning services. So we are putting in as well even appliance companies, furniture stores all those types of things are now seeing benefits from having Airbnbs. Another thing is that in terms of positive, is that we do have additional revenue and income coming into the city, once again for the small and large businesses. I am in the Vibe District, so many of the small businesses there are thriving because we have a lot of Airbnb owners, I mean, Airbnb renters coming in and are going to the restaurants, the shops, to the museums all those types of things. Tourism has been hurt drastically by this whole pandemic but the Airbnbs are also helping. Another one of the main things as well is that I have a lot of families that come in, families that are looking for the opportunity to be able to have the full kitchens for a home, just to have actual home like setting versus just being crammed up into a small hotel, so it is very important that we find ways to be able to accommodate all types of visitors to Virginia Beach. So that's one of the main things that I think is important here, so we need to allow people to live and fully experience Virginia Beach in any way that they, you know, want to. We need to provide them with different types of options available. We need to find a way to not punish those who are doing and conducting business properly, and those who are abiding by the rules that had been set forth in that place. A lot of us have done exactly what we need to do, followed all the rules, but here we are getting over and over it looks like things are just going to be taken away, and we need to look at small businesses and small owners who are just trying to do their best to make it.

Mr. Weiner: Thank you for your comments. Any questions. All right, thank you.

Ms. Simons: Thank you.

Mr. Weiner: Next speaker.

Mr. Dao: Next speaker is Kristina Chastain, followed by Todd Solomon, followed by Nancy Parker. (2:22:49)

Mr. Weiner: Welcome. Please say your name for the record.

Ms. Chastain: Good afternoon commissioners Kristina Chastain. I am coming to you today as the spokesperson of the Virginia Beach Short-Term Rental Alliance I should be allowed at the 10 minutes as we discussed, I promise I will not take all that.

Mr. Weiner: You would not have 10 minutes because we have had other people from Short-Term Rental Alliance have been here also.

Mr. Chastain: No, I am the speaker for the Short-Term Rental Alliance, I am the official speaker for that group I have already cleared it up with them out here and with the young lady yesterday that I emailed with.

Mr. Weiner: Yes. Okay, that is fine.

Ms. Chastain: Thank you. As I mentioned, I am the spokesperson for the Virginia Beach Short-Term Rental Alliance. My name is Kristina Chastain. I am also a lifelong Virginia Beach resident and North End dweller, a Virginia Beach small business owner and a short-term rental operator whose property is on 17th Street. The Virginia Beach Short-Term Rental Alliance which I shall refer to as the STRA is comprised of multiple short-term rental operators dispersed all throughout our city. These operators host wonderful families to Virginia Beach for athletic competitions at the Convention Center, in the Sports Center. These operators host tourists and travelers that come to our fine city for the beach, the ARE, the aquarium and everything in between. These operators host business people and military families and out of towners celebrating special times, that will always endear them to the City of Virginia Beach. These operators collect a great deal of lodging and transient occupancy taxes for the City of Virginia Beach, as I am sure you know. These operators are able to host an alternative to the traditional hotel experience, which has proven to be a considerable market, while hotels still thrive in the meanwhile. We recognize the enormity of this issue and we appreciate the time it has taken to consider what is best for both property rights and neighbors. We the residents and property owners of the City of Virginia Beach are petitioning for a fair forward thinking short-term rental ordinance based on data and not anecdotes. The details of the current proposal under the city's consideration we feel does not do not meet the standards of quality. As property owners, we should have the right to rent our property for any length of stay. It is unfair to grant certain areas of the city, the privilege of by right short-term rental while effectively banning it elsewhere. Here are some facts to consider. According to City Staff of Virginia Beach 88,270 calls were made to 311 in 2020, only .01 percent of these calls, just 14, are related to STR nuisances. Similarly only 7% of zoning complaints in 2020 were related to STRs. While STRs are not the problem they are made out to be, the city has nuisance mitigation mechanisms in place for all properties. Whole home STRs

makeup . 5% of all housing in Virginia Beach. The tourism investment program fund is expected to take a \$10.5 million reduction to its annual budget in the wake of COVID-19. 56% of travelers approximately in 2021, will want a beach vacation they have stated this, and with the city's recent requests for more tourism funds from the state now is not the time just limit safe lodging options for travelers. Still, of course, we believe in well thought out solutions that empower the respectful law abiding operators and weed out those who do not. Responsible hosts exhibit the best of Virginia Beach hospitality to visiting families and our neighbors. If we rent to problematic guests, it is our properties and livelihoods that are on the line. We work hard to be a part of the solution, not the problem. And we should not be punished for a few bad apples or subject to the whims of those who seek to dictate the use of other people's properties. We propose to the City of Virginia Beach short-term rentals within any overlays should be allowed by right. Recent city discussions have suggested the idea of using the overlays to define where CUP applications will be accepted. It will be accepted instead of by right use. We do not support this as it goes against our shared goal of reducing the cumbersome CUP process for all involved. Those outside of any STR overlays within an existing CUP have earned the right to keep it. The city should honor this commitment and allow those CUPs to review. We, the law abiding citizens, taxpayers, business owners, property owners and residents of Virginia Beach ardently oppose the proposed sunset of the permits, we have earned if our property falls outside of an arbitrary boundary that has not existed until now. We ask you to consider a manageable system to allow future responsible hosts outside of overlays to short-term rent. Virginia Beach needs tourism and tourism needs STRs, now and in the future. In addition to contributing to lodging taxes, STRs bring revenue for our entire economy, from property care specialists we hire to the local businesses we recommend to our guests. This revenue and the jobs that rely on it stay in Virginia Beach. Should new permits not be allowed the attrition of short-term rentals will hurt the entire local tourism economy. We ask the city to work together with the short-term rental community to leverage proven solutions that are already employed within Virginia Beach and other beach destinations. The short-term rental community can and does implement technological solutions, standards and best practices faster and more effectively than any municipal government ever could. The city can use this to its own advantage by employing the professional solutions already in place in Virginia Beach and other destinations to fast track the implementation of high standards, successful compliance and effective enforcement. This can only be achieved through open conversation and collaboration with the exemplary short-term rental operators in our very community. We ask our elected officials to take this valued and appointed officials to take this valuable opportunity to create a reasonable open minded and forward thinking approach to an ordinance that works for all today and tomorrow. The Leadership Committee of the VBSTRA has also spent many hours these last few months crafting fair and effective short-term rental policies. We believe these policies are achieved through compromise and collaboration, not with bans or

onerous restrictions. We believe this policy framework that I will be laying out can serve as a foundation for a comprehensive and enforceable solution, thereby alleviating the resource consuming CUP process. I know you all were here for that meeting in July when I think it went till maybe 1:30 in the morning. The VBSTRA remains committed to an open dialogue with the City of Virginia Beach and community members in the weeks and months ahead. The following is our proposal. Item one for the oceanfront resort overlay in the RT zone as STR be allowed by right with no density CAPs, those are the only overlays. Item two remove North End and East Shore Drive overlays. Item three for all areas outside of the oceanfront resort overlay in RT zone, excluding Sandbridge, of course, a density CAP of 1%. 1% of total housing units, excluding grandfathered STRs and Sandbridge. Currently this equates to about 1800 STRs total throughout the city. Eliminate resource consuming CUP process. Implement a simple registration process with the Planning Department with a safety inspection. A three strike rule should be implemented with three verified complaints, the Planning Department could recommend the removal of an STRs registration and ability to operate. For all STR registration holders, Sandbridge exempt, of course, is item four, no annual zoning permit requirement. Zoning enforcement to be self-funded via STR tax revenue. Fifty-two contracts per year, allowing two contracts per week for flexibility across peak, shoulder and off season. One parking space for the first two bedrooms, one space for each bedroom thereafter. Occupancy limit of two people per bedroom excluding children under 16. Safety inspection, a \$75 fee inspection required for new registration, and that renew every three to five years. A responsible party able to respond to a call within 30 minutes and be on site within two hours of notifications, and of course fines for noncompliance. Item five community engagement and continued review of an STR program. We suggest advisory board that would meet every other month to provide guidance and recommendations on administration, enforcement and other policies pertaining to STR permitting. Members should consist of STR hosts, non-hosts, industry stakeholders and Virginia Beach elected officials. If I may just shed a little light on this past weekend, we all absolutely agree that what happened was unacceptable absolutely unacceptable. Responsible and compliant operators like those in the VBSTRA do not stand for this behavior. As we propose we'd like to see the City find a way to get all STRs registered properly, so that they have enforcement mechanisms in place, so the bad actors can be weeded out immediately. The VBSTRA is dedicated to compliant, responsible hosting and STR operation. I thank you all Planning Commission so much for your consideration and collaboration.

Mr. Weiner: Thank you for your comments. Any questions. Thank you. Next speaker.

Mr. Dao: Next speaker is Todd Solomon, followed by Nancy Parker, followed by Holly Elliot.

Mr. Weiner: Welcome, sir. [2:32:47]

Mr. Solomon: Good afternoon, Chairman Weiner and Commission Members, my name is Todd Solomon. I live in Cape Story by the Sea, one of the proposed ordinance districts, and I am also the current President of the Shore Drive Community Coalition. The STCC, along with the city sponsored Bayfront Advisory Commission and the Cape Story by the Sea Civic Association have all voted to oppose the overlay the East Shore Drive overlay, which is basically Cape Story Overlay District. We ask that you reconsider what your shrunken version of, but you still have as a district, we ask that you reconsider that and have that request be removed. This district was created by Councilman Wood as part of the proposal, ordinance change to you. He has since decided that he will go on record he is going to recommend the removal of this district when it comes back to him. So, we would suggest that you do the same likewise, take the initiative to have that removed. We feel like we are being for some reason, you know identified as, there is only three in the whole city and we are being targeted out in this neighborhood. And we do not understand why. The Comprehensive Plan and the Shore Drive Corridor Plan both recommended mentioned that this area should be first and foremost a resort community, and not a resort destination. So it shouldn't be continued in perpetuity after all this is done as a district where we want to keep having short-term rentals turn over and turn over and add more and maintain that. So I mean, if that's the purpose, you need to explain to us why Cape Story is so much different than the rest of the City, especially the rest of Shore Drive. What's listed in the ordinance change as a reason to have Cape Story is that we have multifamily dwellings. Well, you obviously know there is more multifamily dwellings in the rest of the city, not just Cape Story. And I would go further to say that having a duplex as a short-term rental is probably one of the worst things to have especially if you're the one who's living in it. Next door and somebody changing that over twice a week, that would be crazy. Close to the Chesapeake Bay, well I cannot argue that. Cape Story is close to the Chesapeake Bay, but so is Ocean Park, so this Chicks Beach. Croatan is close to the Atlantic Ocean and it is not in an overlay, so that does not make any sense either. And then as far as rentals being established in our area. I have yet to see data that shows that according to Director Tajan, we have the potential to have 32 units registered already that are grandfathered. Your recommendation here is to have 200 homes at 10% so that's 20. So you're already above that. So, just removing us as a district. We'll cap it at the potential grandfathered 32 forever so I mean, it makes the most sense to remove us. We are first and foremost a community. We have had the longest Fourth of July parade, it is older than the city is. We have fireworks. We used to have fireworks, sorry we got regulated. Fourth of July parade, we have got, you know it is first and foremost and having turn over after turnover just seems it does not fit well into our community. And we have also emailed you not only the Oceanfront, the North End with their issues with the shooting but Chicks Beach short-term rental had a shooting, which is being investigated by the detective.

Mr. Weiner: Thank you for your comments sir. Any questions to Mr. Solomon. Thank you.

Mr. Dao: Next speaker is Nancy Parker, followed by Holly Elliot, followed by Ben Aber.

Mr. Weiner: Welcome Mrs. Parker. [2:36:34]

Ms. Parker: Thank you. Long day for you all again thank you for being here. Chairman Weiner and Members of the Planning Commission, my name is Nancy Parker, a 55 plus year resident. I live in the 500 block of 23rd Street and I am opposed to short-term rentals as they are game changers for residential communities and require to contend with the multiple impacts of these business entities. I recognize there is some that are already here. Number one, there is been a plethora of STR approvals throughout the city, and we have not experienced a full season with all the festivals to fully appreciate the impacts on the residential neighborhoods. Most of these festivals are less than a week. The rental of an STR for less than a week has already exposed neighbors to behavior that is totally unacceptable resulting from house parties. Honestly, while owners sleep with visions of dollar signs dancing in their dreams, the neighbors are dealing with the nightmares. Number two, the issue of parking is not resolved with the requirement of one parking space per bedroom. This is only effective at night, if there are parking restrictions on the street. Overflow parking from daytime activities and guests impact the residential streets. Including the RT1, RT3, and RT4 and the STR process may seem innocuous until examined on a granular level. Several of RT3 sites contain multiple acres with one being on the edge of the Shadowlawn community. Several other RT3 sites are adjacent to residents who might have something to say if one of the orange Conditional Use Permit signs for an STR were in the front yard. And additionally, the only RT4 is at 2216A and B on Baltic Avenue, which was denied by the Planning and City Council, less than a year ago. This is a strange and perplexing addition to the process. The ability to change a neighborhood to an STR overlay district section 2301B should be adjusted to a higher percentage than the present 60%. If an investor, who usually lives outside of the neighborhood owns multiple units, they have a weighted advantage in the process. The city requirement for the creation of a special service district is 80% of affected property owners, and traffic calming programs requires 75% of the affected street neighbors. The bar to move the community to an STR overlay should be much higher. But the only person on your body that is experienced firsthand the issues of short-term rental is George Alcaraz. Listening to his experience expressed during your deliberations should give you pause. Remember, do overs are usually too late. Stable residential communities are the backbone of any successful city. Why do STRs get precedent over your long standing residents. The bottom line, do you want an STR next to you. Would you buy your forever home next door to an STR. I do not think so and neither would. Thank you all for your time.

Mr. Weiner: Thank you. Any questions. Thank you.

Mr. Dao: Next speakers Holly Elliot, followed by Ben Abar, followed by Steven Bishard.

Ms. Elliot: Good afternoon, thank you so much for your time. My name is Holly Malilis Elliot and I am a lifelong resident of the City of Virginia Beach oceanfront. When I was born we lived on 26th Street and when I was six months old, my parents moved to Shadowlawn where I grew up, and they lived there until 2006. My father also owned and operated Around the World Mini Golf, which was located on the corner of 16th Street at Pacific Avenue so I guess you could say, I grew up there as well. I absolutely love our City. The only time I have ever lived away from the oceanfront was when I went to college. I currently live in the 800 block of 12th Street where I assist in hosting a short-term rental across the street. Our street is a mixture of owner occupants and long-term renters. My experience has not at all been the experience that some of the other people have talked about in the North End and wherever, and I am really here just to share that with you. We are renting to families, people seeing the ocean for the first time in their life. People coming to visit family, military who are stationed in Norfolk and taking leave, moms with their daughters here for a cheer competition, three girls who are nurses who were here taking some training classes at EVMS, and most recently, a travelling ER nurse who was here for almost a month working in the area, and a lawyer from New Orleans, working from home and just needed a change of scenery. Who would not want to host these folks. Some of our guests have thanked us for the alternative option because they are not able to afford a hotel at the beach. A lot of them need a full kitchen because while maybe they can afford a hotel, they cannot afford to eat every single meal out at a restaurant. Some of them just want the luxury of being close to the oceanfront, but still have that neighborhood environment. I have now managed both short-term rentals and long term rentals. And I can tell you that the difference is significant. I am so sorry about what happened in the North End and it is awful, and it is unacceptable. But I believe that part of the blame for that falls on management and the owners. You do not have to accept every booking request. Ask questions if something strikes you, ask more questions and that may lead you to realize that you don't need to rent to these people and reject it. I believe we need regulations; we need enforcement. But I also think we need a chance to make this work. I think it is beneficial to all of us. And I think that short-term rentals should be permitted and if they cannot operate properly and effectively and follow the rules, revoke that permit so that the ones of us that do manage them properly, effectively and follow the rules can continue to operate. Thank you so much for your time.

Mr. Weiner: Thank you. Any questions. Thank you.

Mr. Dao: Next speaker is Ben Abar, followed by Steven Bishard, followed by Leslie Richards.

Mr. Weiner: Welcome.

Mr. Abar: My name is Ben Abar. Disabled veteran, spent 24 years serving our country. And one of the things I wanted to do when I came home was live in the Chesapeake

Beach Area. As housing prices have risen that became an option that was not affordable to me until I found an old dilapidated duplex. I was able to purchase it for pennies on the dollar because it was an eyesore to the neighborhood. I then spent \$300,000 renovating it to where now it is one of the nicest houses on the street. From everything I have heard from everyone today one of the biggest issues is, it is not so much to have STRs or not have STRs, it does not seem like there is a blanket statement that one size fits all. Everyone here is either in support of STR or more regulations on STR, but what I am hearing is an overlay all it is going to do is take away the individual rights of all these people either inside the overlay or outside of the overlay. So I think the problem is it is the one size fits all, mentality that we are trying to apply to the City of Virginia Beach, instead of looking at each individual property, and each individual situation. And in light of that, a lot of this has been talked about so I am going to fly through it. It is known that there is positive economic impacts on consumers and the tourism industry which Virginia Beach comprises itself of. There's positive impacts on neighborhoods and local businesses, and the local economy. Chesapeake Beach or Chicks Beach as you guys know, we have HK, Zia Marias, Buoy 44, Commonwealth Brewery, all businesses that thrive on the local economy they are inside that neighborhood. Allowing STRs in that neighborhood, STRs, yes stay 2.1 times longer and spend 1.8 more times money in the local economy, which helps support those businesses inside those smaller neighborhoods. Some of the impacts that have not been talked about yet that I was actually kind of surprised of is the environmental impacts. Studies have shown that energy efficient STRs and North American guests use up to 63% less energy when staying at a STR. That's our water levels and that's our energy consumption. That is something as a nation we should be concerned about and strive to do better with. The other one is the effect on the coronavirus and the community, which is obviously impacted all of us over the past year. STRs have been a mainstay for stranded travelers that either are dealing with flight cancellations, border closings, or have had their chances of cutting off return and can afford to stay in hotel long term. It is also been used as shelters for emergency personnel, and those that are vulnerable to the sick. A lot of police officers and first responders have stayed in STRs to avoid exposing their family members, their children and their loved ones, to the potential risk of coronavirus. The other issue that I have heard risen is crime and noise. We have within the City of Virginia Beach and as a nation the ways to deal with those things. I would simply suggest that we utilize the things we already have in place. Thank you very much for your time.

Mr. Weiner: Thank you for comments sir. [2:46:35]

Mr. Dao: Mr. Chair. That was the last in person speaker, we will now move to virtual speakers. The first virtual speaker is Steven Bishard, followed by Leslie Richards, followed by Seth Bloomdale. Mr. Bishard, if you can please hold for three seconds before making your comments. Thank you.

Mr. Bishard: Thank you for letting us speak today. I just want to echo primarily what the supporters of the STRs are sharing today. We are a family that's from Virginia Beach. We have several year round rentals and recently, have brought into business some short-term rentals. One point, we have more issues with our long term, yearly rentals than of short-term rental properties that we have. I just want to mention too that the key to this that we have found is really to have an active, even a proactive, swift, capable and professional management company. For example, our manager and management company lives in the Old Beach area, kind of central to where most of our short term rental holdings are, is usually able to be at site within 10 minutes when there's an issue. So that is proven very, very effective for us. Also, it does turn out that if there are any changes to the ordinance that anyone that is grandfathered in any way will be protected in all respects. As the current ordinance stand today, I think that would be a wise and fair way to handle things. There certainly is a place in Virginia Beach, and even internationally we are seeing, for Airbnb. It seems to be the preferred way for people to stay in places, are another different kind of uses. And so I think we need to preserve that in some respect. I appreciated Ms. Chastain's way of looking at it. I know there are various people with various views, ideas and opinions that there has to be a way to preserve the free market or somewhat of a free market approach. Some of these families that we heard from, it sounds like it is their sole income. Their livelihood is based on their ability to maintain a short-term rental business. Lastly, it seems like that problems associated with short-term rentals are fairly minimal and when it is looked at in the large lens. All of our rentals, for example, we have some things and some situations, maybe we have some tenants have parties, but I can say so far, at least with our short-term rentals, have had no problems, no situations and no issues come up and so appreciate you hearing it. Thank you for the opportunity.

Mr. Dao: The next speaker is Leslie Richards, followed by Seth Bloomdale, followed by Andrea D'Angelo. Ms. Richard, if you can please hold for three seconds before beginning your comments.

Ms. Richards: Hi, thank you for letting me speak today. My name is Leslie Richards, and I live in the North End. Both my husband and I are opposed to allowing short-term rentals without a CUP process and meaningful enforcement and penalties. STRs endanger our safety and enjoyment of our home and life for our family and pets. We are year around residents and love our community and the North End family. The behavior of those renting STRs has progressively gotten worse each year. The new renters are less respectful and per their own comments they are entitled because they paid for it. They aren't concerned about having to face their neighbors for their actions because they are gone in a couple of days. I was not aware of the 311 hotline, so now that I am aware I will make sure to make my complaints known, but that may be why you do not have a lot of records for people who have issues because they do not know about that outlet. My experience with short-term renters includes them peeing off balconies, bottles thrown on our decks,

trash in the streets, them wanting to fight, and excessive nonstop noise and partying at each turnover. They are confrontational and aggressive. I can't enjoy my home because of the fear and anxiety of the next one. Will the next one be worse than the last one. This year has already started with a bang as we all I am sure aware of the two flash parties that just occurred down the street from me. There were gunshots, drag racing, trash, including shell casings, and excessive noise and screaming. I am afraid to walk my dog at night or sit on my porch for fear of being hit by a stray bullet. Is this the Virginia Beach we want. There are more than enough hotels in the area, who have the proper infrastructure and security to ensure no one gets out of hand. Renters choose STRs because the cost per person is so low and they can get away with a lot more than if they were in a hotel. Neighbors are left to fend for themselves with little assistance from the police, at least that is my experience. In regards to the North End Overlay and STRs I am against the overlay for the North End. If STRs are to be allowed they should require approval via CUP. Limit the frequency to one rental per week. In regard to the North End density calculation that should be based on current legal STRs and capped at no more than 5%. No new CUPs should be approved until a density is below 5%, the proposed 15% is excessive especially since there are no shortage of hotel options. Additional Zoning Inspectors and Enforcement Teams should be in place prior to granting more CUPs to handle complaints rather than the homeowner having to contact the responsible party due to fear of retaliation. Safety of our Virginia Beach residents should be our top concern. Why should enjoyment of my home be reduced due to a for-profit business in a neighborhood. By allowing STRs that endanger our community, family friendly environment, and disrupting our neighborhood and happiness. As I said STRs be limited with strict enforcement, penalties for violations, and CUP requirements for our own safety. Thank you very much.

Mr. Weiner: Thank you. Next speaker.

Mr. Dao: Next speaker is Seth Bloomdale, followed by Andrea D'Angelo, followed by John Mannarino. Mr. Bloomdale, if you please pause for three seconds before starting your comments. We move on to the next speaker Andrea D'Angelo, followed by John Mannarino, followed by William Duke. Mrs. D'Angelo please start your comments.

Ms. D'Angelo: This is Andrea D'Angelo. Thank you for your time today and the ability to speak. I am a new homeowner in Croatan and I knew that the STRs were available here because I myself had rented with my family for several years before actually coming to purchase a home. It seems to me that I was not aware of the conflict by any means going on between renters and owners. It seems to me that the voices of few of those should not be able to regulate the rights of everyone else. There is a public beach and a parking lot in our neighborhood that some feel that renters are much less desirable. These families spend money here in our restaurants, the aquariums, and attractions, and they add to the neighborhood with their excitement

and pleasure of beach life for a short time, especially after a year of being locked up for COVID, which seems more important than ever. I think for some people this income allows the opportunity to make improvements on their properties, which adds to the values of the neighborhood in general. And the opportunity to share this place with families who cannot afford to buy here is very rewarding. I know my family enjoyed this privilege for years making wonderful memories. I would ask that we allow STRs to continue to exist while maintaining rules to keep these visits safe and positive for everyone. There are regulations in place, and we should do our best to ensure a good experience for everyone, but we need to be good neighbors not combatants. The beach is for everyone, let us find an equitable resolution. Thank you.

Mr. Weiner: Thank you for your comments.

Mr. Dao: Next speaker is John Mannarino, followed by William Duke, followed by Robert Goodman. Mr. Mannarino, if you can please pause for three second before starting your comments.

Mr. Mannarino: Hi this is John Mannarino, can you hear me. Thank you.

Mr. Dao: You can start your comments, sir.

Mr. Mannarino: Hi. I only have a couple of questions because Croatan is not in an overlay district and we hope that Croatan would not be in an overlay district. The concern I have is the sunset of CUPs that already exists and the definition of grandfathering. To me it is a bit hazy and I am not sure whether or not we fully understand and appreciate that some of the properties in Croatan, which may be grandfathered have thus far been long-term rentals and not short-term rentals, or short-term rentals which are in possession of CUPs. I understand that those will sunset, so that we can retain the character of the neighborhood, without having to go through the struggles that we are seeing in the North End. And as to the previous comments about the accessibility of the beach and what it means to residents that are here, it does not seem that the individuals are looking at the fact that homeowners have a sizable investment in their properties as well. And just because an individual is looking to make a short-term investment in a short-term rental, does not mean it is going to be beneficial to me as a long-term renter. So, once again, please, if we can just have some more qualification on what it means to sunset a CUP after five years and what it means to be grandfathered it would clarify those of us living outside of an overlay district what that means for the future of our neighborhoods. I also would like to suggest that that 60% petition rate to establish an overlay district be raised again to something like 75% or 80%, which one of your previous speakers said about the SSD and about the traffic changes, that is the extent of my comments. Thank you.

Mr. Dao: The next speaker is William Duke, followed by Robert Goodman, followed by Andrea Chambers. Mr. Duke. You can please start your comments.

Mr. Duke: I am William Duke, and I am the Vice Chairman of the Tidewater Libertarian Party. I am not speaking on behalf of the TLP, but you should know that I am a libertarian and I am also speaking only for myself, and I also run an Airbnb with my wife in our large home, we rent out rooms and we stay there. Regarding short term rental overlays, I am completely in favor of the Virginia Beach Short-Term Rental Associations recommendations. And, I believe it is great to have meaningful and useful regulations of these short-term rentals, but I am appalled that you would create these zones where you would – I don't think it is very well thought out. You are clearly going to be changing the nature of the neighborhoods because there will be so many people who will want to start STRs in the near future, they are going to have to be in that property, that area, and you are going to change the nature of that overlay, and you are also restricting the rights, property rights of people throughout the city who don't live there. It's not very libertarian by any means to extend certain rights to one area but not to another. And you will see a change in both inside and outside of these overlay districts, as people who expect to have the right to run short-term rentals realize that they have to move to do so, buy property elsewhere to do so. It is going to be a disaster. Thank you.

Mr. Dao: Next speaker is Robert Goodman, followed by Andrea Chambers, followed by Margaret Rontini. Mr. Goodman if you can please start your comments.

Mr. Goodman: I am Robert Goodman, a lifelong resident of the North End of Virginia Beach. I would strongly urge you not to have an automatic short-term rental permitted in the North End of Virginia Beach, it would only be by permit. And the permits should be subject to some strict rules and requirements. You do not have a right to enforce it if it is not a practical matter. First thing is that it ought to be revocable, if there are problems. Secondly, they should be sunset after a period of time so that they can be reviewed from time-to-time, so that no one person gets a lock for life on a rental. There should also be a limit on density, I would recommend 5% of the total dwelling structures within a street, 1% within a city could leave whole areas flooded. With respect to a street in the North End, I think you should include the Ocean Avenue, or numbers that have the same street number, and the feeder road that has the same street numbers. Once you get to the density and it should be by side, one on each side of Atlantic Avenue if you are going to get there. The process should be taken into heavy account any objection by the neighbors, for example, Mr. Davenport's application is strongly opposed by his neighbors he can rent by the week now. The issue is short-term rental, that should be limited to one rental per week, under any of these applications at the North End. There should also be a look that is not going to adversely affect the live oaks and things like that when they clean up, they destroy the neighborhoods, for the sake of a little bit more money. There should be inspection by the fire inspectors because we are suddenly looking at a greater density. And these are short-term rentals, these are not normal rentals. The inspectors should be paid out of a special fund that should be assessed against as a special tax on this, and the inspector should be permitted in the permit to go into the house to see be sure that there are not more bedrooms,

than are authorized, so there needs to be an authorization to go in without a search warrant. I would strongly say that behavior consequences such as very recently that would involve multiple, multiple violations. You do not need three strikes over three different days. That three strike point would have been more than covered by what happened at 56th Street, for example, and that permit should be revoked effective immediately. If you're going to do that you give a chance of preserving the residential character at the North End, which despite what people say is there. And when we talk about the finances and property values going up, yes, but the residential value goes down. You want to live next to a 56th Street rental, only if you are going to buy the next one and do the same thing if that's doing right now. Otherwise you are going to move. That is not what your responsibility is to us as long term citizen. Thank you very much.

Mr. Dao: Next speaker is Andrea Chambers, followed by Margaret Zontini, followed by Andrew Cohen. Ms. Chambers, if you can please start your comments.

Ms. Chambers: Good afternoon, my name is Andrea Chambers. I just recently bought a home in the North End, last year coincidentally on 56th Street. My understanding is that the City Council has found that some areas of the city for short-term rentals are not compatible with residential use and the surrounding communities, due to the concerns of excessive noise, illegal or improper parking, congestion, litter, and interference with the quiet enjoyment of the residential neighborhood where they live. We experienced all these issues with a short-term rental in our neighborhood this weekend. As you know, there was a massive party at a short-term rental at Holly and 56th Street that started on Friday night and continued all the way through Sunday. My neighbor called the police at midnight on Friday due to excessive noise, the police responded, but were not able to shut down the party, because they did not have the right to do so. according to what they indicated. The party continued until 3am that night, at which time eight shots were fired and there apparently was a shooting victim. To surprise variable and the party continued on Saturday night, I was out of town and received multiple texts Saturday showing cars blocking my driveway, running over my lawn. And, I was informed that folks were shouting obscenities at my neighbors, and that the police returned but we are not able to shut down the party again. There was twerking on top of police cars and neighbors said the party did not end till 5am of the party goers were allowed, leaving the party as well. Due to concern with my safety of my property I drove 10 hours home to get home to see if the mayhem would continue on Sunday. I understand this was an illegal Airbnb, but I do not see how, adding an overlay to make it legal would help anything. Concerning the density I am very concerned with the density issues and I note that the Marriott owner was able to somehow carve out an exception to the overlay which seems unfair to the rest of us in the North End who don't want this for our neighborhoods. We were planning to make this as our retirement home, we spend money at restaurants like every, you know people are saying they want people to come here and spend money on restaurants and shops, we do that all the time since we are living here now. So, we would also

like to be able to bring our children here to visit and see the ocean and have a safe place for them to come. We strongly oppose the overlay. If there's going to be a continuation of short-term rentals we would support continued use of the conditional permit process. I was impressed listening this morning to those applications and how careful the council was or the Zoning Committee was in reviewing them. We would support a minimum requirement, in my view of one month, when I was purchasing my condo here I was told that most of the condos.

Mr. Weiner: Thank you for your comments.

Mr. Dao: The next speaker is Margaret Zontini, followed by Andrew Cohan, followed by Michael Kelly. Ms. Zontini, please start your comments.

Ms. Zontini: Most of the conversation that we have had today and you have heard many good suggestions, which I think is wonderful. Sadly I live on a street where there are six rentals whether they are STRs I have no idea but who goes through them of the Airbnbs, but I can tell you that over the last five years we have had incredible amount of parties, nonsense, and cars. And it is not just all families, you know, it is just an abundance of all kinds of things. And it goes on until the wee hours of the morning. I think that I am totally against overlays. I think there could be an equitable resolution to 90% of it. And, I do think we need desirable regulations but just to give a blanket automatic lot for life it is not cohesive to a neighborhood, and the North End is a neighborhood. My grandfather built the house that I live in in 1933, and it is remained in our family ever since. And it started out as a lovely little neighborhood I do not want that to change, and I greatly appreciate the fact that you all have let us give our opinions and our voices today. Thank you so much.

Mr. Dao: Next speaker is Andrew Cohan, followed by Michael Kelly, followed by Thomas Lopresti. Mr. Cohan, please start your comment.

Mr. Cohan: Thank you very much. Hello, my name is Andrew Cohan, I am a property owner and a full time year around resident of the North End where I have owned a home for 20 years. I speak in support of the North Virginia Beach Civic League position on short-term rentals, which seeks to preserve the residential character of the North End. While short-term rentals may be compatible with commercial zoning of the OR and RT districts, they are not compatible with the residential zoning of the North End. At the recent Planning Commission workshop on STRs I was deeply disturbed the commissioners were willing to recommend an STR density of 15% for the North End higher than the 10% recommended for the Shore Drive district, based on data that staff explained is unreliable, stating that they have no way to determine the current actual number of STRs in the North End. And, further staff stated that the data that they provided included a significant number of properties that were grandfathered as STRs, and also a significant number of unpermitted and illegal STRs, but that they had no way to separate those out in the data. Your staff told you that the Commissioner of Revenue has at least some of this data but will not share it with you. Before making an arbitrary

recommendation for 15% density of STRs in the North End, Planning Commission should ask Council to direct the Commissioner of Revenue to provide the data that you need to make a properly informed recommendation. Any recommendation by this Planning Commission on whether to create an STR overlay for the North End, and if so, what density to allow in that overlay, must be based on reliable data. Further, the baseline for any such recommendation must be based on the current number of legally permitted STRs and not on a number of density that includes grandfathered or illegal STRs. So, to conclude our request the Planning Commission adopt the position of North Virginia Beach Civic League as follows; the North End should not be in an STR overlay, however, if the North End is in an STR overlay STR applications must be reviewed and approved through the Conditional Use Permit process. You must limit STRs to density reflecting the current number of legal STRs in the North End or no more than 5% of residences. STR should be limited to a frequency of one rental per week. STR applications shall require a current physical survey and site plan showing the proposed parking plan, and additional zoning inspectors must be funded and fired as needed to enforce STR regulations. Thank you very much for this opportunity to share my remarks with you.

Mr. Dao: Next speaker is Michael Kelly, followed by Thomas Lopresti, followed by Martin Warrant. Mr. Kelly, please pause for three seconds before starting your comments.

Mr. Kelly: This is Michael Kelly, I am the president of the Croatan Civic League and I want to say first of all I appreciate the challenging issues and problems that you are dealing with. I think MIT calls it a wicked hard problem. Everybody is trying to do the best they can from their interests and concerns and thus the problem becomes even more complex, because we are also dealing with people's lives. Our Board reviewed the current change recommendations and support the current change recommendations. You have seen our comments before and letters and so I would not go in very much detail, I guess I would just highlight three things. The first is grandfathering. It is vague, and it is not clear. And it is not clear how a grandfathered property comes into compliance. Secondly, as has been pointed out, there is no central list that identifies what properties are registered as STRs likewise what properties are grandfathered. And therefore neighbors and communities probably do not have a very good way of being able to look for both the issues, as well as to be helpful in their recommendations. And finally, I think clearly there is not an adequate process for reporting. It does not work right now very well, the responses do not seem to work very well right now, and it is already been mentioned that there is an inadequate ability to enforce and obviously, whatever you do, you have got to be able to enforce the regulations. Again, you are doing the best you can. I think you're doing a pretty good job at trying to get through all of this, and I appreciate it. Thank you very much.

Mr. Dao: Next speaker is Thomas Lopresti, followed by Martin Warrant, followed by Gail Johnston. Mr. Lopresti, please start your comment.

Mr. Lopresti: My name is Tom Lopresti I am also part of the Virginia Beach Short-Term Rental Alliance, I am in pro in favor of short-term rentals. I think they should exist by right within the entire city, I do not believe in the overlay districts. I think you are taking people's fundamental right to do with what they want to their property. I feel that the Planning Commission is being bullied into an enforcement and regulatory role instead of Planning, and that is done by the City Council and a lot of these groups like the North End. I appreciate them. I appreciate the concerns. I do not want people trashing my property or misbehaving, I am a renter and an owner. But, the world is changing, people are changing, and the city changing and I get it, you guys do not want change or afraid of it. But that is not a reason to ban my right to use my property how I want. There is already enforcement on the books, we already know there is rules and regulations governing people's behavior, we just need to enforce those things. Get rid of CUP process. Get rid of all this nonsense that you're wasting your time on and let this thing take fold. The only reason you are doing it now is because it hasn't existed as long as long term rentals. Long term rentals are worse in every aspect than short-term rentals. I mean they just are, the data is there to prove that. I get these people do not want short-term rentals, then they are not going to want long term rentals, and then they are not going to want young people moving in their neighborhood, then they are not going to want people that do not speak with an American accent. Where does it stop. You are not going to always get the perfect little bubble and neighborhood. Things change and I am sorry but that's just life. So let it happen but do not rely on the government to, you know, remove your rights or anyone's rights, because you are uncomfortable with something. I really appreciate you guys taking the time. I think everyone is really passionate about this, but you know let's let this develop and unfold for a few years before we start just getting pushed into doing things that we do not know the consequences of like the whole parking thing. You got people tearing up these beautiful lawns to make room for parking so they could because they to comply and do what's right. 99% of the owners want to do what's right. We want to register, we want to pay our taxes, we want to do what's right by the government, by the city, by our neighbors. But you guys make it so hard. I cannot tell you how many people I know are running short-term rentals aren't registered because they know they would not get approved. They know the City's against them, they do not want to speak up, they do not do these things. They would love to but they know it is just not going to happen. So, that is my two cents, I appreciate you guys listening to me. And please, do what you can do to support the short-term rentals because we are here to help you guys succeed as a city, one Nation. Thank you.

Mr. Dao: Next speaker is Martin Warrant, followed by Gail Johnston, followed by Bob Hughes. Mr. Warrant, please start your comment.

Mr. Warrant: So, it is been a long day and I thank you very much for your attention, which I do not imagine has been easy at all. A lot has been said. I live at the North End for the last 30 to 60 years I have been in Virginia Beach, before that Norfolk. And I am a full time resident on 66th Street. I was little bit of confused by some of the commentary because I thought this overlay thing was what we had done. The North End was burdened by the City with grandfathered ability for people to build condominiums, single family, duplex apartments and so forth and so on. on small lots. And that was done all over the North End starting probably 20 years ago, and the overlay that we created was to allow people to have smaller dwellings, rather than the big box dwellings and that's how the overlay came about for us. Now, as regarding the short-term situation, there have always been rentals at the North End. Those residents that are here know about it and live with it and it hasn't been much of a problem. The problem is Airbnb, which has expanded into an industry, and an industry is a commercial activity, and there is no space in a residential area for commercial activities. Now, we are not going to eliminate short term rentals, but there absolutely must be a control over short-term rentals. To that end, I believe that the city has the capacity to find out what percentage of the housing at the North End is rented and let that be the base of the percentage accepted. There's no way to increase that activity. I don't want the increased rentals in my neighborhood. There should be no official sanction to increase the average rental percentage at all. Now, residents of the North End have not indicated any animosity towards rentals but they are absolutely opposed to increasing the volume of them. The city has an obligation to provide for health and safety, nothing in your plan at the point that I am aware for the North End addresses those obligations. They are nothing to those willing to alter living conditions, many for personal profit. The changes you present cater to them, ignoring the bedrock residents of the City of Virginia Beach. I strongly urge that there be no increased rentals at the North End. And I thank you very much and I recognize that you've got a tough job. Signing off.

Mr. Dao: Next speaker is Gail Johnston, followed by Bob Hughes, followed by Barbara Sherill. Ms. Johnston please start your comment.

Mr. Weaver: Hi, my name is Michael Weaver, I am Gail's son, she had to run to a doctor's appointment. I think she did not realize how long this would last. I am just going to very briefly go over what she wanted me to go over. Right now I am the third generation longtime resident here, My grandfather built the home that we currently rent out as an STR. We have been running out for nine years, in that time we have had one problem the entire time that we personally enforced. We have no complaints from our neighbors. Now, we are a little different because we are literally right next door so we can enforce immediately, which is part of the reason why it is easier for us to enforce, but there are a couple of things that we were sort of concerned with. One is that the overlays create sort of an unfair concentration. A lot of people have already said this, but it is worth reiterating, an unfair concentration in certain areas, it does not really resolve any of the concerns people

have for their safety or the safety of their neighborhood within those overlays. Unless there is a means of enforcing rules and stopping people from basically disturbing the peace. I mean that seems to be a very important thing that we absolutely need to address but I am not 100% sure how the proposed changes would in any way address that. The other thing is in addition to the obvious, the revenue that comes in, the beneficial safety of a home as opposed to a hotel in the time of COVID. I mean, we really do have some concerns with like the proposed limits on the number of people that can be at the home. A lot of the people that stay at our rental are here to see family. And so they come, they gather at the home. I mean that we may want to expand the number of people who are allowed to be in the home in addition to renters. It should be maybe more like 10 additional people. I am not sure that is something that should be discussed. And then, quite frankly, I think that if we want to protect people like from what I have been hearing about what happened here on the North End Sunday night, I means the cops were on our property at like three in the morning with rifles and dogs, and flashlights. Yeah, that is not okay but I do not see how that's going to be fixed with anything we are talking about because as far as I know the reason that we are here Sunday has nothing to do with STRs right, we had somebody complaining to us about it, it is a resident nearby who apparently has had some problems before. We are not going to be more or less safe because of STRs unless we have specific ways to enforce conduct for people who are visiting. That is pretty much all. I really appreciate you guys taking the time to listen to everything everyone has to say and looking forward to working with everyone to find a good solution and moving forward.

Mr. Dao: Next speaker is Bob Hughes followed by Barbara Sharell, followed by Kieran Archbell. Mr. Hughes, please start your comments. [3:24:29]

Mr. Hughes: Good afternoon. My name is Bob Hughes, my wife and I am the owner of a two bedroom condominium located at 2113 Atlantic Avenue in the Kamla condominiums, and it has been a short-term rental since we purchased it in 1999. I am also the President of our Condominium Owners Association and I am representing the owners of all 15 units, 11 of which are either are or will be short-term rentals. I want to thank the Planning Commission for taking another look at the short-term rental regulations. I know is a tough nut to crack. Countless rules and regulations which as the President I actively enforce already reflect many of the restrictions that you were considering, and they were developed over the decades to address the need to manage short-term rentals within our condominium complex. The creation of the oceanfront resort short-term rental overlay district will help us manage the Virginia Beach vacation experience, and it is something that we support. I cannot speak to the appropriateness of the other overlay district by personal basis, a one size fits all solution just does not seem to work. The oceanfront resort is a very different critter from other areas of Virginia Beach. However, after reviewing the proposed changes the existing regulations, I would like to address several areas of concern. Dropping the occupancy limit from

six people of any age to four adults and two children for a two bedroom 1200 square foot condominium is overly restrictive. Kamla has had a six person of any age restriction in place for decades and we have never had any issue with overcrowding. All of our units are two bedrooms and they can safely accommodate six adults. The requirement for a 30 minute on site response should be modified to phone contact within 30 minutes, and on site within one hour 30 minutes after phone contact. All but one of Kamla's 11 short-term rentals are professional managed by local firms. It is physically impossible to guarantee that somebody can get on site to the oceanfront within 30 minutes. Have you tried to drive to the oceanfront on a Saturday afternoon, it could take 30 minutes just to make it from where 264 ends to get to Atlantic Avenue. I live in Western Branch and on a good day, it takes me at least 45 minutes to make it to the oceanfront. Many short-term rental problems can be resolved over the phone, and do not require somebody on site to resolve. The next issues I want to address are ones that require clarification. The first is the occupancy limit for events. The proposed change reads no events permitted with guests above the number of allowed guests per night as calculated by two per bedroom. But for the purposes of this regulation what constitutes an event. If my short-term rental tenant invited five people over to my two bedroom condo one evening to watch the fireworks but not spend the night, is that an event, and would I be in violation because they invited five people over? This regulation needs clarification as to what constitutes an event. And finally, with respect to balcony occupancy determinations, you need to specify what building code construction or life safety standard you want to have apply to that the determination. For a building like Kamla, with four inch thick concrete balconies, the calculations are very different than that for wooden deck or balcony. Kamla's balconies were built with a design light load of 60 pounds per square foot. In the case of my unit, the balcony is 126 square feet or a live load of 7560 pounds, which is thirty seven 200 pound people.

Mr. Dao: Next speaker is Barbara Sharell, followed by Karen Archbell, followed by Louis Gaytan. Ms. Sharell, please start your comments.

Ms. Sharell: Thank you. We are second generation of Cape Story by the Sea. We definitely oppose any kind of overlay. Our neighborhood is sandwiched between the brand new Delta hotel with 295 rooms and First Landing State Park with 229 between cabins and recreational camping slots. I just wanted to help put a face maybe on what an STR on our street has done to us. I had one of my neighbors call me crying in tears because an STR renter, she works at night and they pulled up, they came through and were knocking on her back door, and when she said she was not an STR and did not know where it was, they got angry at her, they left the car, their cars in her driveway, she came out and demanded that they moved them. She had me on the phone because she was so afraid of this group of people. So, the police were called because the man was cursing and swearing at her and I heard all this over the phone. I came out of my house the police were called another neighbor came out. So, this is very upsetting with these STRs. That is

one example. Next example, the kids were scared to walk down the street because this STR home had different people that would come to it. Cars were parked in front, their windows were rolled up and the cars were full of smoke. The kids were afraid to walk past there so they would go around to a different way to get to their house. So now you have got working people scared, you have got kids that are frightened. We have a 90-year-old in our neighborhood who has lived here all her 90 years. She is very unsettled by the disturbing constant array of strangers, pacing back and forth around her property. We are now another house just to let you know she was scared because the STR tenants were making a bunch of noise. She did not want to call the police because of repercussions. She did not and another neighbor did but her house wound up getting egged. Also, there was a family that came in, they did not like they bought a bunch of fast food, they did not like it they threw over the food over the fence and the neighbor's dog ate it and got sick. So does anybody pay the bill for the vet, does anybody pay the bill for the house that gets egged, is anybody looking after the neighbor now that is so unsettled because they have STRs banging at their door trying to find out where it is on our street. I just think this is not a place, Cape Story by the Sea, is not a neighborhood for STRs. We are a solid family oriented neighborhood, and just this one STR on our street has been continuously disruptive in every kind of way, urinating in public, one group was asked not to do that. Overflowing trash.

Mr. Dao: The next speaker is Karen Archbell, followed by Louis Gaytan, followed by Enit Lulushi. Ms. Archbell, please start your comments. We'll move on to next speaker, Louis Gaytan, followed by Enit Lulushi, followed by Elaine Faketete. Mr. Gaytan, please start your comments. We will move on to the next speaker, Enit Lulushi, followed by Elaine Fekete. Ms. Lulushi, please start your comments.

Ms. Lulushi: Hello Planning Commission. This is Enit Lulushi, thank you for listening. My husband and I are Croatan homeowners and I speak today against the proposed ordinance changes. I want to commend the City Council for recognizing the system they put in place for STRs, which they just created only a short year ago is entirely broken, flawed, subjective, biased and nonfunctional. However, the current proposed changes in front of you are also wrong and we reject them. As they will exacerbate the problems, impact negatively a large swath of your homeownership base, even hurt your tourism revenue. We believe rental short-term is a homeowner's right as part of a homeownership right. We support the STRs with a minimum stay of seven nights in Croatan. We urge you to consider for Croatan, the same solutions as you do for the North End or at least establish an objective, unbiased and fair CUP application process in the future. Because Croatan is very much like the North End, both because of its location and the history of vacation homes in Virginia Beach. The narrative you have been accustomed to is that there is no overwhelming support in Croatan for STR. I hope today's hearing disproves that narrative. At least it is 50:50, up to now. The statement you might hear that full time residents have bought their homes to live in a "full time" residential neighborhood is misleading at the least, as there has

always been the ocean here and there have always been vacation homes in Croatan from its very beginning. For instance, we have been second homeowners in Croatan for 18 years now, it has always been that. The argument that Croatan is residential and therefore STRs should be banned is flawed. It is perfectly aligned with the American dream and with the residential use of a neighborhood, to have hardworking honest American families who come here for a beach vacation or to visit their military members for at least a week. And we care about the peace and quiet of our neighborhood, as much as anyone else. In addition, we care about our own property. We indeed are paying members of the Civic League. And by the way, the President of the Civic League does not speak for me. And even though the police have, we have Atkinson manage our home. The argument that the vacation families will come and cause destruction by parking on the street while they have four guest parking spaces in their fancy Croatan vacation homes and garages defies logic. In general, the narrative that everyone who comes to visit in Virginia Beach constitutes a threat to full time residents and is aspiring to break the law by illegally parking or overflowing trash or worse, is not helpful. So is the assumption that everyone who aspires to rent out their home on short-term is careless and has disregard for the peace and quiet of neighborhoods. Please let us not encourage the bashing of American families that are willing to bring their hard earned tourist money here and by doing so fully.

Mr. Dao: Next speakers is Elaine Fakete, followed by Whitney Harding, followed by Brandy Flotan. Ms. Fekete, please start your comments.

Ms. Fakete: Good afternoon everyone I know it is been a long day, I will keep this brief. I just wanted to say that I can thank everyone my name is Elaine Fakete. I can sympathize with the issues that people have. I have a friend who invites me over to a neighborhood that is not anywhere near the beach, every fourth of July for a cookout and there is a house down the street that every year has huge hundreds of cars show up. There is admission, there is loud noise, there is underage drinking there is gunfire, there is fireworks. But what I came here to point out today was that's not a short-term rental, the owner of the house is doing that. So, some of these concerns in the neighborhoods are not just relevant to short-term rentals. I have spoken to you. I live in Sandbridge. I have lived in Sandbridge for 26 years. I have rented my home for 13, and I have spoken before most of you, multiple occasions, about Sandbridge, which I know is not in particular on the issue today, but I just want to point out to you that Sandbridge is a neighborhood as well. On my street, which is a cul-de-sac street, there are over 50 houses, and there are only three short-term rentals on my street. The rentals in Sandbridge, we have found a way to make them where they are not bothering the neighbors, there are no noise, there are no complaints, there are no issues. I personally vetted every guest. It is a family that comes to stay with us during the summer. This is the home that I live in so I rent out my home so I am going to make extra sure that it is taken care of. Families come in the summer and on the weekends and holidays when my children aren't in school. We rent to a lot of military families who come

to town and want to see their children or to families up and down the East Coast to meet here in the middle. It is a mistake, a huge mistake, to assume that if we do not have short-term rentals that people will stay in a hotel. I talk to these people, it is two different groups of people that we can cater to both. People will drive elsewhere, the Outer Banks is not that far away. It will happen. Like I said, I have been doing it for 13 years, I have never had a complaint. My neighbors meet me in my yard on Saturday and say, oh, I had the best time watching so and so's grandchild ride a bike, oh I went fishing with so and so, oh I invited your guests over for dinner because they were so nice. And there is no more traffic than when I am here, there is no more trash than when I am here and I think that, you know the Visitor and Convention Bureau might be a little upset if people are watching this today hearing that in general, we think that tourists to our area are a safety threat, they are noisy, they are more litter, I mean, are we not welcoming or are we. The one thing I wanted to bring up about the Sandbridge issue is the fee for zoning.

Mr. Dao: Next speaker is Whitney Harding, followed by Brandy Flatan, and followed by Karen Archbell. Ms. Harding, please start your comments.

Ms. Harding: Hi my name is Whitney Harding. I am a resident of the North End at 65th Street. We do have a couple of short-term rentals, they rent out rooms and everything. I have three young children and this concerns me for their safety. We have a house for sale, right at the end of our driveway, which means if someone comes in and makes it a short-term rental, I fear for the safety of my children playing in our driveway. We do not know who these people are, could they be a sex offender, coming in right next to me and me not knowing and not allowing my seven and nine year old boys to play in their own driveway. I think we need to be very careful about how many we allow. I agree with the position of the North Virginia Beach Civic League. I think it should only be 5%, and we need to not be an overlay, personally I do not think we should be. We are a residential community, I know my neighbors, yes, some are second homes, but I do know them and they come back for the summer and we look out for one another like other people in the North End has said, we look out for their homes we look out for our neighbors, and so I just do not want to see short-term rentals in the North End. Thank you.

Mr. Dao: Next speaker is Brandy Flotan, followed by Karen Archbell followed by Louis Gaytan. Ms. Flotan, please start your comment.

Ms. Flotan: Hi, good afternoon. Thank you for this time and for this attention on this detail. I am a homeowner in the Vibe Creative District. I just want to express my support for STRs, specifically my neighborhood, which is a mixed zone and it is also in the Oceanfront Resort District Overlay. I purchased my home as a vacation home for my family to use and enjoy, and we rent it about 30% of time which helps us support and maintain the excellence of our property. I am invested in this community as a homeowner, I am also a business owner in this community, and I

employ members of community for cleaning and yard maintenance. My home is co-joined with four other units, four out of the five which are also approved and registered STRs and myself along with my neighbors have had positive experiences here. We have screened our guests, we have established a communication channel between us that has been very effective and is a multiplier for eyes on the property. Personally I hosted 16 families last year, all of which had no issues and were lovely and had amazing experiences and plan to come back to Virginia Beach. Again, I have enjoyed operating as an STR and would really express my support to be able to continue this by right. I submit that the Oceanfront Resort District by nature is the most appropriate best use and should be allowed by right to homeowners within the district. Thank you for your time.

Mr. Dao: Next speaker is Karen Archbell, followed by Louis Gaytan. Ms. Archbell, please start your comment. We move on to the next speaker, which is Louis Gaytan. Mr. Gaytan, please start your comment. User 19, can you please identify yourself. Caller 21, can you please identify yourself. I am sorry, can you speak louder. That is all the speakers on the agenda.

Item # 3

**Presmont Construction Services, LLC [Applicant] KS Shore LLC [Property Owner]
Conditional Use Permit (Automobile Service Station)
4769 Shore Drive**

March 10, 2021

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you. We are unaware of any items to be withdrawn, there are no items to be withdrawn. So, now we will move on to the Consent Agenda and our Vice Chair Wall will take that over. Thank you.

Mr. Wall: Thank you, Mr. Chair. These are applications that are recommended for approval by Staff and the Planning Commission concurred, and they are no speakers signed up in opposition. We have five items on the Consent Agenda today. The first item is agenda item number one, City of Virginia Beach resolution to schedule monthly meetings at the Planning Commission of the City of Virginia Beach for April 2021 to December 2021. Can someone from City Staff please speak on this.

Mr. Dao: This is a Resolution to adopt a date of the Planning Commission for the year of 2021, basically from April 2021 to December of 2021.

Mr. Wall: Thank you. Is there any opposition for this item being placed on the Consent Agenda. Hearing none, so, moving on to agenda item number three, Presmont Construction Services, an application for Conditional Use Permit for Automobile Service Station. Is there a representative for this item?

Mr. Beaman: Yes, thank you Mr. Vice Chair, Mr. Chair, and Members of the Commission for the record, my name is Rob Beaman, a local land use attorney with the Troutman Pepper Law Firm. We have read the conditions, they are acceptable and we certainly appreciate being on consent today. Thank you.

Mr. Wall: Thank you. Is there any opposition for this agenda item being placed on the Consent Agenda. Hearing none, Mr. Redmond has been asked to read this item into the record.

Mr. Redmond: Thank you Mr. Vice Chairman and Mr. Chairman. This is an application for a Conditional Use Permit for an automobile service station. Specifically, it is a convenience store with eight gas pumps at the corner of Pleasure House Road and Shore Drive, in the Bayside District in the Northwest of Virginia Beach. The site is zoned B-2 Community Business District, so, it is quite appropriate for this kind of business. It is a 35,000 square foot site, so, just under an acre. The applicant seeks to redevelop the site with a 4000 square foot convenience store and eight fuel pumps as I said if anybody is familiar with this neck of the woods, this site has been an eyesore for about two decades. The design that the applicant

has provided is of a coastal style, which is quite attractive for this kind of product and it has a very nice mix of materials. The landscaping plan is quite attractive, it includes some site improvements including sidewalks around both sides of the property, there is one that exists on Shore Drive, but that will be improved as well. There is really nothing not to like about this application. There is no opposition. Staff has recommended approval and the Commission concurs by consent. Thank you, Mr. Chairman.

Mr. Wall: Thank you, Mr. Redmond. The next agenda item is agenda item number four Grace Bible Church of Virginia Beach Incorporated. This is a Modification of Conditions for Religious Use. Is there a representative for this item? Please state your name for the record.

Mr. Bourdon: Eddie Bourdon Virginia Beach Attorney representing Grace Bible Church on this application. All of the eight conditions as recommended by Staff are certainly acceptable. We appreciate all of staff's work on this. There was a gentleman now who was here, who is an adjoining property owner he was here to speak in favor of, I think he may still be here, but he was in favor of the application I advised him is on the Consent Agenda. He did not need to speak in his view. I understand, this morning I was here for the informal that some of you all had some questions and I am more than happy to try to address or answer them if you, if they were not answered satisfactorily to any of you or give you little bit of background if that is what the Commission desires, but otherwise we appreciate being on consent.

Mr. Wall: Okay, thank you. Mr. Horsley has been asked to read this agenda item into the record.

Mr. Horsley: Thank you, Mr. Wall. Back in 2017, a Conditional Use Permit was approved on this piece of property just shy of 14 acres and had six conditions, condition five stated that the parking lot must be at the current grade of the adjoining property. And, at this time, the applicant is requesting modification of the conditions to allow changes to the design and changes to the Stormwater Strategy Conceptual Plan. And, in doing this, the water drainage will change direction it is going to be going towards London Bridge Road. But, the property is somewhat lower than it needs to be to drain like it should be. So, three to four feet of field needs to be put in the property to raise it up and then the stormwater management facilities will work as is supposed to. I think this will be a big benefit for the surrounding community, the understanding the residential people in the close by will appreciate this and it will overall help with our drainage also. So, in staff's opinion, this was a good application and they deemed it acceptable. We had nobody in opposition to it, so, we put it on the Consent Agenda. Mr. Bourdon had said if anybody had any questions he will be glad to answer them, but I think everybody must have gotten satisfied with the questions this morning. Thank you.

Ms. Wilson: Mr. Inman, do you have a disclosure to make.

Mr. Inman: Yes, I do. I have a disclosure to make and that I am on the Advisory Board of Townebank. Townebank appears to have financing on this particular property, and I do not have a position where I make decisions on loans, and I will be voting on this matter.

Mr. Wall: Okay, thank you. The next agenda items are agenda items number six and seven. Dam Neck Storage, LLC, Conditional Use Permit for Bulk Storage Yard and Modification of Proffers for Mini Warehouse and this includes with amended condition number two. Do we have a representative to speak on this item?

Mr. Beaman: Yes, sir. Thank you, Mr. Vice Chair, Mr. Chair, and Members of the Commission again for the record Rob Beaman local land use attorney with the Troutman Pepper Law Firm. We have read the conditions with the correction and Mr. Wall noted, they are acceptable and we certainly appreciate being on the Consent Agenda. Thank you.

Mr. Wall: Thank you. Is there any opposition for this item to be placed on the Consent Agenda? Hearing none, Ms. Klein has been asked to read this application into the record.

Ms. Klein: Thank you, Mr. Wall. This property was rezoned from AG1 and 2 Agricultural Districts to Conditional I-1 Light Industrial District in 2005, for office warehouse and storage uses. The southern parcel is developed with self-storage, the eastern half of the site is developed with office warehouse and bulk storage, and the applicant seeks to expand the office warehouse and bulk storage yard uses onto the remaining western half of the site. The applicant seeks a Conditional Use Permit for a Bulk Storage Yard and a Modification of Proffers request to amend proffers one, two, and four that were associated with the rezoning of the property in 2005, except for those proffers, the remaining proffers associated with the 2005 rezoning remain in effect. The proposal includes four buildings with an eight foot tall privacy and chain link fence and extensive vegetation buffer, exceeds the parking requirements by 22 spaces, there is no additional driveway or access proposed. And, as it falls into within the Navy restrictive easements, the Navy reviewed the proposal and has no objection.

Mr. Wall: Thank you. That was the last item on the Regular Consent Agenda.

Mr. Weiner: Yes, madam my turn. Yes, I am making a disclosure regarding this decision items number six and seven, I will be not voting on address a 1441 London Bridge Road, the applicant is a client of mine. The client is Dam Neck Storage, LLC.

Ms. Wilson: No, do you work for Batchelder and Collins.

Mr. Weiner: I work for Batchelder and Collins at 2305 Granby Street in Norfolk, Virginia.

Ms. Wilson: Thank you. Within 24 hours a written letter of abstention will be provided to the Planning Department.

Mr. Weiner: Thank you.

Mr. Wall: Okay, thank you. So, that was the last item on the Regular Consent Agenda. The Planning Commission also replaces 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. These applications are number 10 and number 12. Okay, I make a motion that we approve agenda items number 1, 3, 4, 6, and 7. And, for the Short-Term Rentals agenda items number 10 and 12.

Mr. Weiner: We have a motion for approval. Do we have a second.

Ms. Klein: I will second.

Mr. Weiner: Okay, we have a motion by Mr. Wall and a second by Ms. Klein.

Ms. Wilson: Mr. Redmond, there are two Short-Term Rentals on here you need to make your disclosure.

Mr. Redmond: Sure, I was going to wait until we had the hearing, but it seems like it is more appropriate time. I am abstaining on not just these two items that are on our Consent Agenda, but on every short-term rental application going forward, as well as on our consideration of the new ordinance. I have a small client in the travel business called Expedia Cruises, which I guess you are going to ask me to read these addresses. Expedia Cruises is a travel agency specializing in cruises. So, if you wanted to go to Cancun you could walk into a physical location which is what I am helping them to find and book a cruise. They are located at 1066 West Hastings Street, number 900 Vancouver, British Columbia V6E 3X1, Canada, and my involvement is through my commercial real estate work with my employer Divaris Real Estate Inc. at 4525 Main Street, Suite 900, Virginia Beach, Virginia 23462. I do a small amount of work for this cruise company, they are part of a much larger company called Expedia Group, which also owns I came to learn a couple weeks ago for the first time, which also owns a couple of online booking sites VRBO and HomeAway, and therefore I have concluded that it would be inappropriate for me to participate, not just in the ordinance but in any of the short-term rental applications, going forward so when we get to that point and the Commission starts those considerations I will take my leave and leave them to do their work on their own. Is there anything else you would like me to say, Ms. Wilson. That is the last time I will make that explanation other than to say, I have on file with the Planning Department a letter that explains my recusal from this part of our body of work. Good. Alright. Thank you, Mr. Chairman.

Mr. Weiner: We had a motion by Mr. Wall a second by Ms. Klein for the Consent Agenda, we ready to vote.

Ms. Sandloop: Okay, Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

Ms. Sandloop: Mr. Graham is absent. Mr. Horsley.

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein.

Ms. Klein: Aye.

Ms. Sandloop: Ms. Oliver.

Ms. Oliver: Aye.

Ms. Sandloop: Mr. Redmond.

Mr. Redmond: Aye, with the stipulation that I am particularly recusing myself on the items with regard to short-term rental. Thank you.

Ms. Sandloop: Vice Chair, Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By a recorded vote of nine in favor and zero against with modifications to agenda items 1, 3, 4, 6, and 7, with modifications to agenda item six related to fencing short-term rental agenda items 10 and 12 have been approved nine in favor and zero against with Mr. Redmond abstaining from items 10 and 12 and Chairman Weiner abstaining from items six and seven.

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

Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. When the property is developed, it shall be in substantial conformance with the submitted Concept Plan entitled, "CUP CONCEPT PLAN," dated 10-05-20 and prepared by Blakeway, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
2. A Landscape Plan shall be submitted at the time of final site plan review reflective of the plant material depicted on submitted Landscape Plan entitled, "Landscape Plan," dated 01-30-19 and prepared by Blakeway, 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 and fuel canopy shall substantially adhere in appearance, size and materials to the elevations entitled, "REVIEW BOARD ELEVATIONS," dated 01/18/2021 and prepared by Buf STUDIO, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
4. The freestanding sign shall be monument style set on a brick base matching the building, be no taller than eight (8) feet in height measured from the ground to the top of the sign and substantially adhere in appearance, size and materials to the submitted freestanding sign exhibit entitled, "Monument," dated January 14, 2021 and prepared by Cummings, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
5. Signage for the site shall be limited to:
 - a. Directional signs.
 - b. One (1) monument-style freestanding sign, no more than eight (8) feet in height, set on a brick base matching the building, as noted in Condition 4 and two (2) building and/or canopy signs. Signage on the canopy shall not be internally or externally illuminated.
 - c. No striping shall be permitted on the fuel canopy.
 - d. There shall be no other signs, neon signs, or neon accents installed on any wall area of the building, on the windows and/or doors, canopy, light poles or any other portion of the site.
6. The dumpster shall be enclosed with a solid wall in color and material to match the building and any required screening shall be installed in accordance with Section 245(e) of the Zoning Ordinance.
7. All vacuum air pumps shall be screened from the right-of-way with plant material of a size and species acceptable to the Development Service Center's Landscape Architect, all of which shall be depicted on the Landscape Plan.

8. Outdoor vending machines and/or display of merchandise may be permitted only if fully screened from view from the rights-of-way as approved by the Planning Director.

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

**Grace Bible Church of Virginia Beach, Inc. [Applicant & Property Owner]
Modification of Conditions [Religious Use]
Adjacent and south of 2285 London Bridge Road**

March 10, 2021

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you. We are unaware of any items to be withdrawn, there are no items to be withdrawn. So, now we will move on to the Consent Agenda and our Vice Chair Wall will take that over. Thank you.

Mr. Wall: Thank you, Mr. Chair. These are applications that are recommended for approval by Staff and the Planning Commission concurred, and they are no speaker signed up in opposition. We have five items on the Consent Agenda today. The first item is agenda item number one, City of Virginia Beach resolution to schedule monthly meetings at the Planning Commission of the City of Virginia Beach for April 2021 to December 2021. Can someone from City Staff please speak on this.

Mr. Dao: This is a Resolution to adopt a date of the Planning Commission for the year of 2021, basically from April 2021 to December of 2021.

Mr. Wall: Thank you. Is there any opposition for this item being placed on the Consent Agenda. Hearing none, so, moving on to agenda item number three, Presmont Construction Services, an application for Conditional Use Permit for Automobile Service Station. Is there a representative for this item.

Mr. Beaman: Yes, thank you Mr. Vice Chair, Mr. Chair, and Members of the Commission for the record, my name is Rob Beaman local land use attorney with the Troutman Pepper Law Firm. We have read the conditions, they are acceptable and we certainly appreciate being on consent today. Thank you.

Mr. Wall: Thank you. Is there any opposition for this agenda item being placed on the Consent Agenda. Hearing none, Mr. Redmond has been asked to read this item into the record.

Mr. Redmond: Thank you Mr. Vice Chairman and Mr. Chairman. This is an application for a Conditional Use Permit for an automobile service station. Specifically, it is a convenience store with eight gas pumps at the corner of Pleasure House Road and Shore Drive, in the Bayside District in Northwest Virginia Beach. The site is zoned B-2 community business district, so, it is quite appropriate for this kind of business. It is a 35,000 square foot site, so, just under an acre. The applicant seeks to redevelop the site with a 4000 square foot convenience store and eight fuel pumps as I said if anybody is familiar with this neck of the woods, this site has been an eyesore for about two decades. The design that the applicant has

provided is of a coastal style, which is quite attractive for this kind of product and it has a very nice mix of materials. The landscaping plan is quite attractive, it includes some site improvements including sidewalks around both sides of the property, there is one that exists on Shore Drive, but that will be improved as well. There is really nothing not to like about this application. There is no opposition, the Staff has recommended approval and the Commission concurs by consent. Thank you, Mr. Chairman.

Mr. Wall: Thank you, Mr. Redmond. The next agenda item is agenda item number four Grace Bible Church of Virginia Beach Incorporated. This is a Modification of Conditions for Religious Use. Is there a representative for this item? Please state your name for the record.

Mr. Bourdon: Eddie Bourdon Virginia Beach Attorney representing Grace Bible Church on this application. All of the eight conditions as recommended by Staff are certainly acceptable. We appreciate all of staff's work on this. There was a gentleman now who was here, who is an adjoining property owner he was here to speak in favor of, I think he may still be here, but he was in favor of the application I advised him is on the Consent Agenda. He did not need to speak in his view. I understand, this morning I was here for the informal that some of you all had some questions and I am more than happy to try to address or answer them if you, if they were not answered satisfactorily to any of you or give you little bit of background if that is what the Commission desires, but otherwise we appreciate being on consent.

Mr. Wall: Okay, thank you. Mr. Horsley has been asked to read this agenda item into the record.

Mr. Horsley: Thank you, Mr. Wall. Back in 2017, a Conditional Use Permit was approved on this piece of property just shy of 14 acres and had six conditions, condition five stated that the parking lot must be at the current grade of the adjoining property. And, at this time, the applicant is requesting modification of the conditions to allow changes to the design and changes to the Stormwater Strategy Conceptual Plan. And, in doing this, the water drainage will change direction it is going to be going towards London Bridge Road. But, the property is somewhat lower than it needs to be to drain like it should be. So, three to four feet of field needs to be put in the property to raise it up and then the stormwater management facilities will work as is supposed to. I think this will be a big benefit for the surrounding community, the understanding the residential people in the close by will appreciate this and it will overall help with our drainage also. So, in staff's opinion, this was a good application and they deemed it acceptable. We had nobody in opposition to it, so, we put it on the Consent Agenda. Mr. Bourdon had said if anybody had any questions he will be glad to answer them, but I think everybody must have gotten satisfied with the questions this morning. Thank you.

Ms. Wilson: Mr. Inman, do you have a disclosure to make.

Mr. Inman: Yes, I do. I have a disclosure to make and that I am on the Advisory Board of Townebank. Townebank appears to have financing on this particular property, and I do not have a position where I make decisions on loans, and I will be voting on this matter.

Mr. Wall: Okay, thank you. The next agenda items are agenda items number six and seven. Dam Neck Storage, LLC, Conditional Use Permit for Bulk Storage Yard and Modification of Proffers for Mini Warehouse and this includes with amended condition number two. Do we have a representative to speak on this item.

Mr. Beaman: Yes, sir. Thank you, Mr. Vice Chair, Mr. Chair, and Members of the Commission again for the record Rob Beaman local land use attorney with the Troutman Pepper Law Firm. We have read the conditions with the correction and Mr. Wall noted, they are acceptable and we certainly appreciate being on the Consent Agenda. Thank you.

Mr. Wall: Thank you. Is there any opposition for this item to be placed on the Consent Agenda? Hearing none, Ms. Klein has been asked to read this application into the record.

Mr. Klein: Thank you, Mr. Wall. This property was rezoned from AG1 and 2 Agricultural Districts to Conditional I-1 Light Industrial District in 2005, for office warehouse and storage uses. The southern parcel is developed with self-storage, the eastern half of the site is developed with office warehouse and bulk storage, and the applicant seeks to expand the office warehouse and bulk storage yard uses onto the remaining western half of the site. The applicant seeks a Conditional Use Permit for a bulk storage yard and a Modification of Proffers request to amend proffers one, two, and four that were associated with the rezoning of the property in 2005, except for those proffers, the remaining proffers associated with the 2005 rezoning remain in effect. The proposal includes four buildings with an eight foot tall privacy and chain link fence and extensive vegetation buffer, exceeds the parking requirements by 22 spaces, there is no additional driveway or access proposed. And, as it falls into within the Navy restrictive easements, the Navy reviewed the proposal and has no objection.

Mr. Wall: Thank you. That was the last item on the Regular Consent Agenda.

Mr. Weiner: Yes, madam my turn. Yes, I am making a disclosure regarding this decision items number six and seven, I will be not voting on address a 1441 London Bridge Road, the applicant is a client of mine. The client is Dam Neck Storage, LLC.

Ms. Wilson: No, do you work for Batchelder and Collins.

Mr. Weiner: I work for Batchelder and Collins at 2305 Granby Street in Norfolk, Virginia.

Ms. Wilson: Thank you. Within 24 hours a written letter of abstention will be provided to the Planning Department.

Mr. Weiner: Thank you.

Mr. Wall: Okay, thank you. So, that was the last item on the Regular Consent Agenda. The Planning Commission also replaces 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. These applications are number 10 and number 12. Okay, I make a motion that we approve agenda items number 1, 3, 4, 6, and 7. And, for the Short-Term Rentals agenda items number 10 and 12.

Mr. Weiner: We have a motion for approval. Do we have a second.

Ms. Klein: I will second.

Mr. Weiner: Okay, we have a motion by Mr. Wall and a second by Ms. Klein.

Ms. Wilson: Mr. Redmond, there are two Short-Term Rentals on here you need to make your disclosure.

Mr. Redmond: Sure, I was going to wait until we had the hearing, but it seems like it is more appropriate time. I am abstaining on not just these two items that are on our Consent Agenda, but on every short-term rental application going forward, as well as on our consideration of the new ordinance. I have a small client in the travel business called Expedia Cruises, which I guess you are going to ask me to read these addresses. Expedia Cruises is a travel agency specializing in cruises. So, if you wanted to go to Cancun you could walk into a physical location which is what I am helping them to find and book a cruise. They are located at 1066 West Hastings Street, number 900 Vancouver, British Columbia V6E 3X1, Canada, and my involvement is through my commercial real estate work with my employer Divaris Real Estate Inc. at 4525 Main Street, Suite 900, Virginia Beach, Virginia 23462. I do a small amount of work for this cruise company, they are part of a much larger company called Expedia Group, which also owns I came to learn a couple weeks ago for the first time, which also owns a couple of online booking sites VRBO and HomeAway, and therefore I have concluded that it would be inappropriate for me to participate, not just in the ordinance but in any of the short-term rental applications, going forward so when we get to that point and the Commission starts those considerations I will take my leave and leave them to do their work on their own. Is there anything else you would like me to say, Ms. Wilson. That is the last time I will make that explanation other than to say, I have on file with the Planning Department a letter that explains my recusal from this part of our body of work. Good. Alright. Thank you, Mr. Chairman.

Mr. Weiner: We had a motion by Mr. Wall a second by Ms. Klein for the Consent Agenda, we ready to vote.

Ms. Sandloop: Okay, Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

Ms. Sandloop: Mr. Graham is absent. Mr. Horsley.

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein.

Ms. Klein: Aye.

Ms. Sandloop: Ms. Oliver.

Ms. Oliver: Aye.

Ms. Sandloop: Mr. Redmond.

Mr. Redmond: Aye, with the stipulation that I am particularly recusing myself on the items with regard to short-term rental. Thank you.

Ms. Sandloop: Vice Chair, Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By a recorded vote of nine in favor and zero against with modifications to agenda items 1, 3, 4, 6, and 7, with modifications to agenda item six related to fencing short-term rental agenda items 10 and 12 have been approved nine in favor and zero against with Mr. Redmond abstaining from items 10 and 12 and Chairman Weiner abstaining from items six and seven.

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

Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. All of the conditions attached to the Conditional Use Permit for a Religious Use dated November 7, 2017 are hereby deleted and superseded by the conditions below.
2. When the church site is developed and landscaped it shall be in substantial conformance with the submitted site layout exhibit entitled "SITE DEVELOPMENT PLANS FOR GRACE BIBLE CHURCH", dated 1-7-21, prepared by Site Improvement Associates, Inc., 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, "Grace Bible Church, Strawbridge Campus" ["Phase 1 Elevations" & "Phase 2 Elevations"], prepared by Visioneering Studios, which have been exhibited to the Virginia Beach City Council and are on file in the Department of Planning & Community Development.
4. A Landscape Plan shall be submitted and approved by the Development Services Center Landscape Architect prior to final site plan approval.
5. All on-site signage must meet the requirements and regulations of the Zoning Ordinance. A separate permit from the Department of Planning & Community Development is required for any new signage installed on the site.
6. The freestanding sign for the church shall be a monument style sign, with a total height not to exceed eight feet, and shall be in substantial conformance with the sign depicted on the exhibit entitled, "Proposed Grace Bible Church Monument Sign", which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
7. 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. All parking lot perimeter lighting shall be limited to lighting no taller than four (4) feet. All other outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet.
8. The plan for complying with the Stormwater Regulations submitted to the Development Services Center at Site Plan Review shall be in substantial conformance with the preliminary plan design and strategy for achieving compliance as submitted and preliminarily reviewed by Staff, unless otherwise approved by the Development Services Center.

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

**George Randolph Webb & Lelia Graham Webb [Applicants & Property Owners]
Street Closure
25-foot wide by 125-foot long portion of Holly Road adjacent to 401 49th Street**

March 10, 2021

RECOMMENDED FOR APPROVAL – HEARD

Mr. Weiner: Great. Thank you very much. Alright, thank you for those items on a Consent Agenda, they will be forwarded to and sent to City Council, and they will have future dates on those. Next, we will go to the Regular Agenda. Before we get started on the Regular Agenda, I want to point out that we are going to start on item number five and item number two since there are so many speakers, we are going to be moving number two to the back, we will start with item number five.

Ms. Sandloop: Okay. Agenda item number five, George Randolph Webb and Lelia Graham Webb, an application for a Street Closure on property located 25-foot wide by 125-foot wide long, portion of Holly Road adjacent to 401 49th Street, located in the Lynnhaven District.

Ms. Wilson: In order to change the agenda, we just need a vote.

Mr. Weiner: Okay. Alright. We need somebody to make a motion.

Ms. Wilson: Yes, we make a motion.

Mr. Weiner: Do we have a motion please. Mr. Redmond.

Mr. Redmond: Mr. Chairman, I move that we rearrange our agenda such that we begin with agenda item number five and move agenda item number two towards the back of the agenda because we have so many speakers.

Mr. Horsley: I second.

Mr. Weiner: Alright. We have a motion by Mr. Redmond and second by Mr. Horsley.

Ms. Sandloop: Okay, Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

Ms. Sandloop: Mr. Graham is absent. Mr. Horsley.

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein.

Ms. Klein: Aye.

Ms. Sandloop: Ms. Oliver.

Ms. Oliver: Aye.

Ms. Sandloop: Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair, Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By a recorded vote of nine in favor and zero against the motion to change the order of today's agenda has been approved.

Mr. Weiner: Now we will get started with item five.

Ms. Sandloop: Okay. Do you want me to read it in again?

Mr. Weiner: No, I think we are fine.

Mr. Bourdon: Thank you, Mr. Chairman and Members the Commission. For the record, my name is Eddie Bourdon Virginia Beach Attorney and I represent Mr. and Mrs. Webb. This application along with the companion application on the eastern side of this 50-foot wide Paper Stub Street that has been platted for well over a century and never improved as a public right-of-way, it was on your agenda a month ago. Ms. Berkeley who owns the property on the east side of this 50-foot Paper Street passed away and her properties in her estate, they are not sure whether they are going to move forward or not on the closure. I suspect for the time being they probably won't. Mrs. Webb who bought the property and live in the property on the west side, the applicants here, bought their property about three years ago, they were recommended to me by Harry Lester, because the front porch of the house or steps are in the right of way. This house has been there for decades and decades, as it is their driveway and the steps going up to their house, so, they are seeking to close this section of Paper Street. If you all could put up page five, if you look at your monitors up there. This is the western half of a 50-foot Paper Street that is not improved in any way with any public improvements, other than

underground utilities. There is a hedgerow that runs down the middle and my clients driveway runs north about halfway up the street. The Paper Street, not an improved road, the closure of this right-of-way will be subject per condition number two, to a Public Utility easement held by the City of Virginia Beach over probably all 45-feet of the width of this closed portion, a drainage easement held by the City of Virginia Beach over the closed portion, and a public access easement typically that public access easement which is for walkers, bikers, pedestrians, what is been done in the past in Northern and other places, is it is closed 10-feet in the middle from the middle line on each side, total of 20 winds up being for pedestrian access. The entire Eastern 25-feet remains public right-of-way, not being closed, and there will be per condition number two a public access easement and I believe it will be on the eastern most 10-feet of the 25-feet that is being closed. So, there will be 35-feet as long as the other side is not closed, that will still be available for the public to use to cut through. If you can see on that exhibit, there is a 15-foot unimproved lane that runs east-west behind these houses. It is overgrown that never been improved, but there are utility lines in there. And, then to the North, you will see a 10-foot lane, that runs up to 50th Street, totally unimproved, but I am told you can go through there and people, the Webb's since they have been living there, say they occasionally see somebody walked through, they have no problem with that whatsoever. The letter was sent in by Rob Dewey and his wife, Rob's a good friend of mine, Wilcox & Savage. I have spoken to him, and sent him the conditions. He gave me total authority to tell you that he and the Flams they are the neighbors who live on either side of the 10-foot lane that runs up to 50th Street that is again unimproved, totally are in agreement, they just want to make sure that public ability to get through there on foot, by bike remains and it remains and it remains after this with these conditions. Frankly, if they want they still can use Holly Road, but we totally agree with the conditions, they are totally reasonable conditions. So, the other thing that you need to understand everyone needs to appreciate is that this really does not add buildable because of these easements buildable area to this lot. What it does do is it makes the nonconforming nature of the house that is there, it does not meet the side setback did not need it when it was built because it did not have setbacks. It makes it legal, and if they wanted to make an addition to their house build something up higher whatever they would not have to go and get a variance of the Board of Zoning Appeals to a zero setback which is what they have because they actually encroach a little bit into the right-of-way. So, it just cleans up the title to their property, it really does not give them any great ability to redevelop and they have no desire to redevelop, they just want to clean up the title of the property, and all the conditions are acceptable to them and there are some viewers have said and the Staff have said there is certainly nothing being lost here to the public, you cannot put a road through to 50th Street, does not exist they are houses behind this. So, you cannot and all they do is preserving the same access that exists today. I would be happy to answer any questions.

Mr. Weiner: Any questions for Mr. Bourdon. Thank you, sir.

Mr. Bourdon: Thank you.

Mr. Dao: Mr. Chair, we do have one speaker for this item, Mr. David Hay.

Mr. Weiner: Okay. Welcome sir, please say your name for the record.

Mr. Hay: David Hay, former deputy city attorney for 22-and-a-half years. I was fired by the City Attorney because I won every case against and the cases involve North Virginia Beach, Holly Road, Lake Holly, Ocean Park. I do not want to go through the list, I go through the list in a memo to City Council. If you close this road, you are setting a dangerous precedent throughout the City of Virginia Beach, Bruce Thompson would be proud of you. Because I acquired Cavalier Drive in front of the Cavalier Hotel and a park next to The Oceans Condominium, and the property on the other side of Pacific Avenue. And in front of the Cavalier Hotel and what did the City do, they gave it to Bruce Thompson for nothing. You have given these people property for nothing. I use this road. I ride through here. Cars to go through and see some of my neighbors. I would not go through the list of neighbors I have because I do not have time. I have lived in Virginia Beach for over 45 years since 1974. The city attorney Dale Benson, said we need him over here, because he is been there on several cases for Ernie Consolvo, history of Virginia Beach just for a few minutes if you bear with me. The Hollies, Cape Henry Syndicate, East Beach, North Beach, all these beaches were platted in the early 1900s. Why would they call that to get people from the Northeast to buy a property in Virginia Beach instead of in Florida. Naturally, through Peter Babalas and some other politicians was reviving the corporations, the corporations had platted this property in early 1900s, went bankrupt, so, their assets were no good supposedly. So, Ed claimed ownership to Ocean Park, he claimed ownership to North Virginia Beach, and several places in the beachfront, Lake Holly, all the three lakes at Lake Holly and Rudee Inlet. And, I came aboard and he never won a case against the City. 49th Street, Holly Road and the 10-foot lane go all the way through to 50-Street.

Mr. Weiner: Mr. Hay, thank you very much for your comments. Anybody have any questions for Mr. Hay. Thank you, sir. Mr. Bourdon.

Mr. Bourdon: I am not really sure where to start. The City of Virginia Beach owns this right of way, I guess Mr. Hay gets the credit for that being the case. These Paper Streets, the lanes not being closed either way, but to suggest that I am pretty sure I heard Mr. Hay say that he has driven his car through here to visit people. I find that to be, if you all have been out there to look at the property, I do not know when that might have happened, but it sure as heck has not happened in the last number of decades. And, the City is cleaning up, my clients have to pay for this, they are not been given anything for free. They will pay the City the value of the property, it will be encumbered by all these easements. The City has no intention whatsoever to make this a dead end street at that 15-foot alley, nor to improve the 15-foot alley that runs east and west and if that were ever to be proposed, I am pretty sure you have some upset people who live along there. The 10-foot alley going through to

50th Street, you really cannot even see where it exists, but people do cut through there and again this is in no way, shape, or form a desire to stop people from walking through there, none. And that is being provided for, but it is ensuring that there is no public street that goes through there and the driveway on both my clients property today and on the Berkeley property to the east, partially on the Berkeley property is also in this right-of-way. Been there again for decades but it is never been improved or used as a public thoroughfare for vehicles. And, I do not know how that ever would have come to pass, but conditions again are all acceptable. I would be happy to answer any questions that you may have.

Mr. Weiner: Thank you. Any questions for Mr. Bourdon.

Mr. Alcaraz: So, evaluation has been done on the property and an appraisal has or maybe.

Mr. Bourdon: That is a part.

Mr. Alcaraz: Is that the next step.

Mr. Bourdon: Correct. And this has been done on other portions of Holly Road at the North End by Planning Commission, City Council. Once City Council decides, yes, we have no need for this to remain a public street as long as we have the easements that we need for what use it will be put to and is being put to, then there is a process of either negotiating a price or having an appraisal done. And the determination of the value is made by the City Real Estate Office along with City Attorney's Office and the viewers, the City Manager's Office. So, then it is paid for and it is re-subdivided and becomes a part of the Webb's lot subject to those easements that are platted with that re-subdivision plat that preclude anything being done there other than drainage and utilities and the public access portion.

Mr. Alcaraz: Okay, so the notion of it being free is not true.

Mr. Bourdon: That is been the City's street closure process for as long as I have been practicing law.

Mr. Alcaraz: Alright. Thanks.

Mr. Weiner: Any other questions. Thank you, sir.

Mr. Bourdon: Thank you.

Mr. Weiner: There are no more speakers, correct?

Mr. Dao: There are no more speakers.

Mr. Wall: Mr. Bourdon, I do have one more question. The ingress-egress easement that is not for pedestrian access there, is it that would be platted with this, it would be just for reasonable ingress-egress access.

Mr. Bourdon: That would exist. The part that is a public utility easement that will be pretty much all of it, will also have access. Okay. They could be contiguous, it could be the same 40-feet, it will be determined by Staff how much they want on this side to be available for access, that is exactly right. And, the City will have the ability to bring your equipment back there because of the utility line that runs East-West in the 15-foot line on the backside.

Mr. Wall: Right. That would just be a typical easement for any kind of utility drainage.

Mr. Bourdon: Well, actually be there are three separate easements that are proposed but again that has not been ascertained with finality.

Mr. Wall: Okay.

Mr. Bourdon: Nothing would happen with the street closure that would add any additional burden for anyone going through to 50th Street through this property. Nothing in this will change that.

Mr. Wall: Okay. Alright, thank you.

Mr. Bourdon: Hope that helps. Thanks.

Mr. Weiner: Thank you. Alright, no more speakers, correct?

Mr. Dao: That is correct.

Mr. Weiner: Okay, we will close it and open it up for discussion or motion. Okay.

Ms. Klein: So, I spoke to Mr. Hay this weekend about his concerns. And I feel better having Mr. Bourdon kind of walk us through it. I like the fact that the easements will be remaining in place. My biggest thing was that there was pedestrian access that is going away but it sounds like that is not the case. And, that was my focus and so I will vote in favor of the application.

Mr. Weiner: Okay. Anyone else? George.

Mr. Alcaraz: Yeah, just typical street closure, I think the purpose of it from what I just heard is to more or less relocate the property line so it is a better situation than it is, it sounds like there is not going to be any visual difference than what you see right now, and I am going to recommend approval too.

Mr. Weiner: Jack.

Mr. Wall: Yeah, there is plenty of precedents for this. This is not an unusual or unordinary request.

Mr. Weiner: Dave.

Mr. Redmond: Mr. Chairman, I move approval of the application.

Mr. Weiner: We have a motion by Mr. Redmond. Do we have a second?

Ms. Oliver: I will second it.

Mr. Weiner: Seconded by Ms. Oliver. We are ready to vote.

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

Ms. Sandloop: Mr. Graham is absent. Mr. Horsley.

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein.

Ms. Klein: Aye.

Ms. Sandloop: Ms. Oliver.

Ms. Oliver: Aye.

Ms. Sandloop: Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair, Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By a recorded vote of nine in favor and zero against agenda item number five has been recommended for approval.

	AYE 9	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT

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

CONDITIONS

1. The City Attorney’s Office shall make the final determination regarding ownership of the underlying fee. The purchase price to be paid to the City of Virginia Beach shall be determined according to the “Policy Regarding Purchase of City’s Interest in Streets Pursuant to Street Closures,” approved by City Council. Copies of the policy are available in the Planning Department.
2. The applicant shall resubdivide the property and vacate internal lot lines to incorporate the closed area into the adjoining lot. The resubdivision plat must be submitted and approved for recordation prior to the final street closure approval. Said plat must include the dedication to the City of Virginia Beach over the closed portion of the unimproved right-of-way (a) a public utility easement; (b) a public drainage easement; and (c) a public access easement for access to and from the alley adjacent to the rear of the property for maintenance of public infrastructure located within or to be located within the alley, which easements are subject to approval of the Department of Public Utilities and Department of Public Works, respectively, and the City Attorney’s Office, and which easements shall include a right of reasonable ingress and egress.
3. The applicant shall verify that no private utilities exist within the right-of-way proposed for the closures. If private utilities do exist, easements satisfactory to the utility company, must be provided and shall be recorded after the final resubdivision plat is recorded with the Clerk of Circuit Court.
4. If any improvements will remain in the area proposed for closure after the closure is finalized, prior to finalization of the street closure, the applicant must apply for an encroachment into the public utility easement and the public drainage easement for all improvements that will remain in the area proposed for closure.
5. Closure of the right-of-way shall be contingent upon compliance with the above stated conditions within 365 days of the approval by City Council. If the conditions noted above are not accomplished and the final plat is not approved for recordation within one year of the City Council vote to close the right-of-way this approval shall be considered null and void.

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

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

Items # 6-7

**Dam Neck Storage,LLC [Applicant & Property Owner]
Conditional Use Permit (Bulk Storage Yard)
Modification of Proffers (Mini-Warehouse)
1441 London Bridge Road**

March 10, 2021

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you. We are unaware of any items to be withdrawn, there are no items to be withdrawn. So, now we will move on to the Consent Agenda and our Vice Chair Wall will take that over. Thank you.

Mr. Wall: Thank you, Mr. Chair. These are applications that are recommended for approval by Staff and the Planning Commission concurred, and they are no speaker signed up in opposition. We have five items on the Consent Agenda today. The first item is agenda item number one, City of Virginia Beach resolution to schedule monthly meetings at the Planning Commission of the City of Virginia Beach for April 2021 to December 2021. Can someone from City Staff please speak on this.

Mr. Dao: This is a Resolution to adopt a date of the Planning Commission for the year of 2021, basically from April 2021 to December of 2021.

Mr. Wall: Thank you. Is there any opposition for this item being placed on the Consent Agenda. Hearing none, so, moving on to agenda item number three, Presmont Construction Services, an application for Conditional Use Permit for Automobile Service Station. Is there a representative for this item.

Mr. Beaman: Yes, thank you Mr. Vice Chair, Mr. Chair, and Members of the Commission for the record, my name is Rob Beaman local land use attorney with the Troutman Pepper Law Firm. We have read the conditions, they are acceptable and we certainly appreciate being on consent today. Thank you.

Mr. Wall: Thank you. Is there any opposition for this agenda item being placed on the Consent Agenda. Hearing none, Mr. Redmond has been asked to read this item into the record.

Mr. Redmond: Thank you Mr. Vice Chairman and Mr. Chairman. This is an application for a Conditional Use Permit for an automobile service station. Specifically, it is a convenience store with eight gas pumps at the corner of Pleasure House Road and Shore Drive, in the Bayside District in Northwest Virginia Beach. The site is zoned B-2 community business district, so, it is quite appropriate for this kind of business. It is a 35,000 square foot site, so, just under an acre. The applicant seeks to redevelop the site with a 4000 square foot convenience store and eight fuel pumps as I said if anybody is familiar with this neck of the woods, this site has

been an eyesore for about two decades. The design that the applicant has provided is of a coastal style, which is quite attractive for this kind of product and it has a very nice mix of materials. The landscaping plan is quite attractive, it includes some site improvements including sidewalks around both sides of the property, there is one that exists on Shore Drive, but that will be improved as well. There is really nothing not to like about this application. There is no opposition, the Staff has recommended approval and the Commission concurs by consent. Thank you, Mr. Chairman.

Mr. Wall: Thank you, Mr. Redmond. The next agenda item is agenda item number four Grace Bible Church of Virginia Beach Incorporated. This is a Modification of Conditions for Religious Use. Is there a representative for this item? Please state your name for the record.

Mr. Bourdon: Eddie Bourdon Virginia Beach Attorney representing Grace Bible Church on this application. All of the eight conditions as recommended by Staff are certainly acceptable. We appreciate all of staff's work on this. There was a gentleman now who was here, who is an adjoining property owner he was here to speak in favor of, I think he may still be here, but he was in favor of the application I advised him is on the Consent Agenda. He did not need to speak in his view. I understand, this morning I was here for the informal that some of you all had some questions and I am more than happy to try to address or answer them if you, if they were not answered satisfactorily to any of you or give you little bit of background if that is what the Commission desires, but otherwise we appreciate being on consent.

Mr. Wall: Okay, thank you. Mr. Horsley has been asked to read this agenda item into the record.

Mr. Horsley: Thank you, Mr. Wall. Back in 2017, a Conditional Use Permit was approved on this piece of property just shy of 14 acres and had six conditions, condition five stated that the parking lot must be at the current grade of the adjoining property. And, at this time, the applicant is requesting modification of the conditions to allow changes to the design and changes to the Stormwater Strategy Conceptual Plan. And, in doing this, the water drainage will change direction it is going to be going towards London Bridge Road. But, the property is somewhat lower than it needs to be to drain like it should be. So, three to four feet of field needs to be put in the property to raise it up and then the stormwater management facilities will work as is supposed to. I think this will be a big benefit for the surrounding community, the understanding the residential people in the close by will appreciate this and it will overall help with our drainage also. So, in staff's opinion, this was a good application and they deemed it acceptable. We had nobody in opposition to it, so, we put it on the Consent Agenda. Mr. Bourdon had said if anybody had any questions he will be glad to answer them, but I think everybody must have gotten satisfied with the questions this morning. Thank you.

Ms. Wilson: Mr. Inman, do you have a disclosure to make.

Mr. Inman: Yes, I do. I have a disclosure to make and that I am on the Advisory Board of Townebank. Townebank appears to have financing on this particular property, and I do not have a position where I make decisions on loans, and I will be voting on this matter.

Mr. Wall: Okay, thank you. The next agenda items are agenda items number six and seven. Dam Neck Storage, LLC, Conditional Use Permit for Bulk Storage Yard and Modification of Proffers for Mini Warehouse and this includes with amended condition number two. Do we have a representative to speak on this item.

Mr. Beaman: Yes, sir. Thank you, Mr. Vice Chair, Mr. Chair, and Members of the Commission again for the record Rob Beaman local land use attorney with the Troutman Pepper Law Firm. We have read the conditions with the correction and Mr. Wall noted, they are acceptable and we certainly appreciate being on the Consent Agenda. Thank you.

Mr. Wall: Thank you. Is there any opposition for this item to be placed on the Consent Agenda? Hearing none, Ms. Klein has been asked to read this application into the record.

Mr. Klein: Thank you, Mr. Wall. This property was rezoned from AG1 and 2 Agricultural Districts to Conditional I-1 Light Industrial District in 2005, for office warehouse and storage uses. The southern parcel is developed with self-storage, the eastern half of the site is developed with office warehouse and bulk storage, and the applicant seeks to expand the office warehouse and bulk storage yard uses onto the remaining western half of the site. The applicant seeks a Conditional Use Permit for a bulk storage yard and a Modification of Proffers request to amend proffers one, two, and four that were associated with the rezoning of the property in 2005, except for those proffers, the remaining proffers associated with the 2005 rezoning remain in effect. The proposal includes four buildings with an eight foot tall privacy and chain link fence and extensive vegetation buffer, exceeds the parking requirements by 22 spaces, there is no additional driveway or access proposed. And, as it falls into within the Navy restrictive easements, the Navy reviewed the proposal and has no objection.

Mr. Wall: Thank you. That was the last item on the Regular Consent Agenda.

Mr. Weiner: Yes, madam my turn. Yes, I am making a disclosure regarding this decision items number six and seven, I will be not voting on address a 1441 London Bridge Road, the applicant is a client of mine. The client is Dam Neck Storage, LLC.

Ms. Wilson: No, do you work for Batchelder and Collins.

Mr. Weiner: I work for Batchelder and Collins at 2305 Granby Street in Norfolk, Virginia.

Ms. Wilson: Thank you. Within 24 hours a written letter of abstention will be provided to the Planning Department.

Mr. Weiner: Thank you.

Mr. Wall: Okay, thank you. So, that was the last item on the Regular Consent Agenda. The Planning Commission also replaces 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. These applications are number 10 and number 12. Okay, I make a motion that we approve agenda items number 1, 3, 4, 6, and 7. And, for the Short-Term Rentals agenda items number 10 and 12.

Mr. Weiner: We have a motion for approval. Do we have a second.

Ms. Klein: I will second.

Mr. Weiner: Okay, we have a motion by Mr. Wall and a second by Ms. Klein.

Ms. Wilson: Mr. Redmond, there are two Short-Term Rentals on here you need to make your disclosure.

Mr. Redmond: Sure, I was going to wait until we had the hearing, but it seems like it is more appropriate time. I am abstaining on not just these two items that are on our Consent Agenda, but on every short-term rental application going forward, as well as on our consideration of the new ordinance. I have a small client in the travel business called Expedia Cruises, which I guess you are going to ask me to read these addresses. Expedia Cruises is a travel agency specializing in cruises. So, if you wanted to go to Cancun you could walk into a physical location which is what I am helping them to find and book a cruise. They are located at 1066 West Hastings Street, number 900 Vancouver, British Columbia V6E 3X1, Canada, and my involvement is through my commercial real estate work with my employer Divaris Real Estate Inc. at 4525 Main Street, Suite 900, Virginia Beach, Virginia 23462. I do a small amount of work for this cruise company, they are part of a much larger company called Expedia Group, which also owns I came to learn a couple weeks ago for the first time, which also owns a couple of online booking sites VRBO and HomeAway, and therefore I have concluded that it would be inappropriate for me to participate, not just in the ordinance but in any of the short-term rental applications, going forward so when we get to that point and the Commission starts those considerations I will take my leave and leave them to do their work on their own. Is there anything else you would like me to say, Ms. Wilson. That is the last time I will make that explanation other than to say, I have on file with the Planning Department a letter that explains my recusal from this part of our body of work. Good. Alright. Thank you, Mr. Chairman.

Mr. Weiner: We had a motion by Mr. Wall a second by Ms. Klein for the Consent Agenda, we ready to vote.

Ms. Sandloop: Okay, Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

Ms. Sandloop: Mr. Graham is absent. Mr. Horsley.

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein.

Ms. Klein: Aye.

Ms. Sandloop: Ms. Oliver.

Ms. Oliver: Aye.

Ms. Sandloop: Mr. Redmond.

Mr. Redmond: Aye, with the stipulation that I am particularly recusing myself on the items with regard to short-term rental. Thank you.

Ms. Sandloop: Vice Chair, Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By a recorded vote of nine in favor and zero against with modifications to agenda items 1, 3, 4, 6, and 7, with modifications to agenda item six related to fencing short-term rental agenda items 10 and 12 have been approved nine in favor and zero against with Mr. Redmond abstaining from items 10 and 12 and Chairman Weiner abstaining from items six and seven.

	AYE 8	NAY 0	ABS1	ABSENT 2
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			

Oliver	AYE			
Redmond	AYE			
Wall	AYE			
Weiner			ABSTAIN	

CONDITIONS

1. Any lighting for the Bulk Storage Yard shall be limited to light packs installed on the building and fence, as well as pole lighting not to exceed a maximum height of fourteen (14) feet. All lighting shall be shielded and directed downward to limit the amount of light overspill outside the property boundary.
2. ~~The material of the solid fence depicted on the Site Plan shall be vinyl or other similar maintenance-free material.~~ When the site is being developed, it shall be in substantial conformance to the site layout entitled 'PRELIMINARY LANDSCAPING PLAN FOR VECTOR PARK, PHASE III, prepared by NDI Engineering Company, dated January 31, 2020 which has been exhibited to the City Council and is on file in the Planning Department. This include a deviation to the Category VI screening around the perimeter of the bulk storage yard as follows. The fence along the eastern boundary may be chain link and plant material is not required along this portion of the fence; no plant material is required along the southern portion of the solid privacy fence. This is a deviation to the landscaping and fencing 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

**Gerard Jandoc [Applicant & Property Owner]
Conditional Use Permit (Short Term Rental)
4503 Guam Street**

March 10, 2021

DEFERRED FOR 30 DAYS

Mr. Weiner: Thank you Madam clerk. The next order of business are items to be deferred, the Chair is aware of one item that needs to be deferred, item number eight for 30 days. Is there any opposition to this being deferred for 30 days. Hearing none, can I have a motion, please.

Mr. Wall: Mr. Chair, I make a motion to defer agenda item number eight, for 30 days.

Mr. Weiner: I have a motion. Do we have a second.

Mr. Alcaraz: Second.

Mr. Weiner: I have a motion by Mr. Wall and the second by Mr. Alcaraz.

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

Ms. Sandloop: Mr. Graham is absent. Mr. Horsley.

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein.

Ms. Klein: Aye.

Ms. Sandloop: Ms. Oliver.

Ms. Oliver: Aye.

Ms. Sandloop: Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair, Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of nine in favor and zero against agenda item number eight has been deferred for 30 days.

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

Item # 9

**Cortney Rose, Trustee of the Rose Family Trust [Applicant] The Rose Family Trust
[Property Owner]
Conditional Use Permit (Short Term Rental)
721 13th Street**

March 10, 2021

RECOMMENDED FOR APPROVAL – HEARD

Mr. Weiner: Thank you, we move on to item number nine.

Ms. Sandloop: Agenda item number nine, Courtney Rose, Trustee of the Rose Family Trust. It is an application for a Conditional Use Permit Short-Term Rental on property located at 721 13th Street located in the Beach District. The applicant, or the applicant's representative is here.

Mr. Dao: The applicant is a virtual speaker. Mrs. Rose, if you can hold for three seconds and you can begin your comment.

Mr. Rose: My name is Chris Rose, I am actually Courtney's husband. I apologize, my wife, we have a newborn, and so she is preoccupied at the moment. My wife is from Virginia Beach, so, she would definitely be better to do this. My in-laws live in the area, as well as my sister and brother-in-law. I think the only thing that I would say, I heard the conversation this morning. Our intent is actually to occupy the house, but that got interrupted due to, kind of business changes related to COVID, but that is still our intent. We were advised to kind of go through this process because of the Ordinance that is coming, just to kind of give ourselves some options as the vaccination gets distributed here, and we figure out if we can still make the move. And, the only other thing I think is relevant based on the conversation this morning, we have actually already contacted a contractor and are kind of moving forward with pouring that slab for an additional work vehicle. I did hear the conversation that was recommended to have pavers, we are fine with that but just so that everybody's on the same page, our intent, we need that third parking spot regardless of the Conditional Use Permit. And, we have already begun moving forward with that. I think we can probably pull the plug and change it to pavers that was recommended to us. But that is moving forward. That is all I really have.

Mr. Weiner: Does anybody have any questions.

Ms. Oliver: Mr. Rose, just for clarification, I just want to make sure I heard you correctly, did you say, so your intent is to live in the house?

Mr. Rose: Yeah, correct. The only reason we are really doing this is just to keep our options open. We were fully intended when we bought it in May of last year to move out

there. My work was relocating me to open an office in the area, as well my wife, and we are both reservists in the Marine Corps, we have lined up kind of our billets at McTague, Fort Story, that kind of got thrown for a loop as you guys know, and so that got hit on pause and they have a new board coming and so we are letting that play out and letting the vaccination happen, but the intent and the indication from my work is that everything is still in the plans, it is just a matter of getting some certainty back here when the vaccination and everybody goes back to work.

Mr. Weiner: Okay. Any more questions.

Ms. Oliver: I just want to follow up on one thing. Mr. Rose, so, I am just trying to figure out. I get all the vaccine and the virus and stuff, so, is your intent to just, you are going to stay in the house and therefore, the CUP, you were applying for it because you thought you were going to move and now you are not and now you are going to stay in the house? That is the way I am understanding that, and so you are not going to rent it as a short-term rental is that, or you are just using it as just in case?

Mr. Rose: We do not occupy the house right now. Our intent was to move into it when we purchased it, and those plans were foiled so this was something that, again, we had to find tenants pretty quickly, which put us in a bit of a bind. So, this was something again that was recommended to us, just given the uncertainty and situation but our intent is to move into the house, and the only way we would operate as a short-term rental would be if we were coming out to visit my family during the summers, which is where we are right now. So, our intent is to move to Virginia Beach with two young kids to be close to my wife's family. It has just been interrupted by what's going on in the world.

Ms. Oliver: So, where do you live, where are you now.

Mr. Rose: Sure. We are in California, Camp Pendleton, we got off active duty and so we live out here, but again we both work in the area, my wife is obviously on maternity leave, but the business that I work for is a government contractor and we were moving out. I jumped at an opportunity, to kind of, with us having the young kids a two-year-old, get closer to family. And so, that is where we are at right now.

Ms. Oliver: So, Mr. Rose, I assume you currently own the house, correct.

Mr. Rose: Correct. We bought the house in May of last year with the intent to move out in July. In late June, we found out that the office was not going to be opening and was being postponed. And, that also our quarters for our reserve unit were suspended, but we quickly scrambled to put tenants in the house. Again, my wife is from the area with plenty of network over there that helps us out, my in-laws and her sister and a lot of friends. And, then with a newborn coming, we still have tenants in the house, but the intent is to move back out there this summer as long as everything goes according to plan. But the uncertainty, and kind of the position we were put in, last year when the timeline that is being put on this ordinance, we

were kind of recommended by a real estate agent who said, hey, you should do this now to kind of keep your options open. Because again we ended up in a bind and we want to make sure that it does not put us in a financial situation that we cannot support.

Mr. Weiner: Thank you, Mr. Rose. Hold on a second, Ms. Klein has a question for you.

Ms. Klein: If I may clarify that for the group. They are currently based in California. The intent was to relocate to Virginia Beach last year when they purchased the home. The plan to move Virginia Beach was put on hold because of COVID. They still reside in California, they still intend to move to Virginia Beach, but in case things remain in flux, they would like the flexibility to use the home as a short-term rental until they are able to officially relocate. That is what I am hearing.

Mr. Weiner: Any other questions. Mr. Rose, I have a question for you. Do you recently or do you actually have a management team or a property manager right now?

Mr. Rose: We do, we have a local property manager. And as I mentioned, my father-in-law is retired Marine Corps, so, he pretty much runs it for us, but we do have a team there, as well a handyman, and a cleaning crew because we already had to turn it over one-time for renters.

Mr. Weiner: Okay, thank you sir. Any other questions for Mr. Rose? Thank you, sir. Alright, there are no more speakers.

Mr. Dao: No speakers on this item.

Mr. Weiner: Okay, so, we will close this and start discussion.

Ms. Klein: Can we check with Will to see if it is been posted and used as a short-term rental.

Mr. Tajan: We actually have that information, the property has not been posted or listed.

Mr. Weiner: Mr. Tajan, we do know that he has not rented this as a short-term rental.

Mr. Tajan: That is correct, it is not listed on any of our platforms.

Mr. Weiner: Okay, it is not listed, I understand, but do we know that he has actually not used this as a short-term rental,

Mr. Tajan: That is the information that we have available to us.

Mr. Weiner: Okay. Alright, we are open for discussion. Mr. Alcaraz.

Mr. Alcaraz: Well, I was okay with it until you guys wanted to discuss it, so, we are going to talk about this driveway. So, I would like to know more on consistency and what your concerns are so I am on the same page, because I was looking forward to, again, I had no opposition contact me either by email or phone. And, like I said, I always try and help the neighbors, and I did not hear one word from anyone. I would like

to have, but I have no way to say that I cannot move forward with this until you guys just brought up the driveway.

Mr. Weiner: I was, I like that word consistency. In my being consistent with our ordinance that we are passing along voting on today, it actually says impervious surface, that concrete is not consistent with what we are trying to pass along to City Council today. That is why I brought that up.

Mr. Alcaraz: My concern with that is, this is not in the Overlay District and we haven't voted on it and so that is why it is not consistent with what we are planning to do and so I kind of went forward with approving it. Or recommending approval.

Mr. Weiner: Mr. Wall.

Mr. Wall: So, it does just appear to be consistent with what we are, I think we have approved some with additional driveways and is this the right thing? Are we forcing people to tear up their yards? It is kind of a secondary impact, is that we are forcing them to add a parking space and impact the character of the neighborhood by increasing the imperviousness, just in their front yard. I think that is just what catches my attention. We have two applications kind of like this, the other one's just kind of in addition, I mean my own house, I had a driveway, the driveway got expanded, not much different than this one. My front yard is a little bit wider, but I think it was worth a discussion. It catches your attention when 50% of the frontage was parking and now 75% of the frontage is now parking. So, it just grabs your attention, Mr. Rose stated that they may expand their driveway no matter, they can do it by-right. For me it just grabbed my attention right off the bat, then it could impact the character of the neighborhood.

Mr. Weiner: Okay. Mr. Inman.

Mr. Inman: I think the aesthetics of the driveway expansion is more important than whether it is pervious or impervious frankly, and if it is already impervious, then to add a gravel bed next to some concrete and that does not look good, neighbors are not going to like that. I am more about being inconsistent with the appearance than it is a single driveway pad that happens to be impervious instead of pervious. And our requirements are, if he is going to have three bedrooms, you got to have three parking spaces, but you could say well you could have two bedrooms and then you do not need that parking space.

Mr. Weiner: Mr. Coston.

Mr. Coston: I think he said that he would probably add that driveway anyway. It's a moot point. I would go along with George and move that we just go ahead and vote on it and approve it.

Mr. Weiner: We got a motion.

Mr. Coston: Yes.

Mr. Weiner: That is a motion. We have a motion by Mr. Coston for approval. Do we have a second.

Mr. Alcaraz: I was recommending approval, but I wanted to be convinced about the driveway. I am leaning that way but I just did not hear enough, I like what Mr. Inman said, but I' like to hear more.

Mr. Weiner: In reality, what Mr. Inman indicated is to just put a bed of rocks, that is not a suitable parking place for, it would have to be something it could be permeable asphalt, permeable concrete, permeable asphalt. There are products out there that are suitable. During our workshop we were going to get PJ Scully from the City to come and talk to us about what is permissible and what is not, what is acceptable and what is not. So, we probably still need to do that one day, but that is what I am getting at, we are sending that message to the Council on our Ordinance, I know we have not voted on it yet, but we are still sending that message to Council in the Ordinance coming up, and that is why I just kind of wanted to stick with that, Ms. Klein.

Ms. Klein: This is for the big men at the table, let's say, we approve the application. It says that it has to be a permeable surface. And then they say we are moving to the property, we do not want a permeable surface, we want concrete, does that then void the permit because they are no longer in compliance, if they then were like, oh, maybe I want to do rentals?

Mr. Inman: Okay, what the condition says, number three condition says "additional driveway surface will be added as illustrated in the parking plan, proposed surface type material will be brushed concrete or a substitute material approved by the Zoning Administrator. The driveway additional be placed within 90 days of City Council approval."

Ms. Klein: Right, but if they do that and then down the road, say, okay, we are ready to move in, we want a different surface, which they are entitled to as owners of the property, is their permit no longer valid.

Mr. Tajan: So, it is a condition of their Conditional Use Permit, if the Commission chooses to impose a condition that says the surface shall not be impervious, in order for them to be in compliance with a Conditional Use Permit, that parking space could not be impervious; they would essentially be choosing between the STR or to live in the residence.

Ms. Klein: Okay, thank you.

Mr. Alcaraz: One more thing.

Mr. Weiner: Okay.

Mr. Alcaraz: Maybe I am confused here because when we were in the informal, I thought that we were going to talk about the reasoning of coming forward to us, and then being forced to add concrete or permeable or rock or whatever because you want a Conditional Use Permit for STR. I thought that is what we were going to talk about, the reasoning of, hey, we will give it to you but you got to have parking and I thought that was the topic we were going to talk about, so, maybe I misunderstood. That is why I agreed to hear it.

Mr. Weiner: I was under the impression we were going to talk about what type of surface they have to have for that third space, or they can't have a Conditional Use Permit. So, we have to have that third space. Yeah. So, I mean, if that is what everybody here is okay with, concrete in the driveway, then so be it. So, we have a motion by Mr. Coston, do we have a second. Second by Mr. Alcaraz. We are ready to vote motion for approval.

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

Ms. Sandloop: Mr. Graham is absent. Mr. Horsley.

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein.

Ms. Klein: Aye.

Ms. Sandloop: Ms. Oliver.

Ms. Oliver: Aye.

Ms. Sandloop: Mr. Redmond is absent. Vice Chair, Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of eight in favor and zero against the agenda item number nine has been recommended for approval.

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

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 721 13th 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. Additional driveway surface shall be added as illustrated in the parking plan found in the Staff report. The proposed surface material type shall be brushed concrete, or a substitute material approved by the Zoning Administrator. The driveway addition shall be placed within 90-days of City Council approval. 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 (if applicable).
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 # 10

**Benjamin A. Abair [Applicant & Property Owner]
Conditional Use Permit (Short Term Rental)
2513 Mortons Road**

March 10, 2021

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you. We are unaware of any items to be withdrawn, there are no items to be withdrawn. So, now we will move on to the Consent Agenda and our Vice Chair Wall will take that over. Thank you.

Mr. Wall: Thank you, Mr. Chair. These are applications that are recommended for approval by Staff and the Planning Commission concurred, and they are no speaker signed up in opposition. We have five items on the Consent Agenda today. The first item is agenda item number one, City of Virginia Beach resolution to schedule monthly meetings at the Planning Commission of the City of Virginia Beach for April 2021 to December 2021. Can someone from City Staff please speak on this.

Mr. Dao: This is a Resolution to adopt a date of the Planning Commission for the year of 2021, basically from April 2021 to December of 2021.

Mr. Wall: Thank you. Is there any opposition for this item being placed on the Consent Agenda. Hearing none, so, moving on to agenda item number three, Presmont Construction Services, an application for Conditional Use Permit for Automobile Service Station. Is there a representative for this item.

Mr. Beaman: Yes, thank you Mr. Vice Chair, Mr. Chair, and Members of the Commission for the record, my name is Rob Beaman local land use attorney with the Troutman Pepper Law Firm. We have read the conditions, they are acceptable and we certainly appreciate being on consent today. Thank you.

Mr. Wall: Thank you. Is there any opposition for this agenda item being placed on the Consent Agenda. Hearing none, Mr. Redmond has been asked to read this item into the record.

Mr. Redmond: Thank you Mr. Vice Chairman and Mr. Chairman. This is an application for a Conditional Use Permit for an automobile service station. Specifically, it is a convenience store with eight gas pumps at the corner of Pleasure House Road and Shore Drive, in the Bayside District in Northwest Virginia Beach. The site is zoned B-2 community business district, so, it is quite appropriate for this kind of business. It is a 35,000 square foot site, so, just under an acre. The applicant seeks to redevelop the site with a 4000 square foot convenience store and eight fuel pumps as I said if anybody is familiar with this neck of the woods, this site has been an eyesore for about two decades. The design that the applicant has

provided is of a coastal style, which is quite attractive for this kind of product and it has a very nice mix of materials. The landscaping plan is quite attractive, it includes some site improvements including sidewalks around both sides of the property, there is one that exists on Shore Drive, but that will be improved as well. There is really nothing not to like about this application. There is no opposition, the Staff has recommended approval and the Commission concurs by consent. Thank you, Mr. Chairman.

Mr. Wall: Thank you, Mr. Redmond. The next agenda item is agenda item number four Grace Bible Church of Virginia Beach Incorporated. This is a Modification of Conditions for Religious Use. Is there a representative for this item? Please state your name for the record.

Mr. Bourdon: Eddie Bourdon Virginia Beach Attorney representing Grace Bible Church on this application. All of the eight conditions as recommended by Staff are certainly acceptable. We appreciate all of staff's work on this. There was a gentleman now who was here, who is an adjoining property owner he was here to speak in favor of, I think he may still be here, but he was in favor of the application I advised him is on the Consent Agenda. He did not need to speak in his view. I understand, this morning I was here for the informal that some of you all had some questions and I am more than happy to try to address or answer them if you, if they were not answered satisfactorily to any of you or give you little bit of background if that is what the Commission desires, but otherwise we appreciate being on consent.

Mr. Wall: Okay, thank you. Mr. Horsley has been asked to read this agenda item into the record.

Mr. Horsley: Thank you, Mr. Wall. Back in 2017, a Conditional Use Permit was approved on this piece of property just shy of 14 acres and had six conditions, condition five stated that the parking lot must be at the current grade of the adjoining property. And, at this time, the applicant is requesting modification of the conditions to allow changes to the design and changes to the Stormwater Strategy Conceptual Plan. And, in doing this, the water drainage will change direction it is going to be going towards London Bridge Road. But, the property is somewhat lower than it needs to be to drain like it should be. So, three to four feet of field needs to be put in the property to raise it up and then the stormwater management facilities will work as is supposed to. I think this will be a big benefit for the surrounding community, the understanding the residential people in the close by will appreciate this and it will overall help with our drainage also. So, in staff's opinion, this was a good application and they deemed it acceptable. We had nobody in opposition to it, so, we put it on the Consent Agenda. Mr. Bourdon had said if anybody had any questions he will be glad to answer them, but I think everybody must have gotten satisfied with the questions this morning. Thank you.

Ms. Wilson: Mr. Inman, do you have a disclosure to make.

Mr. Inman: Yes, I do. I have a disclosure to make and that I am on the Advisory Board of Townebank. Townebank appears to have financing on this particular property, and I do not have a position where I make decisions on loans, and I will be voting on this matter.

Mr. Wall: Okay, thank you. The next agenda items are agenda items number six and seven. Dam Neck Storage, LLC, Conditional Use Permit for Bulk Storage Yard and Modification of Proffers for Mini Warehouse and this includes with amended condition number two. Do we have a representative to speak on this item.

Mr. Beaman: Yes, sir. Thank you, Mr. Vice Chair, Mr. Chair, and Members of the Commission again for the record Rob Beaman local land use attorney with the Troutman Pepper Law Firm. We have read the conditions with the correction and Mr. Wall noted, they are acceptable and we certainly appreciate being on the Consent Agenda. Thank you.

Mr. Wall: Thank you. Is there any opposition for this item to be placed on the Consent Agenda? Hearing none, Ms. Klein has been asked to read this application into the record.

Mr. Klein: Thank you, Mr. Wall. This property was rezoned from AG1 and 2 Agricultural Districts to Conditional I-1 Light Industrial District in 2005, for office warehouse and storage uses. The southern parcel is developed with self-storage, the eastern half of the site is developed with office warehouse and bulk storage, and the applicant seeks to expand the office warehouse and bulk storage yard uses onto the remaining western half of the site. The applicant seeks a Conditional Use Permit for a bulk storage yard and a Modification of Proffers request to amend proffers one, two, and four that were associated with the rezoning of the property in 2005, except for those proffers, the remaining proffers associated with the 2005 rezoning remain in effect. The proposal includes four buildings with an eight foot tall privacy and chain link fence and extensive vegetation buffer, exceeds the parking requirements by 22 spaces, there is no additional driveway or access proposed. And, as it falls into within the Navy restrictive easements, the Navy reviewed the proposal and has no objection.

Mr. Wall: Thank you. That was the last item on the Regular Consent Agenda.

Mr. Weiner: Yes, madam my turn. Yes, I am making a disclosure regarding this decision items number six and seven, I will be not voting on address a 1441 London Bridge Road, the applicant is a client of mine. The client is Dam Neck Storage, LLC.

Ms. Wilson: No, do you work for Batchelder and Collins.

Mr. Weiner: I work for Batchelder and Collins at 2305 Granby Street in Norfolk, Virginia.

Ms. Wilson: Thank you. Within 24 hours a written letter of abstention will be provided to the Planning Department.

Mr. Weiner: Thank you.

Mr. Wall: Okay, thank you. So, that was the last item on the Regular Consent Agenda. The Planning Commission also replaces 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. These applications are number 10 and number 12. Okay, I make a motion that we approve agenda items number 1, 3, 4, 6, and 7. And, for the Short-Term Rentals agenda items number 10 and 12.

Mr. Weiner: We have a motion for approval. Do we have a second.

Ms. Klein: I will second.

Mr. Weiner: Okay, we have a motion by Mr. Wall and a second by Ms. Klein.

Ms. Wilson: Mr. Redmond, there are two Short-Term Rentals on here you need to make your disclosure.

Mr. Redmond: Sure, I was going to wait until we had the hearing, but it seems like it is more appropriate time. I am abstaining on not just these two items that are on our Consent Agenda, but on every short-term rental application going forward, as well as on our consideration of the new ordinance. I have a small client in the travel business called Expedia Cruises, which I guess you are going to ask me to read these addresses. Expedia Cruises is a travel agency specializing in cruises. So, if you wanted to go to Cancun you could walk into a physical location which is what I am helping them to find and book a cruise. They are located at 1066 West Hastings Street, number 900 Vancouver, British Columbia V6E 3X1, Canada, and my involvement is through my commercial real estate work with my employer Divaris Real Estate Inc. at 4525 Main Street, Suite 900, Virginia Beach, Virginia 23462. I do a small amount of work for this cruise company, they are part of a much larger company called Expedia Group, which also owns I came to learn a couple weeks ago for the first time, which also owns a couple of online booking sites VRBO and HomeAway, and therefore I have concluded that it would be inappropriate for me to participate, not just in the ordinance but in any of the short-term rental applications, going forward so when we get to that point and the Commission starts those considerations I will take my leave and leave them to do their work on their own. Is there anything else you would like me to say, Ms. Wilson. That is the last time I will make that explanation other than to say, I have on file with the Planning Department a letter that explains my recusal from this part of our body of work. Good. Alright. Thank you, Mr. Chairman.

Mr. Weiner: We had a motion by Mr. Wall a second by Ms. Klein for the Consent Agenda, we ready to vote.

Ms. Sandloop: Okay, Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

Ms. Sandloop: Mr. Graham is absent. Mr. Horsley.

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein.

Ms. Klein: Aye.

Ms. Sandloop: Ms. Oliver.

Ms. Oliver: Aye.

Ms. Sandloop: Mr. Redmond.

Mr. Redmond: Aye, with the stipulation that I am particularly recusing myself on the items with regard to short-term rental. Thank you.

Ms. Sandloop: Vice Chair, Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By a recorded vote of nine in favor and zero against with modifications to agenda items 1, 3, 4, 6, and 7, with modifications to agenda item six related to fencing short-term rental agenda items 10 and 12 have been approved nine in favor and zero against with Mr. Redmond abstaining from items 10 and 12 and Chairman Weiner abstaining from items six and seven.

	AYE 8	NAY 0	ABS 1	ABSENT 2
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			

Oliver	AYE			
Redmond			ABSTAIN	
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 2513 Mortons Road and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. As illustrated in the “Site Layout and Parking Plan” section of the Staff report, an entryway driveway apron meeting the minimum Public Works Specifications and Standards shall be added within 90-days of City Council’s approval of this request. All applicable building permits shall be obtained by the Permits and Inspections Division of the Department of Planning and Community Development prior to placement.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).
6. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes. Physical response to the site of the Short Term Rental is not required.
7. If, or when, the ownership of the property changes, it is the seller’s responsibility to notify the new property owner of requirements ‘a’ through ‘c’ below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and
 - b) Copies of the Commissioner of Revenue’s Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
8. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.

9. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
10. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
11. Accessory structures shall not be used or occupied as Short Term Rentals.
12. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
13. The Short Term Rental shall have no more than one (1) rental contract during any consecutive seven (7) day period.
14. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
15. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
16. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom.
17. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors, shall be installed in each Short Term Rental.

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

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

Item # 11

**Richard & Patricia Hall Revocable Living Trust [Applicant & Property Owner]
Conditional Use Permit (Short Term Rental)
947 Indian Circle**

March 10, 2021

RECOMMENDED FOR DENIAL – HEARD

Ms. Sandloop: So noted, thank you. Next agenda item is, agenda item 11 Richard and Patricia Hall Revocable Living Trust, an application for a Conditional Use Permit Short-Term Rental on property located at 947 Indian Circle in the Beach District. Is the applicant or the applicant's representative available?

Mr. Dao: We have two speakers on this item, the first speaker is the applicant Patricia Hall, followed by Kathleen Lloyd. Ms. Hall, please pause for three seconds before beginning your comment. Thank you.

Ms. Hall: Yes, hello, I am Pat Hall. My husband and I live in Melbourne Beach, Florida. A year ago, June 2020, we decided to purchase a second home in Virginia Beach to be close to our daughter and her family. We also felt that it would be an ideal house to turn into a short-term rental to help offset some of the expenses, because we are on a fixed income and both retired, this would be a great help to us. We submitted an application for a short-term rental in December 2020. Although it states that it is a three bedroom house, we are only planning on renting it as a two bedroom house because we are using the third bedroom as storage, and will have a lock on the door. So, there is adequate parking for the two bedrooms and we do understand and agree that the ordinances offered two people per bedroom. We also asked that a condition be added to our short-term rental Conditional Use Permit requests that this allows that third bedroom to be used as a bedroom while home is rented for STR purposes, therefore making it a two bedroom rental allowing two people per bedroom. We feel that this is an ideal location for a short-term rental. Our home is less than one-mile from the beach and is a short walk to restaurants, convenience store, and the newly expanded Marshview Park a few blocks away with biking, jogging pads, dog parks, and a potential playground. This is perfect because we hope to rent mostly to families who choose to be away from the activity of the beach and the boardwalk. Our daughter and son-in-law who live only two blocks away will be managing and vetting potential renters, and will be available 24/7. We also received written approval, which we have included with our application, from both our neighbors on either side. Because our home is not in the proposal overlay, please take into consideration that we applied during the existing city ordinance, which is section 102 I understand. Thank you for your time.

Mr. Alcaraz: Are you currently renting it right now.

Ms. Hall: No, we own it and we use it- well - rest of the year, we only need to rent it during the summer months.

Mr. Alcaraz: Okay.

Mr. Weiner: Any other questions. Okay, thank you.

Mr. Dao: The next speaker is Katie Lloyd. Ms. Lloyd, you can please pause for three seconds and begin your comments. Thank you.

Ms. Lloyd: Hi, I am Katie Lloyd and as my mom said, I am going to be managing the property, my husband and I, we have a newborn child and we live about two blocks away, so, we are available 24/7. Like she said, we will only be renting it in the summer months for three months. Other than that, it will be used as a family home. So, my mom and my stepdad can come and enjoy their time with their grandson and also kind of help with childcare. The reason why they did buy this house last year was because we had a new baby and they wanted to be closer to my child, but we also knew when looking at this property that we had the option to do a short-term rental. So, with that option, that really helped us decide that this would be a great second home for them along with being able to rent it out where we can help manage it. We have talked to both neighbors on either side, they have our personal phone numbers, we have their personal phone number as well. They have approved that and we told them that we were going to be renting it for those three months, they said everything was fine, because they know that we are responsible and we told them the type of people that we wanted and the type of people who we were kind of advertising this short-term rental for was for families, knowing that the size of it would be good, and as Pat mentioned, how close it is to the boardwalk but yet far enough away from a lot of the activity if they wanted somewhere quiet for the family. We will be hiring, and we do have people in mind for cleaning it, a local cleaning lady, and she is excited about having a new house to clean. Because of COVID, she has kind of lost some jobs there. Like I said, I will be available 24/7, and we just feel that this will really help my parents be able to use this as a second home, get close to family, and give us the opportunity to bring in a little bit more income for them, or enough to offset some of the costs on being close to us. So, if you have any questions about managing or anything, feel free to ask.

Mr. Weiner: Any questions. No questions. Okay. Any other speakers.

Mr. Dao: There are no more speakers on this item.

Mr. Weiner: All right, we will close this and open it up for discussion. Mr. Alcaraz.

Mr. Alcaraz: I have not received any opposition. However, I am in agreement with the City Staff's recommendation. They do not have adequate parking. She has offered to reduce the parking requirements by locking a door, which I am not too comfortable with. That is something that I do not know how the Planning Department could

enforce or know how. So, I will not be recommending approval, I want to go with the City Planning Department unless you guys want to talk about anything else.

Mr. Weiner: Okay. Anybody else. Jack.

Mr. Wall: One thing about the parking strategy is that I am not necessarily in favor or oppose at this point, but it is not the ideal. I think that the parking space that they do have it is not on someone else's property, even though it is outside of the whole entire parking space. You are showing 17.6 feet, but the reality is that the whole thing is in the right of way, but it is not in someone else's property. I just wanted to point that out, that it is not like it is hanging over into the adjacent property owners property.

Mr. Alcaraz: I think the concern with the Planning Department is that for parallel parking you need 22-feet and they do not have it. That was what the concern was.

Mr. Weiner: That is correct.

Mr. Wall: Okay, thank you.

Mr. Weiner: Anyone else? Mr. Inman.

Mr. Inman: Haven't we have had situations where there has been a three bedroom or four bedroom residence and a person will say, well I will settle for only having three or settle for two, but I got more bedrooms but I am not going to use them, haven't we approved those before?

Mr. Weiner: We talked about that, I think before you got here, and we were told that actually this went to the City Assessor's Office, if I am not mistaken, correct? And, the City Assessor's Office said no this is considered a three bedroom home and has to be advertised as a three bedroom home. Am I correct saying that?

Mr. Tajan: So, what we use, Mr. Chair and Mr. Inman, is that we utilize what we have on record from the real estate assessor for how many bedrooms is in residence. So, the property owner has the option to try to seek from the real estate assessor to reassess to see if they can make it so that it is not a bedroom. They went that route and after their discussions per Will's staff report, and Mr. Miller is online if you would like to ask him any questions as well, but according to Mr. Miller's discussion with the applicant, that based on how they are utilizing it, it was still considered another bedroom. So, because of that, anytime that this has moved forward where there was an opportunity to reduce the number of bedrooms to meet the parking requirement, Staff has always required that it be documented somewhere, not just in this approval but also changed elsewhere with how the property is assessed so that everybody knows when they go to look at it, that it is only supposed to be this many bedrooms.

Mr. Weiner: Okay, that makes sense. So, if they went back to the City Assessor's Office and the Assessment Office said to them, we are only going to do two bedrooms here. They could come back for the Conditional Use Permit or how does that work? I am just asking the question.

Mr. Tajan: If they choose to change to where it is no longer considered a bedroom, they could alter their application. Technically, it would be a different application so it would not be limited to the one-year period, is that correct, it would be a different application so they could potentially reapply. Typically, if the applicant has already spoken to the Assessor's Office, how they plan on utilize the room is still considered a bedroom for the, for the assessor for their city's records.

Mr. Weiner: Okay. Anybody else. Motion?

Mr. Alcaraz: Yeah, I make a motion that we deny the request.

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

Ms. Oliver: I second the motion.

Mr. Weiner: Second by Ms. Oliver.

Ms. Sandloop: Motion is for denial. Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

Ms. Sandloop: Mr. Graham is absent. Mr. Horsley.

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein.

Ms. Klein: Aye.

Ms. Sandloop: Ms. Oliver.

Ms. Oliver: Aye.

Ms. Sandloop: Mr. Redmond is absent. Vice Chair, Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of eight in favor and zero against agenda item number 11 has been recommended for denial.

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

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 947 Indian Circle 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 # 12

**Charles K. Bain & Kathy Bain [Applicant & Property Owner]
Conditional Use Permit (Short Term Rental)
915 Pacific Avenue Unit A**

March 10, 2021

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Weiner: Thank you. We are unaware of any items to be withdrawn, there are no items to be withdrawn. So, now we will move on to the Consent Agenda and our Vice Chair Wall will take that over. Thank you.

Mr. Wall: Thank you, Mr. Chair. These are applications that are recommended for approval by Staff and the Planning Commission concurred, and they are no speaker signed up in opposition. We have five items on the Consent Agenda today. The first item is agenda item number one, City of Virginia Beach resolution to schedule monthly meetings at the Planning Commission of the City of Virginia Beach for April 2021 to December 2021. Can someone from City Staff please speak on this?

Mr. Dao: This is a Resolution to adopt a date of the Planning Commission for the year of 2021, basically from April 2021 to December of 2021.

Mr. Wall: Thank you. Is there any opposition for this item being placed on the Consent Agenda. Hearing none, so, moving on to agenda item number three, Presmont Construction Services, an application for Conditional Use Permit for Automobile Service Station. Is there a representative for this item?

Mr. Beaman: Yes, thank you Mr. Vice Chair, Mr. Chair, and Members of the Commission for the record, my name is Rob Beaman local land use attorney with the Troutman Pepper Law Firm. We have read the conditions, they are acceptable and we certainly appreciate being on consent today. Thank you.

Mr. Wall: Thank you. Is there any opposition for this agenda item being placed on the Consent Agenda? Hearing none, Mr. Redmond has been asked to read this item into the record.

Mr. Redmond: Thank you Mr. Vice Chairman and Mr. Chairman. This is an application for a Conditional Use Permit for an automobile service station. Specifically, it is a convenience store with eight gas pumps at the corner of Pleasure House Road and Shore Drive, in the Bayside District in Northwest Virginia Beach. The site is zoned B-2 community business district, so, it is quite appropriate for this kind of business. It is a 35,000 square foot site, so, just under an acre. The applicant seeks to redevelop the site with a 4000 square foot convenience store and eight fuel pumps as I said if anybody is familiar with this neck of the woods, this site has been an eyesore for about two decades. The design that the applicant has

provided is of a coastal style, which is quite attractive for this kind of product and it has a very nice mix of materials. The landscaping plan is quite attractive, it includes some site improvements including sidewalks around both sides of the property, there is one that exists on Shore Drive, but that will be improved as well. There is really nothing not to like about this application. There is no opposition, the Staff has recommended approval and the Commission concurs by consent. Thank you, Mr. Chairman.

Mr. Wall: Thank you, Mr. Redmond. The next agenda item is agenda item number four Grace Bible Church of Virginia Beach Incorporated. This is a Modification of Conditions for Religious Use. Is there a representative for this item? Please state your name for the record.

Mr. Bourdon: Eddie Bourdon Virginia Beach Attorney representing Grace Bible Church on this application. All of the eight conditions as recommended by Staff are certainly acceptable. We appreciate all of staff's work on this. There was a gentleman now who was here, who is an adjoining property owner he was here to speak in favor of, I think he may still be here, but he was in favor of the application I advised him is on the Consent Agenda. He did not need to speak in his view. I understand, this morning I was here for the informal that some of you all had some questions and I am more than happy to try to address or answer them if you, if they were not answered satisfactorily to any of you or give you little bit of background if that is what the Commission desires, but otherwise we appreciate being on consent.

Mr. Wall: Okay, thank you. Mr. Horsley has been asked to read this agenda item into the record.

Mr. Horsley: Thank you, Mr. Wall. Back in 2017, a Conditional Use Permit was approved on this piece of property just shy of 14 acres and had six conditions, condition five stated that the parking lot must be at the current grade of the adjoining property. And, at this time, the applicant is requesting modification of the conditions to allow changes to the design and changes to the Stormwater Strategy Conceptual Plan. And, in doing this, the water drainage will change direction it is going to be going towards London Bridge Road. But, the property is somewhat lower than it needs to be to drain like it should be. So, three to four feet of field needs to be put in the property to raise it up and then the stormwater management facilities will work as is supposed to. I think this will be a big benefit for the surrounding community, the understanding the residential people in the close by will appreciate this and it will overall help with our drainage also. So, in staff's opinion, this was a good application and they deemed it acceptable. We had nobody in opposition to it, so, we put it on the Consent Agenda. Mr. Bourdon had said if anybody had any questions he will be glad to answer them, but I think everybody must have gotten satisfied with the questions this morning. Thank you.

Ms. Wilson: Mr. Inman, do you have a disclosure to make?

- Mr. Inman: Yes, I do. I have a disclosure to make and that I am on the Advisory Board of Townebank. Townebank appears to have financing on this particular property, and I do not have a position where I make decisions on loans, and I will be voting on this matter.
- Mr. Wall: Okay, thank you. The next agenda items are agenda items number six and seven. Dam Neck Storage, LLC, Conditional Use Permit for Bulk Storage Yard and Modification of Proffers for Mini Warehouse and this includes with amended condition number two. Do we have a representative to speak on this item?
- Mr. Beaman: Yes, sir. Thank you, Mr. Vice Chair, Mr. Chair, and Members of the Commission again for the record Rob Beaman local land use attorney with the Troutman Pepper Law Firm. We have read the conditions with the correction and Mr. Wall noted, they are acceptable and we certainly appreciate being on the Consent Agenda. Thank you.
- Mr. Wall: Thank you. Is there any opposition for this item to be placed on the Consent Agenda? Hearing none, Ms. Klein has been asked to read this application into the record.
- Mr. Klein: Thank you, Mr. Wall. This property was rezoned from AG1 and 2 Agricultural Districts to Conditional I-1 Light Industrial District in 2005, for office warehouse and storage uses. The southern parcel is developed with self-storage, the eastern half of the site is developed with office warehouse and bulk storage, and the applicant seeks to expand the office warehouse and bulk storage yard uses onto the remaining western half of the site. The applicant seeks a Conditional Use Permit for a bulk storage yard and a Modification of Proffers request to amend proffers one, two, and four that were associated with the rezoning of the property in 2005, except for those proffers, the remaining proffers associated with the 2005 rezoning remain in effect. The proposal includes four buildings with an eight foot tall privacy and chain link fence and extensive vegetation buffer, exceeds the parking requirements by 22 spaces, there is no additional driveway or access proposed. And, as it falls into within the Navy restrictive easements, the Navy reviewed the proposal and has no objection.
- Mr. Wall: Thank you. That was the last item on the Regular Consent Agenda.
- Mr. Weiner: Yes, madam my turn. Yes, I am making a disclosure regarding this decision items number six and seven, I will be not voting on address a 1441 London Bridge Road, the applicant is a client of mine. The client is Dam Neck Storage, LLC.
- Ms. Wilson: No, do you work for Batchelder and Collins.
- Mr. Weiner: I work for Batchelder and Collins at 2305 Granby Street in Norfolk, Virginia.
- Ms. Wilson: Thank you. Within 24 hours a written letter of abstention will be provided to the Planning Department.

Mr. Weiner: Thank you.

Mr. Wall: Okay, thank you. So, that was the last item on the Regular Consent Agenda. The Planning Commission also replaces 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. These applications are number 10 and number 12. Okay, I make a motion that we approve agenda items number 1, 3, 4, 6, and 7. And, for the Short-Term Rentals agenda items number 10 and 12.

Mr. Weiner: We have a motion for approval. Do we have a second?

Ms. Klein: I will second.

Mr. Weiner: Okay, we have a motion by Mr. Wall and a second by Ms. Klein.

Ms. Wilson: Mr. Redmond, there are two Short-Term Rentals on here you need to make your disclosure.

Mr. Redmond: Sure, I was going to wait until we had the hearing, but it seems like it is more appropriate time. I am abstaining on not just these two items that are on our Consent Agenda, but on every Short-Term Rental application going forward, as well as on our consideration of the new ordinance. I have a small client in the travel business called Expedia Cruises, which I guess you are going to ask me to read these addresses. Expedia Cruises is a travel agency specializing in cruises. So, if you wanted to go to Cancun you could walk into a physical location which is what I am helping them to find and book a cruise. They are located at 1066 West Hastings Street, number 900 Vancouver, British Columbia V6E 3X1, Canada, and my involvement is through my commercial real estate work with my employer Divaris Real Estate Inc. at 4525 Main Street, Suite 900, Virginia Beach, Virginia 23462. I do a small amount of work for this cruise company, they are part of a much larger company called Expedia Group, which also owns I came to learn a couple weeks ago for the first time, which also owns a couple of online booking sites VRBO and HomeAway, and therefore I have concluded that it would be inappropriate for me to participate, not just in the ordinance but in any of the Short-Term Rental applications, going forward so when we get to that point and the Commission starts those considerations I will take my leave and leave them to do their work on their own. Is there anything else you would like me to say, Ms. Wilson? That is the last time I will make that explanation other than to say, I have on file with the Planning Department a letter that explains my recusal from this part of our body of work. Good. Alright. Thank you, Mr. Chairman.

Mr. Weiner: We had a motion by Mr. Wall a second by Ms. Klein for the Consent Agenda, we ready to vote.

Ms. Sandloop: Okay, Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

Ms. Sandloop: Mr. Graham is absent. Mr. Horsley.

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein.

Ms. Klein: Aye.

Ms. Sandloop: Ms. Oliver.

Ms. Oliver: Aye.

Ms. Sandloop: Mr. Redmond.

Mr. Redmond: Aye, with the stipulation that I am particularly recusing myself on the items with regard to Short-Term Rental. Thank you.

Ms. Sandloop: Vice Chair, Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By a recorded vote of nine in favor and zero against with modifications to agenda items 1, 3, 4, 6, and 7, with modifications to agenda item six related to fencing short-term rental agenda items 10 and 12 have been approved nine in favor and zero against with Mr. Redmond abstaining from items 10 and 12 and Chairman Weiner abstaining from items six and seven.

	AYE 8	NAY 0	ABS 1	ABSENT 2
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			

Oliver	AYE			
Redmond			ABSTAIN	
Wall	AYE			
Weiner	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 915 Pacific Avenue Unit A, and the Short Term Rental use shall only occur in the principal structure.
2. No vehicles longer than 18-feet shall be permitted in the parking spaces associated with this Short Term Rental.
3. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).
6. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes. Physical response to the site of the Short Term Rental is not required.
7. If, or when, the ownership of the property changes, it is the seller’s responsibility to notify the new property owner of requirements ‘a’ through ‘c’ below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and
 - b) Copies of the Commissioner of Revenue’s Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
8. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
9. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and

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

10. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
11. Accessory structures shall not be used or occupied as Short Term Rentals.
12. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
13. The Short Term Rental shall have no more than one (1) rental contract during any consecutive seven (7) day period.
14. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
15. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
16. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom.
17. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors, shall be installed in each Short Term Rental.

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

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

Item # 13

**Jaime Dymond [Applicant & Property Owner]
Conditional Use Permit (Short Term Rental)
3817 Daiquiri Lane**

March 10, 2021

RECOMMENDED FOR APPROVAL – HEARD

Ms. Sandloop: Next item of business is agenda item number 13, Jaime Dymond, an application for a Conditional Use Permit Short-Term Rental on property located at 3817 Daiquiri Lane in the Centerville District. Is the applicant or the applicant

Mr. Weiner: Please come forward. State your name for the record, please.

Ms. Dymond: Hi, good afternoon I am Jaime Dymond. So, I have owned the home for over 10 years. I plan to rent for less than half of the year just primarily during the summer. I think it is a great location, being right next to the amphitheater, when hopefully under normal circumstances, we will be having concerts again. Also it is a great location, centrally located for military families visiting from out of town, but also very close to the area beaches and a little further removed from some of the noise and chaos that can happen at the oceanfront. I know the hot topic this morning was the matter of the parking. So, my driveway, including the apron is 32-feet long and in the time I have lived there, I have always parked two vehicles in the driveway. I do realize with the regulations that we do need to provide additional space. So, I did consult with a contractor whose just been looking at it, we are determined to try to preserve some of the uniformity of the neighborhood, so it might be better to position it to the left, also providing extra space to put trash bins and things like that. There is not much going on between my neighbor's driveway and my own. However, I am entirely open to just expanding it six-feet the other way. I am just trying to be as agreeable as possible to whatever your recommendations are. Thank you.

Mr. Weiner: Any questions. Alright, thank you very much. No more speakers?

Mr. Dao: No more speakers.

Mr. Weiner: Alright, Ms. Klein.

Ms. Klein: I am super conflicted about this. I really want to approve it. I spoke with Mr. Kemp extensively during our break; I want to approve this. I am interested to know your thoughts on the parking plan to see if that sways me in another direction.

Mr. Weiner: Who wants to go first? Mr. Coston.

Mr. Coston: I think most people who expand their driveway tend to go to the left. I mean, you kind of want to leave the front of the house looking the way that it does. I am in

favor of approving it if she wants to put that driveway to the left and I would go along with that.

Mr. Weiner: Okay. Jack.

Mr. Wall: We just approved one that expanded the driveway. My opinion is similar to Mr. Coston, I think it is a better look on the outside than the inside.

Mr. Weiner: Who else? Dee.

Ms. Oliver: I am fine with it. I think that whatever makes her property look aesthetically pleasing to her and is good with City Staff and Permitting, I think whether it is adding three feet to one side and three feet to the other to make it wider and sort of centered, it might look better like that, but either way, I am fine with that. I wish that in going forward in the future that our photographs would sort of encompass a little bit more of that side so Ms. Klein could have probably had a little bit of a better visual or all of us that cannot see it that way then you know a little bit better photographs of the property, but that being said, I am fine.

Mr. Weiner: Alright. Do we have a motion?

Ms. Klein: I will make a motion to approve.

Mr. Weiner: I have a Motion approved by Ms. Klein. Do we have a second?

Mr. Coston: Second.

Mr. Weiner: Second by Mr. Coston. We are ready to vote.

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: I think I will abstain since I excused myself for this one. Thank you.

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

Mr. Coston: Aye.

Ms. Sandloop: Mr. Graham is absent. Mr. Horsley.

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein.

Ms. Klein: Aye.

Ms. Sandloop: Ms. Oliver.

Ms. Oliver: Aye.

Ms. Sandloop: Mr. Redmond is absent. Vice Chair, Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor with one abstention agenda item number 13 has been recommended for approval.

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

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 3817 Daiquiri Lane, and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. The garage space within the unit must remain a minimum of 9-feet by 18-feet, contain a minimum 8-foot wide vehicle entryway opening, and shall remain free of materials to ensure vehicular accessibility to the Short Term Rental tenants.
4. As shown on the parking plan illustration within the "Site Layout and Parking Plan" section of this Staff report and unless a modification of material type and/or location is approved by the Zoning Administrator, the existing concrete driveway shall be widened to no wider than 20-feet and must always be available to the Short Term Rental occupants leasing the unit. A building permit for this additional concrete parking space must be obtained from the Permits and Inspections division of the Department of Planning and Community Development within 60-days of any City Council approval for the proposed Short Term Rental use.
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.