

Virginia Beach Planning Commission

Public Hearing

May 12, 2021

Mr. Weiner: Welcome, I'd like to welcome everybody to the May 12, 2021 Planning Commission hearing. My name is David Wiener, I act as the chair. And before we start off I have asked Commissioner Coston to do the prayer and Commissioner Graham to lead us up in the Pledge, please stand.

Mr. Coston: Eternal God our Father, we thank you for this glorious day which you have made. God, we thank you for the brand new mercies that we see. Now Father, we ask that as we come to deliberate and discussed the business of the City, God that you would grant us of your wisdom and your insight. As we ponder the decisions that will affect this City for years to come. Bless us, Oh, God, lead us and direct us as we discuss these issues. We give you praise, we give you honor, and we give you glory. And we thank you, in your name and for your sake. Amen. Amen.

Mr. Graham: 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, next I've asked Commissioner Klein to introduce the members please.

Ms. Klein: Thank you, Chairman. We have John Coston, retired Virginia Beach fire captain and member At-Large. Dave Redmond, a commercial real estate broker from the Bayside District. Vice Chair Jack Wall, civil engineer from the Rose Hall District, Chairman David Wiener, commercial salesmen from Kempsville District. Dee Oliver funeral director and member At-Large, myself Robyn Klein, social worker from the Centerville District. Excuse me; George Alcaraz building contractor from Beach District, and Whitney Graham, real estate developer from the Lynnhaven District.

Mr. Weiner: Thank you. Next order of business is explanation of the rules and how the meeting will be conducted. Madam Clerk would you do that, please.

Madam Clerk: Today we will have both in person speakers and speakers participating 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 while 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 distanced 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 the viewing. 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 and reverberation. It is important that once recognized, 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, I will move on to the next registered speaker. Commissioners, are there any questions about the process for speakers? Okay.

Moving 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 either 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, 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 have an agenda item will have three minutes to speak, unless they are solely representing a large group such as a Civic League or Homeowners Association, in which case they will have 10 minutes. Please note that the actions taken by the Commission today are in the form of a recommendation to the Virginia Beach City Council. The final decision to approve or disapprove an application will be made by the City Council. The Commission thanks you for your attendance and we hope that your experience here today leaves you feeling that you have been heard and treated fairly. Thank you.

Mr. Weiner: Thank you, Madam Clerk. Before we go any farther, we need to back up just a minute because without these people sitting over here, we wouldn't be able to do what we do up here. So I'd like to introduce Bobby Tajan, is our Planning Director and Bobby, would you introduce your staff please, the staff here today.

Mr. Tajan: Thank you, Mr. Chair, sitting beside me of Carolyn Smith, the Planning Administrator. Starting with the next row we have Marchelle Coleman who was recently promoted to the Planner III position that Hoa Dao had vacated to become a Planning Evaluation Coordinator. So congratulations to Marchelle. We have Hoa Dao, our Planning Evaluation Coordinator, Hank Morrison, one of our Planners in the Zoning Division, Ashley Moss, Planning Evaluation Coordinator as well. I think we also have Summer Peebles, Kevin Kemp, our Zoning Administrator, as well as we have representation from our City Attorney's Office, Kay Wilson, Deputy City Attorney and Tori Eisenberg.

Item # 1

City of Virginia Beach – Zoning Ordinance Text Amendment to amend Article 2, Section B- Sign Regulations to comply with recent court decisions regarding the constitutionality of sign regulations.

May 12, 2021

RECOMMENDED FOR APPROVAL – CONSENT

Mr. Wall: Thank you. Okay. Thank you, Mr. Chair. These are applications that are recommended for approval by staff, the Planning Commission concurred. And there are no speakers signed up in opposition. We have four items on the consent agenda today. The first item is agenda item number one by which is going to be presented by city staff.

Mr. Kemp: Good afternoon Chairman, Commission. For the record, my name is Kevin Kemp; I am the Zoning Administrator here in Virginia Beach. Item one is an ordinance amendment which modifies the Zoning Ordinance in regards to the sign regulations, particularly making them content neutral and in line with some current court decisions that have been made. What this ordinance does is first changes the regulations for billboards; our current ordinance regulates billboards based on their content. And what I mean by content is a billboard is an offsite sign advertising something not on that site. Well to know if you're advertising something on the site or off the site, you have to read the billboard therefore making it content based. So what this ordinance does is, it makes all outdoor advertising signs, takes billboards out, and any sign is permitted on the site as a free standing sign, but that sign is held to the dimensional standards of what is normally allowed in that Zoning District for freestanding signs. So billboards are not their own use. The second thing that this ordinance does is it removes the Zoning Administrators ability to modify non-conforming signs where in the past if an applicant wished to take non-conforming sign and alter it to make it better, there was an administrative process through my office that that could be done. This now puts that process only by City Council approval. The last thing in the ordinance is in regards to electronic signs and these would only be permitted in two instances. The first are for major entertainment venues. These are venues such as The Aquarium that require City Council approval and therefore City Council would dictate the number of electronic signs and the size and the second instance is for fuel prices. And these would be allowed only on properties that dispense fuel and they would be limited to one sign. Are there any questions?

Mr. Weiner: Thank you.

Mr. Kemp: Thank you Commission.

Mr. Wall: Is there any opposition for this item to be placed on the consent agenda? Okay. The next item on the consent agenda is item number - agenda item number four. Is there a representative for this item?

Mr. Beaman: Mr. Vice Chair, Members of the Commission for the record, my name is Rob Beaman. I'm a local land use attorney at the Troutman Pepper Law Firm here today on behalf of the applicant for agenda item number four, we've had a chance to read the conditions, they are acceptable and we appreciate being on the consent agenda.

Mr. Wall: Thank you. Is there any opposition for this item to be placed on the consent agenda? Hearing none, we've asked Ms. Klein to read this into the record.

Ms. Klein: The applicant is requesting a Conditional Use Permit for a mini warehouse in order to construct a 25,000 square foot indoor self storage facility on this B4 mixed district zoned parcel. A portion of the property contains a parking lot and undeveloped area. The proposed building will be a climate controlled three story mini warehouse building with the total height of 43 feet and it matches the surrounding area. The applicant is seeking a deviation to the required 35 foot front yard setback which staff approves. Based on the consideration staff recommends approval of the application subject to the conditions and the Planning Commission concurs.

Mr. Wall: Thank you. The next item on the consent agenda is item number nine. Is there a representative for this item? Okay, seeing none. Is there any opposition for this item to be on the consent agenda? Hearing none. We've asked Mr. Redmond to read this into the record.

Mr. Redmond: Excuse me. Thank you, Mr. Wall. This is an application for a Conditional Use Permit for a family daycare home at 1105 Voss Court. The applicant is requesting the CUP for a daycare facility of up to 12 children within this single family dwelling. It's a 7500 square foot parcel and seems to be very well organized and laid out for this particular use. The applicant has 22 years of experience caring for children. Staff sees no reason why it should be denied. Planning Commission sees no reason why it should be denied and we therefore place it on consent. Thank you, Mr. Wall.

Mr. Wall: Thank you. The next item on the consent agenda is item number 10. Is there a representative for this item? Okay.

Madam Clerk: Mr. Wall there is, she had signed, Diana Buhrmann had signed up virtually, but she is not online. So is Diana Buhrmann here?

Mr. Wall: Okay. Is there any opposition for this to be on the consent agenda? Okay, hearing none, we've asked Mr. Graham to read this into the record.

Mr. Graham: Thank you, Mr. Wall. The applicant is requesting a Conditional Use Permit for a family daycare home to care for up to 12 children within a single family dwelling. The 5401 square foot parcel is zoned PD-H1 planned unit development and is located in the Magic Hollow neighborhood at 998 Boughton Way in the Rose Hall District. This request for a Conditional Use Permit in staff's opinion is consistent with the policies and goals set forth in the Comprehensive Plan for the suburban area. Staff finds the property to be well organized and well kept; successfully promoting the policies intended to ensure the maintenance and sustainability of great neighborhoods. For these reasons, staff recommends approval and Planning Commission agrees with this recommendation. Therefore we have placed it on the consent agenda.

Mr. Wall: Thank you, Mr. Graham. So that ends the regular consent agenda. The Planning Commission also places the following applications for Conditional Use Permit for Short-Term Rental on the consent agenda as they meet the applicable requirements for section 241.2 of the Zoning Ordinance. Staff and the Planning Commission supports the applications and there are no speakers signed up in opposition and that includes agenda items number 15, 17 and 20. Those were the last items on the consent agenda. I move for approval of agenda items 1, 4, 9, 10, 15, 17, and 20. We have a motion. Do we have a second?

Ms. Klein: Second.

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

Mr. Redmond: Mr. Chairman.

Mr. Weiner: I'm sorry. Go ahead. That's right.

Mr. Redmond: Number one, I am abstaining on agenda item number 8, for the same reason as before, there's work colleague of mine who is a member of the partnership that owns this property and so that's just too close for comfort. I also am abstaining on all of the short-term rental applications. I have a letter on file with the City Attorney's Office, I have a client who's in the travel industry, and that too, is too close for comfort. So I do not vote on short-term rental applications or ordinances. Thank you.

Ms. Wilson: Mr. Graham?

Mr. Weiner: Anybody else?

Ms. Wilson: You have a letter on file saying that you will abstain from all short-term rental applications, has that changed?

Mr. Graham: Yes, ma'am that has been withdrawn.

Ms. Wilson: Okay. And you will now vote on those applications?

Mr. Graham: That is correct. I do not have a conflict.

Ms. Wilson: Thank you.

Mr. Weiner: Thank you. Ready to vote?

Madam Clerk: Yes, sir. Mr. Alcaraz?

Mr. Alcaraz: Aye.

Madam Clerk: Mr. Barnes is absent. Mr. Coston?

Mr. Coston: Aye.

Madam Clerk: Mr. Graham?

Mr. Graham: Aye.

Madam Clerk: Mr. Horsley is absent Mr. Inman is absent. Ms. Klein?

Ms. Klein: Aye.

Madam Clerk: Ms. Oliver?

Ms. Oliver: Aye.

Madam Clerk: Mr. Redmond?

Mr. Redmond: Aye.

Madam Clerk: Vice Chair Wall?

Mr. Wall: Aye.

Madam Clerk: Chairman Wiener?

Mr. Weiner: Aye.

Madam Clerk: By recorded vote of eight in favor and zero against agenda items 1, 4, 9, and 10 have been approved. Agenda items 15, 17 and 20 by recorded vote of seven in favor, zero against with one abstention have been approved by consent.

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

Item # 2

**Commonwealth Auto Group [Applicant] WWMD Properties LP [Property Owner]
Conditional Use Permit (Motor Vehicle Sales & Rentals)
4873 Haygood Road**

May 12, 2021

DEFERRED FOR 30 DAYS – HEARD

Madam Clerk: Our first item is agenda item number 2, Commonwealth Auto Group Incorporated. An application for a Conditional Use Permit Motor Vehicle Sales and Rentals on property located at 4873 Haygood Road, in the Bayside District. Will the applicant or the applicant's representative please step to the podium?

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

Mr. Sheltie: Good afternoon. My name is Michael Schulty. I represent the applicant, Commonwealth Auto Group.

Mr. Weiner: Okay, fill us in a little bit about what's gonna happen there.

Mr. Schulty: Sure. So we're looking to do a Conditional Use Permit for an auto sales establishment. It's an established business within the City since 2014. Currently, they're located on Shore Drive, and they're being forced to move due to a redevelopment of their site. So, they lost their lease and they'd like to stay within the City limits.

Mr. Weiner: Okay. Questions? Do we have any questions Mr. Redmond?

Mr. Redmond: Yes. Mr. Schulty. I'm uncomfortable with this application. The reason I'm uncomfortable is we had a discussion this morning. I don't know if any of you were here. If you were I apologize for belaboring the points. I have couple of concerns about this application. And I'm not sure very frankly, that we should go forward today. So that's what we're here for. My concerns are as follows. It's a much larger site than the adjacent site to it, which is also an auto sales dealership, and I know where your current site is too gentlemen. I mean, you know, we considered that application what, 2-3 months ago and in any event it's a larger site. And I'm concerned that there might be, that there might be too much concentration of this one use on Haygood Road. There's an auto dealership adjacent to it. There's a dealership on the other side of Aragona, there's an auto repair facility across the street. And I don't know that I've seen enough in this application to convince me, and all of those sites by the way, except for the one immediately adjacent, the recent redevelopment in this area have all been improvements to the site. So the 7 11, across the street was an improvement to that site. The Trucks-R-Us was an

improvement to the former 7 11 building; I don't know that this is an improvement in any way to this former service station site. So in granting the, I mean, I understand why it's attractive to you, because it was probably cheap to paint the building, put your sign on there, move a bunch of cars on there. But I don't know that that's really what would benefit Haygood Road, so what I'm looking for is greater comfort that this is an improvement to this site. This plan is a concept plan. It's a fairly simple concept plan, there is no landscape plan proffered, we have what's called, you know, an example of the signage, it's not a sign exhibit, it's basically just a logo. So those are my concerns, I don't know that this is going to benefit the community or Haygood Road in any way and might well take it back.

Mr. Schulty: Yes Dave. You know, I was able to catch the video of your comments and concerns. So, you know, I can appreciate the concern, your district, obviously, you know, kind of looking at the neighbor's property, you probably don't want to do something like that, you know, I get it. You know, kind of just to start with your list. You know, just to speak of Commonwealth. You know, like I said, they've been in business since 2014. Their shop is gonna resemble, like you said, the Trucks-R-Us. Mr. Ramon is actually President of the Used Car Association in Virginia. So he's gonna, you know, he holds himself to a high standard, in terms of, you know, what we submitted on the plan. We submitted what was requested, there is a landscape plan, which exceeds the requirements by over 5% covered space, we're not just painting the building and adding, you know, some bushes. And it's not cheap, it's a big investment for working people, you know, to buy this building and invest in their business. So, you know, we met the requirements, Planning Office, you know, said that that exceeded the limits of what trees are gonna be planted, there is a landscape plan. And, you know, it's in a CAD file, which, you know, is the standard for, you know, Engineering and Architecture, it might lack graphic design, but it's not, wasn't told by us that that would be required for the meeting. So, you know, gets down to the nuts and bolts, it tells you what we're going to put, where we're adding curb and gutter in six places. We're going to remove that canopy, which is probably an eyesore for a lot of the neighbors, it's been there for three years with the, you know, fuel stations sitting empty. So to your point, that there is a lot of dealerships, my businesses is site selection analysis. So I actually, you know, luckily, I caught your concern this morning, I was able to prepare a document Ms. Coleman had, were you able to get that on the slide that we give that to you, or? I'm sure the City uses ESRI, which is kind of like the standard, you know, GIS data and, you know, they have different algorithms, which will tell us money, excuse me, leaving a trade area, and within the one mile, you know, one mile ring radius of this property, there's over \$30 million leaving the trade for car sales. So, you know, a lot of municipalities use this data to determine their comprehensive plan. So I appreciate your concern, I would offer this is like to ease your concerns that you're oversaturated over there with dealerships with the analysis that they give with the amount of money leaving, I don't know if we can get that on the screen, or I can bring it to you and share it.

Mr. Redmond: I'm frankly unmoved by that. This the corner of Aragona and Haygood Road. That's my concern. It's not whatever circle you want to draw ESRI data from, what are you going to do to the building? I don't know what you're gonna do to the building. Paint it? Improve the facade?

Mr. Schulty: It's a masonry structure that we're going to, you know, readapt, so whatever it needs, whatever the City wants, well, frankly, I mean, removing the canopy is the number one thing and then redoing the landscaping, we're utilizing the existing sign so you have what the sign will look like and the dimensions, you know, they're in the business, graphic business. So they're just gonna make this on themselves as to professional standard.

Mr. Redmond: Well, I mean...

Mr. Weiner: Dave, can wait for a minute?

Mr. Redmond: Let me just mentioned this, I do want to say I understand staff said, thanks, this is enough. That's staff. So our consideration is separate from that and so it should not be surprising, we might have some other considerations that we would put into it, and some other information that we might like, or something else that we might see that would inform our, our decision makings in terms of our recommendations, so David, I'm happy to deal.

Mr. Weiner: So I mean, one of the concerns I have, and it's not a big concern, but it is a concern and we have another application coming in front of us today too also, we don't see what the building is going to look like, before I can approve something, I want to see what the building is going to look like. I mean, yeah, it's, it's a brick building that has, it's been like that color for years, but, you know, we want to see a little bit more what it's going to look like, if that makes any sense, because it's kind of hard for us to, well, I don't want to approve anything that I don't know what's going to look like. Something may have changed before Council, but I just want to see something before we vote.

Mr. Redmond: And further, I mean, what's going to happen to the parking lot, I mean, the pavement is obviously in a state of disrepair. And I mean, there's other things like that I kind of, I would, I would like to see this be an improvement to the site, not merely moving 50 cars and I am not convinced of that yet. I mean, I get to, you know, we don't have a landscape plan, we have that, staff report says you're going to submit a landscape plan, we often see landscape plans, you know, as part of an application that are more developed than this and I'm just not comfortable yet, that I can call this an improvement to the site. Every other corner here has been improved, except for the one that's right on immediately adjacent to you on Aragona Boulevard. So that's my concern, I am inclined to, I don't want to, not

going to recommend denial at this point, I would be inclined to want to defer this and have some further conversations with it and some other kind of examination to be more comfortable with that for myself. Now, if the Commission sees this differently, and wants to move forward, they can either recommend approval, or we can recommend denial, I would recommend we talk about it a little more.

Mr. Schulty: Yeah, the issue is with the development of them losing their lease, it puts their business in jeopardy, because of you know, the timing, Seven Eleven is going to be moving into the building, they have to be out by July, so, you know, as members of the community, you know, it puts them at a big disadvantage if this continues to drag on because they still have to settle on the property.

Mr. Redmond: We don't define your time.

Mr. Schulty: Absolutely, I just want to you to understand the circumstances.

Mr. Redmond: I imagined they've known the date of their lease expiration for quite some time.

Mr. Schulty: It's kind of in there due to the planning and the challenges...

Mr. Redmond: What's the end date, or it's a month to month lease in either event. It's not something that we can control. So, I mean, if we were to move forward today, I would recommend and urge that the Commission to recommend denial. I would be more comfortable if we continued the discussion for another 30 days to see if I could get more comfortable. I could recommend to my colleagues that they become more comfortable as it is, I don't see it. I'm uncomfortable with it. Would you all be inclined to plan for 30-day deferral?

Mr. Schulty: We'd like to vote on it.

Mr. Redmond: Okay.

Mr. Weiner: Anybody else have questions?

Mr. Wall: I've got a few things. So what about the pavement? Because it looks like, it's you know, there's you're taking the canopy down but then concrete?

Mr. Schulty: Yeah, we're gonna patch the pavement. Its gravel, you know, we had to get the tanks removed, some environmental issues.

Mr. Wall: The tanks would have to be removed. The tanks have to come out.

Mr. Schulty: The tanks have been, there's a no further work letter issued by DiPor.

Mr. Wall: You said that the tanks have come out?

Mr. Schulty: Yes, sir.

Mr. Wall: Okay, they have.

Mr. Schulty: Yeah, yeah, that's all been settled, so just needs to be paved, which it will be.

Mr. Wall: So this is, you are moving from a site that we actually vote, I think we voted on which is that 7-11 site that's right on Shore Drive?

Mr. Schulty: Yes sir.

Mr. Wall: It was like because you're on the corner of Greenwell and Shore Drive, right?

Mr. Schulty: Yes, sir.

Mr. Wall: Okay. Because that's a much smaller site than this one, I believe.

Mr. Schulty: We're still asking for the same amount of cars.

Mr. Wall: Did you have a Conditional Use Permit on that property?

Mr. Schulty: It was existing.

Mr. Wall: It was existing.

Mr. Schulty: They took over the dealership.

Mr. Weiner: Whitney?

Mr. Graham: Obviously, this is in very much a neighborhood setting. Would you agree?

Mr. Schulty: Yes, sir.

Mr. Graham: And 48 cars to me just seems like a lot of cars for a used car lot in a neighborhood setting, it just seems like a lot. It seems like you increased some of the green space a little bit up front. And then you did the landscaping around the dumpster. I feel like there's not enough. I think there needs to be more of a buffer up against the road. And, you know, I'm a little confused. You said you're going to patch the pavement and then you said you're going to repave, are you paving or patching because that parking lot, go ahead and just tell me?

Mr. Schulty: Yeah, we're going to repave that front part.

Mr. Graham: The whole parking lot, you're going to mill and repave.

Mr. Schulty: The front part, yes, sir.

Mr. Graham: Just the front part.

Mr. Schulty: The part that is crushed, yeah.

Mr. Graham: Because the whole parking lot looks like it's in disrepair to me. And yeah, a little bit about this.

Mr. Schulty: As things progress, we would like to pave the whole thing, but as you can imagine, it's a large investment.

Mr. Graham: It is a large investment. But I think...

Mr. Schulty: The front portion will be taken care of immediately.

Mr. Graham: Right. I think what Mr. Redmond saying is that, you know, this is a property that's in disrepair, and to just put a little bit of lipstick on it and say that it's great now. I don't know that it really cuts it. We really want to see more of an improvement, then just you know, patching the front parking lot.

Mr. Schulty: Yeah, if I may address the thing about the parking, we actually meet; we exceed the requirement by five spaces. So we're asking for less than would be allowed.

Mr. Wall: Right, right. But 48 parking, 48 cars for sale seems like a lot in this area.

Mr. Schulty: Five less than which would be allowed by code.

Mr. Wall: Right, right.

Mr. Schulty: We could have asked for 50 more, yeah 53.

Mr. Wall: I don't know that would have gone very well. But um, that's all is my only comments.

Mr. Weiner: George?

Mr. Alcaraz: Yeah, sorry, I wasn't here. Can you hear me? I wasn't here in the informal. But I kind of agree, I think I need to see more of a plan. I agree with Mr. Graham and Mr. Redmond, so having said that, I probably won't be supporting unless they want to defer, but that is their decision.

Mr. Weiner: Okay, anybody else? Gentlemen, it's up to you all, deferral, we can take a vote.

Mr. Schulty: We'll defer.

Mr. Weiner: Defer. Okay. Mr. Redmond?

Mr. Redmond: Mr. Chairman, I move we defer the application for 30 days.

Mr. Weiner: Got a motion, second?

Ms. Klein: I will second.

Mr. Weiner: And second by Ms. Klein. Thank you.

Mr. Schulty: Thank you.

Madam Clerk: Motion is for 30 day deferral. Mr. Alcaraz?

Mr. Alcaraz: Aye.

Madam Clerk: Mr. Barnes is absent. Mr. Coston?

Mr. Coston: Aye.

Madam Clerk: Mr. Graham?

Mr. Graham: Aye.

Madam Clerk: Mr. Horsley is absent. Mr. Inman is absent. Ms. Klein?

Ms. Klein: Aye.

Madam Clerk: Ms. Oliver?

Ms. Oliver: Aye.

Madam Clerk: Mr. Redmond?

Mr. Redmond: Aye.

Madam Clerk: Vice Chair Wall?

Mr. Wall: Aye.

Madam Clerk: Chairman Wiener?

Mr. Weiner: Aye.

Madam Clerk: By recorded vote of eight in favor and zero against agenda item number two has been deferred for 30 days.

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

CONDITIONS:

1. When the property is redeveloped, it shall be in substantial conformance with the concept plan entitled "SITE PLAN, 4873 HAYGOOD ROAD, VIRGINIA BEACH, VA 23455, USA", dated 4/21/2021 and prepared by J.C. PAZ, DOXA, Inc., 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 to the Development Services Center of the Department of Planning and Community Development for review and ultimate approval prior to the issuance of a Certificate of Occupancy. The Landscaping Plan shall address all requirements of the Landscaping Guide including, but not limited to, the installation of street frontage plantings, building foundation plantings, and interior display plantings, and as identified on the concept plan reference in Condition 1. All landscaping shall be maintained on-site in accordance with the approved Landscape Plan.
3. All signage on the site shall meet the requirements of the Zoning Ordinance. A separate sign permit shall be obtained from the Planning Department for the installation of any signage.
4. The canopy structure on the site shall be removed prior to operation of the Motor Vehicles Sales and Rentals establishment.

5. The vehicle prep area shown on the concept plan, identified in Condition 1, shall not be used to display vehicles for sale at any time.
6. All vehicles for sale shall be located on a paved surface within the designated display area identified on the plan referenced in Condition 1 above. No vehicles shall be displayed on raised platforms, earthen berms, landscape islands, or any other structure designated to display a vehicle higher than the elevation of the main parking lot.
7. Prior to operation of the Motor Vehicles Sales and Rentals establishment, the parking lot shall be restriped to reflect all parking spaces required by the Zoning Ordinance, including handicap spaces in accordance with the Americans with Disabilities Act (ADA).
8. There shall be no storage of tires, merchandise, or debris of any kind outside of the building.
9. No outside storage of vehicles in a state of obvious disrepair shall be permitted on the site.
10. There shall be no auto repair or service on the site.
11. There shall be no outside audio speakers for any purpose.
12. There shall be no signs which contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving devices on the site or on the vehicles. There shall be no signs which are painted, pasted, or attached to the windows, utility poles, trees, or fences, or in an unauthorized manner to walls or other signs. There shall be no portable or nonstructural signs, or electronic display signs on the site.
13. There shall be no neon or electronic display signs, or accents installed on any wall area of the exterior of the building, in or on the windows, or on the doors. No window signage shall be permitted.
14. 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 properties.

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

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

Item # 3

**Elias Properties Virginia Beach Independence, LLC [Applicant & Property Owner]
Conditional Rezoning (B-1 Neighborhood Business to Conditional B-2 Community
Business)
2749 S. Independence Boulevard**

May 12, 2021

DEFERRED FOR 30 DAYS

Mr. Weiner: Thank you. Next the deferred items. Does anybody have an item to be deferred? Please come forward.

Mr. Beaman: Ms. Chairman, Mr. Vice Chairman, members of the Commission for the record, my name is Rob Beaman. I'm the attorney for the applicant on number three, and we'd like to request a 30 day deferral to continue to work with the adjacent property owners on that application. Thank you, sir.

Mr. Bourdon: Mr. Chairman for the record Eddie Bourdon, Virginia Beach attorney representing item number six, Beach Development, that's a 30 day deferral because the proffers had to be modified after we met with the Shore Drive Advisory Commission and then while I'm up here, 11 and 12 also 30-day deferral because we had to revise the proffers based on some 11th hour requests and also meeting with the Town Center, what is it, the Review Committee, which that's all everything's taken place, everything's done, Staff has all the revised proffers. So we'll see you next month.

Mr. Weiner: Sounds good. Thank you, sir. The chair is also aware of items 13 and 14 being deferred. Being said items three, six, eleven, twelve, thirteen and fourteen are being deferred for 30 days. Can I get a motion please?

Mr. Wall: Mr. Chair, I make a motion to defer agenda items number three, six, eleven, twelve, thirteen and fourteen.

Mr. Weiner: Can I get second?

Ms. Klein: Motion by Mr. Wall and seconded by Mrs. Klein, but we have Mr. Redmond.

Mr. Redmond: Yes, thank you, Mr. Chairman. For the record, I am abstaining from voting on the deferral of agenda item number three. The broker for the owner is a colleague of mine, and he and I sometimes partner on various work projects.

Mr. Weiner: Thank you. I am actually abstaining on item number six and pursuant to the state and local government Conflict of Interest Act. I make the following declaration. I'm executing this within the disclosure regarding the Planning Commission's decision to vote on item number six Beach Building Group, 2332 and 2328 Pleasure House

Road, Virginia Beach, Virginia, the applicant is a client of mine, Batchelder & Collins, 2305 Granby Street. I have a financial personal interest in this transaction. Therefore, I abstained from voting on this decision in this matter on May 12, 2021, Planning Commission hearing deferral. Okay, great.

Madam Clerk: All right. Okay, Mr. Alcaraz.

Mr. Alcaraz: AYE.

Madam Clerk: Mr. Barnes is absent. Mr. Coston?

Mr. Coston: AYE.

Madam Clerk: Mr. Graham?

Mr. Graham: AYE.

Madam Clerk: Mr. Horsley is absent. Mr. Inman is absent. Ms Klein?

Ms. Klein: AYE.

Madam Clerk: Ms. Oliver?

Ms. Oliver: AYE.

Madam Clerk: Mr. Redmond?

Mr. Redmond: AYE.

Madam Clerk: Vice Chair Wall?

Mr. Wall: AYE.

Madam Clerk: Chairman Weiner?

Mr. Weiner: AYE.

Madam Clerk: By a recorded vote of eight in favor and zero against agenda items 11, 12, 13 and 14 have been deferred for 30 days. Agenda item number three by recorded vote of seven in favor, zero against with one abstention agenda item number three has been deferred for 30 days. Agenda item number six recorded vote of seven in favor, zero against and one abstention agenda item number six has been deferred for 30 days.

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

Item # 4

**BPMS Cascades 2, LLC [Applicant & Property Owner]
Conditional Use Permit (Mini-Warehouses)
2121 Centerville Turnpike**

May 12, 2021

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Wall: Thank you. Okay. Thank you, Mr. Chair. These are applications that are recommended for approval by Staff and the Planning Commission concurred. There are no speakers signed up in opposition. We have four items on the consent agenda today. The first item is agenda item number one by which is going to be presented by city staff.

Mr. Kemp: Good afternoon Chairman, Commission. For the record, my name is Kevin Kemp; I am the Zoning Administrator here in Virginia Beach. Item one is an ordinance amendment which modifies the Zoning Ordinance in regards to the sign regulations, particularly making them content neutral and in line with some current court decisions that have been made. What this ordinance does is first changes the regulations for billboards; our current ordinance regulates billboards based on their content. And what I mean by content is a billboard is an offsite sign advertising something not on that site. Well to know if you're advertising something on the site or off the site, you have to read the billboard therefore making it content based. So what this ordinance does is, it makes all outdoor advertising signs, takes billboards out, and any sign is permitted on the site as a free standing sign, but that sign is held to the dimensional standards of what is normally allowed in that Zoning District for freestanding signs. So billboards are not their own use. The second thing that this ordinance does is it removes the Zoning Administrators ability to modify non-conforming signs where in the past if an applicant wished to take non-conforming sign and alter it to make it better, there was an administrative process through my office that that could be done. This now puts that process only by City Council approval. The last thing in the ordinance is in regards to electronic signs and these would only be permitted in two instances. The first are for major entertainment venues. These are venues such as The Aquarium that require City Council approval and therefore City Council would dictate the number of electronic signs and the size and the second instance is for fuel prices. And these would be allowed only on properties that dispense fuel and they would be limited to one sign. Are there any questions?

Mr. Weiner: Thank you.

Mr. Kemp: Thank you Commission.

Mr. Wall: Is there any opposition for this item to be placed on the consent agenda? Okay. The next item on the consent agenda is item number - agenda item number four. Is there a representative for this item?

Mr. Beaman: Mr. Vice Chair, Members of the Commission for the record, my name is Rob Beaman. I'm a local land use attorney at the Troutman Pepper Law Firm here today on behalf of the applicant for agenda item number four, we've had a chance to read the conditions, they are acceptable and we appreciate being on the consent agenda.

Mr. Wall: Thank you. Is there any opposition for this item to be placed on the consent agenda? Hearing none, we've asked Ms. Klein to read this into the record.

Ms. Klein: The applicant is requesting a Conditional Use Permit for a mini warehouse in order to construct a 25,000 square foot indoor self storage facility on this B4 mixed district zoned parcel. A portion of the property contains a parking lot and undeveloped area. The proposed building will be a climate controlled three story mini warehouse building with the total height of 43 feet and it matches the surrounding area. The applicant is seeking a deviation to the required 35 foot front yard setback which staff approves. Based on the consideration staff recommends approval of the application subject to the conditions and the Planning Commission concurs.

Mr. Wall: Thank you. The next item on the consent agenda is item number nine. Is there a representative for this item? Okay, seeing none. Is there any opposition for this item to be on the consent agenda? Hearing none. We've asked Mr. Redmond to read this into the record.

Mr. Redmond: Excuse me. Thank you, Mr. Wall. This is an application for a Conditional Use Permit for a family daycare home at 1105 Voss Court. The applicant is requesting the CUP for a daycare facility of up to 12 children within this single family dwelling. It's a 7500 square foot parcel and seems to be very well organized and laid out for this particular use. The applicant has 22 years of experience caring for children. Staff sees no reason why it should be denied. Planning Commission sees no reason why it should be denied and we therefore place it on consent. Thank you, Mr. Wall.

Mr. Wall: Thank you. The next item on the consent agenda is item number 10. Is there a representative for this item? Okay.

Madam Clerk: Mr. Wall there is, she had signed, Diana Buhrmann had signed up virtually, but she is not online. So is Diana Buhrmann here?

Mr. Wall: Okay. Is there any opposition for this to be on the consent agenda? Okay, hearing none, we've asked Mr. Graham to read this into the record.

Mr. Graham: Thank you, Mr. Wall. The applicant is requesting a Conditional Use Permit for a family daycare home to care for up to 12 children within a single family dwelling. The 5401 square foot parcel is zoned PD-H1 planned unit development and is located in the Magic Hollow neighborhood at 998 Boughton Way in the Rose Hall District. This request for a Conditional Use Permit in staff's opinion is consistent with the policies and goals set forth in the Comprehensive Plan for the suburban area. Staff finds the property to be well organized and well kept; successfully promoting the policies intended to ensure the maintenance and sustainability of great neighborhoods. For these reasons, staff recommends approval and Planning Commission agrees with this recommendation. Therefore we have placed it on the consent agenda.

Mr. Wall: Thank you, Mr. Graham. So that ends the regular consent agenda. The Planning Commission also places the following applications for Conditional Use Permit for Short-Term Rental on the consent agenda as they meet the applicable requirements for section 241.2 of the Zoning Ordinance. Staff and the Planning Commission supports the applications and there are no speakers signed up in opposition and that includes agenda items number 15, 17 and 20. Those were the last items on the consent agenda. I move for approval of agenda items 1, 4, 9, 10, 15, 17, and 20. We have a motion. Do we have a second?

Ms. Klein: Second.

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

Mr. Redmond: Mr. Chairman.

Mr. Weiner: I'm sorry. Go ahead. That's right.

Mr. Redmond: Number one, I am abstaining on agenda item number 8, for the same reason as before, there's work colleague of mine who is a member of the partnership that owns this property and so that's just too close for comfort. I also am abstaining on all of the short-term rental applications. I have a letter on file with the City Attorney's Office, I have a client who's in the travel industry, and that too, is too close for comfort. So I do not vote on short-term rental applications or ordinances. Thank you.

Ms. Wilson: Mr. Graham?

Mr. Weiner: Anybody else?

Ms. Wilson: You have a letter on file saying that you will abstain from all short-term rental applications, has that changed?

Mr. Graham: Yes, ma'am that has been withdrawn.

Ms. Wilson: Okay. And you will now vote on those applications?

Mr. Graham: That is correct. I do not have a conflict.

Ms. Wilson: Thank you.

Mr. Weiner: Thank you. Ready to vote?

Madam Clerk: Yes, sir. Mr. Alcaraz?

Mr. Alcaraz: Aye.

Madam Clerk: Mr. Barnes is absent. Mr. Coston?

Mr. Coston: Aye.

Madam Clerk: Mr. Graham?

Mr. Graham: Aye.

Madam Clerk: Mr. Horsley is absent Mr. Inman is absent. Ms. Klein?

Ms. Klein: Aye.

Madam Clerk: Ms. Oliver?

Ms. Oliver: Aye.

Madam Clerk: Mr. Redmond?

Mr. Redmond: Aye.

Madam Clerk: Vice Chair Wall?

Mr. Wall: Aye.

Madam Clerk: Chairman Wiener?

Mr. Weiner: Aye.

Madam Clerk: By recorded vote of eight in favor and zero against agenda items 1, 4, 9, and 10 have been approved. Agenda items 15, 17 and 20 by recorded vote of seven in favor, zero against with one abstention have been approved by consent.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley				ABSENT
Inman				ABSENT
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 concept plan entitled “STORAGE BUILDING – CASCADES OUTPARCEL – Virginia Beach, VA”, prepared by Timmons Group, dated March 25, 2021, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
2. A 15-foot front yard setback is proposed for this site. This is a deviation to the 35-foot front yard setback required by the City Zoning Ordinance.
3. The exterior of the proposed buildings shall substantially adhere in appearance, size, materials to the submitted elevations entitled “CASCADES SELF STORAGE”, prepared by GMF + Associates, dated 4/13/2020, which has 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 to the Development Services Center of the Department of Planning & Community Development for review and ultimate approval prior to the issuance of a Certificate of Occupancy.
5. All signage on the site shall meet the requirements of the Zoning Ordinance. A separate sign permit shall be obtained from the Department of Planning & Community Development for the installation of any signage.
6. All outdoor lighting 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. Any new outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet.

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

**Ocean Rental Properties, LLC [Applicant & Property Owner]
Change in Nonconformity
Adjacent Addresses: 416 Norfolk Avenue**

May 12, 2021

RECOMMENDED FOR APPROVAL - HEARD

Madam Clerk: Our next Agenda item number five is the Ocean Rental Properties LLC, an application for a change in nonconformity on property adjacent to 416 Norfolk Avenue in the Beach District.

Mr. Weiner: Welcome.

Mr. Bourdon: Thank you, Mr. Chairman, members of the Commission, for the record Eddie Bourdon, Virginia Beach attorney representing the applicant, Steve Bishard and Josh Moto with the Bishard Companies are here with us this afternoon. This is an application, not one that we see that often, but there have been a number of them in the last 10 years or so. This is an application for the modification extension and relocation of a nonconforming use under Section 105D, D as in dog of our Zoning Ordinance regarding what we feel is a very desirable redevelopment of a legally nonconforming use on the subject property. We had provided a physical survey with the application that didn't make its way into the staff report. But if staff could put up the composite map I want to take a minute to review what's on the property now that's been there since 1948. Is there not a composite map that shows the building footprints? That arial is not quite good enough for what I want to do? There we go. And hopefully, the physical survey can make its way into the package when it goes to City Council. You'll see there are five buildings on the property. Those five buildings house nine units that have existed; the lots are on three lots I should have said that. The lots have existed since the early 1900s and the five dwelling buildings with nine units have existed since 1948. The three lots today under today's zoning, zoning didn't exist when these houses were built. There wasn't any, there wasn't even a subdivision ordinance in the City of Virginia Beach at the time they were built on Princess Anne County. But today as staff report says you could build six units on the three lots that comprise the property. The units that are there now straddle the boundaries of the property, which are not allowed in the building code today, another nonconformity with regard to this piece of property. The nine units that are on the property today have been there for over 70 years, and there is a grand total of one on-site parking space. One, that parking space is gravel, there are other parking spaces that are partially on the property and partially in the right of way, unimproved right of way. But nowhere near the 18 spaces that are required for the use that's been there for over 70 years. The setbacks on these buildings, the setbacks for two of the buildings from Baltic Avenue, 2.9 feet and 3.6

feet, setbacks from 9th Street 3.6 feet and 3.7 feet, setback on the east side, the only side that doesn't have a right of way, four feet and the setback from Norfolk Avenue closest point 9.8 feet, all deficient as far as the required setbacks are concerned. Because this property was developed in 1948, there is absolutely positively no stormwater management on the site whatsoever at all. So those are all existing non conformities with regard to this site. The requirement under our City Code for determining whether City Council wishes to approve by a Resolution, a modification, enlargement extension, relocation of a non conforming use which non conforming uses typically, we want them to go away. But many, many circumstances especially after BRAC, that's not been the case with regard to areas of the oceanfront that weren't fortunate enough to be rezoned to OR. But the qualification or the requirement is that there be a finding that the proposed condition is equally appropriate or more appropriate to the district than the existing nonconformity. So now I'm going to explain what we've proposed, and I think demonstrate pretty clearly that in every instance, we're exceeding in terms of compliance with the ordinance to everything that is there. The current plan that's before you, if you can put that up please is proposing to redevelop the site with eight units, one less that has been there for over 70 years. And that complies with our commitments to the Navy with BRAC and there's no opposition to this from the Navy. We have 16 on-site parking spaces with a drive aisle to serve them all that meet City Code, a bit of an improvement over one gravel space. The setbacks and before we were advised last week that we needed to dedicate right of way at the intersection of Norfolk Avenue and Baltic Avenue for a higher or higher radius turn lower radius turns, so I'm not an engineer. But before that, the setbacks along east side of the property adjacent to residential 10.5 versus the current four, along Baltic, the setbacks are 10 and a half feet as well. Norfolk Avenue because it's staggered, the corners of the proposed dwellings that are closest to the right of way are 10 and the corners of each dwelling that's further away is 14, 10 and 14 and along Ninth Street again, where we've got today 3.6, the setbacks are 10 and a half and 12 and a half feet respectively for those units. All of the units as proposed will be built on one property with the re-subdivision plat vacating the property line, so that that building code deficiency will be settled and the entire redevelopment will be required to meet the current, very, very stringent, most stringent in the Commonwealth of Virginia site stormwater collection and treatment requirements and resiliency for a one and a half foot sea level rise. Again, all improvements substantial, not at all minor. Currently, there is no curbing and guttering on any of the three streets that abut this property, not a bit, no sidewalks either. With redevelopment, all three of the street frontages, over 350 linear feet of street frontage, will be curbed and guttered and widening will take place on some of those streets. A five foot sidewalk will be provided in the right of way by the developer as a part of the redevelopment on both Norfolk Avenue and Baltic, as conditioned. All the current utilities above ground electricity will all be buried and relocated. And as I said stormwater treatment will be first of all, there's a permeable paver drive aisle proposed and the parking is where the underground storage will take place and

not an inexpensive proposition. There will be, my client will be expending \$400,000 plus or minus in improvements to the public rights of way and public utilities, as well as stormwater management and resiliency on this property, forgetting all the rest of the development of the property redeveloped with the property, that's the amount of money that essentially is for public benefit and on this property compared to again, what is there now. And that's a - that's a large amount of money to say the least. The other option is just to simply refurbish all the existing buildings, this application has been pending for 19 months and takes a while to get an application ready to come forward, my clients haven't owned the property that long, but they have not during that period of time, invested a lot of money to refurbish, rehabilitate in an effort to keep these buildings for another 20 years. That's not what they think is best, and they haven't done so, but that is the other option here. The bottom line to that this is a tremendously impressive, proposed redevelopment and you need look but about 75 feet to the east on Norfolk Avenue to see another development that my clients did or redevelopment of property that was pretty much as bad as this one. And it's not anymore. And folks, this would be just one more step in the right direction, will add to the value of all the other properties in the neighborhood and encourage other redevelopment that needs to take place in this area. We've provided you with letters of support dropped them off at each of your spots this morning from 13 neighboring property owners' residents in support of this application, 13, as well as a petition; I think some of the signatures may be duplicative on the petition. So I think that the burden that we have in this instance, has been more than adequately addressed. The idea that, that leaving this as is with, you know, clean it up, make it look a little prettier and all that versus what is proposed, to me is not a hard choice. And we've had similar applications, especially up in the Sea Pines area that had been approved by City Council is four of them that I'm aware of, and a number of others as well doing the same thing. Because with our circumstance with BRAC, the oceanfront is the area that we protected and we want to make sure it gets redeveloped. It's a big part of our City's future, not the only part but a big part. And with that, I'd be happy to answer any questions.

Mr. Weiner: Any questions for Mr. Bourdon? Okay, Robyn.

Ms. Klein: Okay. So I think that that was a great presentation that you just made. I think everyone agrees that that property needs to be redeveloped. There's zero question. It is quite the eyesore. I find it disconcerting that the owner has been managing the property for 19 months, and it looks the way it does. Even I understand not wanting to invest a lot if he wants to redevelop the property, but the quality of that housing I found disgusting. There was a lady in there who just signed a one year lease, we took a look at her lease, and there's nothing stopping the owner from pushing her out of that property upon redevelopment. And so we have concerns about that. And just the fact that the grass doesn't appear to be mowed like I was not happy with the property.

Mr. Bourdon: I completely understand where you're coming from. I will simply say that it's spring. And you know, with the some of the wet weather, I had to call the people who cut grass at my house, because they need to be cutting it every week now as opposed to what they've been doing every couple of weeks. So that may have something to do with the grass cutting part of it. With respect to the tenant that you spoke to, if this is approved by city council, the simple reality is that it will take at a minimum in my experience with our new stormwater regs, etcetera, a year and a half, could take longer to get site plan approval. That's the unfortunate reality we live in. So the tenant you're speaking, you spoke with, there is not a snowball's chance that they're going to be moved out and they can more than likely extend their lease beyond the year that they're there. It's not going to happen within a year just isn't possible, unfortunately. But that's the reality with stormwater and resiliency, for most of the city.

Ms. Klein: My preference would for there to be something in writing just for the tenant's protection, completely aside from looking at it. I don't think that the purpose of a nonconforming properties to stay nonconforming. I think that the rent that woman is paying for what she's living in, versus if the property is redeveloped would greatly be recovered in six homes versus eight, and so I can't reason all of my personal feelings aside keeping the property in nonconforming status.

Mr. Weiner: Any other questions? Nope. Okay.

Mr. Bourdon: Thank you very much.

Mr. Weiner: Thank you. Any speakers? No speakers, okay, we'll close this and open for discussion. And who wants to go first? Beach area - George.

Mr. Alcaraz: Thank you.

Mr. Weiner: No problem.

Mr. Alcaraz: I went on site. I've actually went on site and I did run into some of the adjacent property owners. I have seen the petition that was for it. I've seen this applicant's work. I meant to ask Mr. Bourdon, you can just nod your head did this applicant also do the 16th Street Cypress Avenue project? Yes. Okay. Kind of looks like that. Well, it looks good too. But, I mean, he's done some extensive design here. I'm comfortable with it. He's right, Robyn on the site plan is pretty extensive, and the timeline is extensive to get that through with the city. It's just the stormwater, it's been extreme to get things through and approved, and I'm sure he'll get it, he'll get to that point. I'm liking this, the neighbors like it. And you know, they were all out there we got a petition for it. And that's really all I have to say, I'm gonna be supporting it, unless anyone else has anything to say about it.

Mr. Weiner: Whitney.

Mr. Graham: I'll be quick. Um, could we put up the slide of what the property looks like today? The photograph? Back one photo. Okay. So that's what's there today, built 70 years ago, I mean, you hear that, it's, you know, what's not - it's nonconforming parking, setback, stormwater, the number of units. And then show of, if you could the rendering of what it'll and there was think there was another one that was more of a close up. I mean, gosh, this is what we want. To me, this is a huge improvement. And I just, you know, I mean, to hear that, you know, they're going to, you know, they're taking the density down by unit, each unit, I think, it is going to have two parking spaces. There's no opposition from the Navy, increased setbacks, stormwater improvements, curb and gutter, sidewalks, utilities getting buried in this final product, and this is a developer that has done other projects that are attractive. It's the revitalization of an area that that, you know, in certain pockets needs it. So I'll be supporting this.

Mr. Weiner: Yeah Robyn, I am sorry.

Ms. Klein: The nonconformity piece really bothers me. And then better than bad is still bad. And if it's going to take 18 months for the new stormwater, like for all the site plans to be approved and everything, does that mean that those tenants, that woman and anyone else that lives in there is going to continue to live in dilapidation during that time.

Mr. Weiner: Ms. Oliver.

Ms. Oliver: So, Whitney, I agree with you, this is a great improvement to this property. And I believe that anybody that bought this property is their intent is to improve it. I mean, they're not obviously, they're not going to refurbish the buildings, we were out there, we walked around them, there's no refurbishing any of those buildings. They were lucky they actually stand on their own today during this storm. But staff has denied this and when staff doesn't very often, in the many years that I've been sitting in the seat, deny an application. And so when they do, you have to look at it for a reason. And they're doing it because this is a nonconforming piece of property that someone wants to develop and keep it in a nonconforming way. We don't do it. They don't let you do business like that. They don't let me do business like that. And granted, he is one less than what he is applied for, which is great, but I think that he can build a great, I think he can redevelop the building the property and to what code is and not leave it in a nonconforming state. I mean, it states right here in it. Section 105 of the Zoning Ordinance does not permit removal of an existing nonconforming structure in order to redevelop the site with a new nonconforming structure. I like to figure it out. I can't, look Eddie, this all, but I mean, you can't, and that's up to the chair. That's not up to me. You know, I'm not

saying that it's not a great, you know, plan it is obviously, but staff wants to keep it like that, and I have to agree with them and that's where I am.

Mr. Weiner: I like to have Eddie come up because we didn't have any speakers for little rebuttal because I'm torn and I don't know which way to go and I want to hear, like to hear.

Mr. Bourdon: I want to make, I'm not here to argue with anything other than your quote of something in that staff report. And I didn't get on it to start with but that statement is utterly false, or is a absolutely new pulled out of thin air statement, and this ordinance that I read to you the same the ordinance itself, City Council has the absolute ability to agree and has on many, many applications to allow modifications of nonconforming uses that change that tear everything down and build something new. And that insinuation that I heard about last Thursday, for the first time, never seen that put in a report ever before, okay, that's reality. This idea that you can't do this, if that were the case, why are we on the agenda, if we can't do this. And why have we approved other ones? Why have we approved lots and lots of other ones over the years at the North End, Sea Pines and elsewhere. So the insinuation that this is something that shouldn't be done or can't be done. The reality is nonconforming uses; we do want to try to get rid of them. But this provision is very clear and when we did BRAC, and we said we're going to protect units at the Oceanfront. And we have a lot of nonconforming stuff at the Oceanfront that wasn't covered by the OR district where we were able to pull those in and say, we're going to keep these, this density, we're going to be able to increase density, even though BRAC is there, these areas were left out of that and that's why we use a nonconforming use modification provisions and have done so very successfully over the years. I can't help the fact that apparently, that historical perspective has been lost. So I just want to make that very clear, that statement in here is never been in a report before and it doesn't say that in the ordinance. You can't find those words in the ordinance. And that's not directed at you, but it's that what's in that report.

Ms. Oliver: You're directing it to me. Thank you.

Mr. Bourdon: No, but you read that.

Ms. Oliver: I read what's in front of me.

Mr. Bourdon: Right, fine and I left that out before because I didn't want to get confrontational with what staff put in that report. That statement came out of thin air.

Ms. Oliver: No, it's in print.

Mr. Bourdon: As far as what's in the ordinance, it doesn't say that.

Ms. Oliver: I hear you.

Mr. Bourdon: And is quoting something that supposedly the ordinance says.

Ms. Oliver: Yes, sir. I hear you Mr. Bourdon.

Mr. Bourdon: Thank you.

Ms. Oliver: You did. That's fine. With that, along with the fact that it also says the density, you know, staff is talking about their density, and that the percentage of the lot covered, coverage exceeds the maximum by 65%.

Mr. Weiner: Mr. Tajan, can you make, why was that in the staff report? Or what can this?

Mr. Tajan: So I'll read it word for word from the Ordinance Mr. Chair, no nonconforming structure shall be in large, extended, reconstructed or structurally altered if the effect is to increase the nonconformity, so that is the one piece. Further above it, it does say no nonconforming use shall be enlarged or extended to cover greater land area than was occupied by the nonconformity on the effective date of this ordinance. No nonconformity use shall be moved in whole or in part. So the ordinance does say that. After that, it does say as it notes in the staff report, section 105-D also allows them to go to City Council for approval through this process, and that's why we're here. So yes, the ordinance does not allow us staff to do that that is correct. And again, so it has been the historical practice that is, has been allowed, and we're not disagreeing with that, but so.

Mr. Weiner: We're good. We're good. We're good.

Mr. Bourdon: I completely agree. And we are as I put on the record, in every case, we're making the nonconformities better, we're not making them worse.

Mr. Weiner: Okay, thank you.

Mr. Bourdon: And 4400 square feet of our impervious surface, more than the 3100 is for the on-site parking and the access to the parking.

Mr. Weiner: Okay, thank you, Mr. Redmond.

Mr. Redmond: Thank you, Mr. Chairman. I gotta say, I'm going to let City Council settle that, that y'all have gone between you about whether they can or whether they can't. I don't know that Moses came down from the mountain with an answer on that question, that's for the City Council to decide. I will say this. This is an improvement on this property in every single way, 100 times out of 100. I will take a nonconforming use. Make an improvement like this and then ended up with a nonconforming use, I'd

high five, everybody within sight. Everything about this property can and should be improved and I've yet to find anything that's not an improvement there on. I mean, sometimes we miss the forest for the trees and this is a place that seems to me that could desperately use precisely what's being proposed here. And again, this is not a casino, for whatever reason people tend to treat people living in houses as though it's some kind of nefarious or noxious use of some sort. They're the least impactful and damaging kinds of uses, then you can get, it's not a 60,000 foot fitness facility with 5000 cars a day. It's just a small number of people living in houses, I think this is a, I think this is a fantastic improvement. And I'm all for fantastic improvements. Again, if there, I would be delighted if there are 100 more instances of this that we could enable, I agree with Mr. Alcaraz. I agree with Mr. Graham and we ought not fumble the ball and we have opportunities like this to improve our community. So I'll certainly be supporting it and urge my colleagues to do the same. Thanks.

Mr. Weiner: Mr. Wall.

Mr. Wall: I agree it's an improvement. I applaud the applicants, but I think everything that's been said here can be done by right. I don't think we need to increase the density and encourage nonconformity.

Mr. Weiner: Whitney do you have something? No.

Mr. Graham: So it's Councils, Council is able, at their discretion to change it. We're here today to talk about land use. That's our recommendation. From a land use perspective to take something that's completely nonconforming, and make it less nonconforming, is still will be nonconforming, but not as nonconforming and it is, like Mr. Redmond said it's 100 times better. I mean, I just don't even, to me I mean, this totally makes sense to see this project done. I think it's a big improvement and I think it's a catalyst for other things great to happen. So I'll be supporting it.

Mr. Weiner: Okay, so, Mr. Redmond, I kind of respectfully disagree with you just a little bit. I do like the project, but I'm sorry but nonconforming and conforming is considered land use. And that's what we're here to discuss and we're here to talk about it. What they're doing, taking a nonconforming and making it still nonconforming, but it's still very good project. And it's going to, I'm going to support it. We are here for land use and nonconforming and conforming is land use. So we have to keep that in the back of our mind. So we're here to discuss that for future. Yes, sir.

Mr. Redmond: Mr. Alcaraz, would you care to make a motion? If not, I'd be happy to make a motion.

Mr. Alcaraz: I'll make a motion, you can follow me. I'll make a motion that we approve agenda number five.

Mr. Weiner: Second.

Mr. Redmond: Well, I would actually like to amend his motion. I think we have to, we have to alter some of these conditions. Condition number one says when the site is redeveloped; the maximum density shall not exceed six multifamily dwelling units. We would have to change that to eight and I believe, so I think the applicant has agreed to this radius change at the corner. I don't know how that's affected. Is this correct Mr. Tajan? You guys had a conversation about this.

Mr. Tajan: The radius requirement we covered during the site plan review process when they redevelop the property, so or if Mr. Bourdon wants to...

Mr. Redmond: We want to make sure we get that right before we leave the room.

Mr. Bourdon: We submitted last week when we found out about this requirement of revised plan with the radius corrected and dedication involved. And that forces the very corner, the Northwest corner, to that one building at the closest point as it comes around at five feet rather than 10, everything else stays the same, but because that radius gets closer to that corner, that setback, which under number two, there are setbacks. All the setbacks are fine, except for that one tip of that one corner.

Mr. Redmond: And that would be necessary in order to accommodate your request to tighten that radius, is that correct?

Mr. Tajan: That's correct. Yes.

Mr. Redmond: Okay. So then I would make, then I would say that the, I would suggest perhaps that Mr. Alcaraz amend his motion to change number one to shall not exceed eight multifamily dwelling units and number six in the second sentence, the line radius at the intersection of Baltic Avenue and Ninth Street shall be five feet rather than 10 feet in order to accommodate the staffs concern about that corner. Would you agree to that?

Mr. Alcaraz: I agree with Mr. Redmond. I appreciate the amendment on with your second.

Mr. Redmond: I second the motion.

Mr. Weiner: We have motion for approval by Mr. Alcaraz and second by Mr. Redmond with the conditions and Ms. Wilson wants to way in?

Ms. Wilson: No, I just want to mention that, Mr. Graham, this is a project that's financed by Towne Bank. As such, Mr. Graham has on file a conflicts letter that he will disclose in votes. So he will at this time just disclose and vote.

Mr. Weiner: Yeah, do it now before we vote.

Mr. Graham: Okay. I have a disclosure form that's on record with the city that I am on a Board at Towne Bank, but I do not have any financial interests in this project and I do plan on voting today.

Mr. Weiner: Okay. We're ready to vote.

Madam Clerk: Mr. Alcaraz?

Mr. Alcaraz: Aye.

Madam Clerk: Mr. Barnes is absent. Mr. Coston?

Mr. Coston: Aye.

Madam Clerk: Mr. Graham?

Mr. Graham: Aye.

Madam Clerk: Mr. Horsley is absent Mr. Inman is absent. Ms. Klein?

Ms. Klein: Nay.

Madam Clerk: Ms. Oliver?

Ms. Oliver: Nay.

Madam Clerk: Mr. Redmond?

Mr. Redmond: Aye.

Madam Clerk: Vice Chair Wall?

Mr. Wall: Nay.

Madam Clerk: Chairman Wiener?

Mr. Weiner: Aye.

Madam Clerk: By recorded vote of five in favor and three against agenda item number five has been recommended for approval with modifications to conditions one and six.

	AYE 5	NAY 3	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham	AYE			
Horsley				ABSENT
Inman				ABSENT
Klein		NAY		
Oliver		NAY		
Redmond	AYE			
Wall		NAY		
Weiner	AYE			

CONDITIONS:

1. When the site is redeveloped, the maximum density shall not exceed ~~six (6)~~ eight (8) multi-family dwelling units.
2. When the site is redeveloped, the exterior building materials shall substantially adhere to the elevations entitled, "Norfolk Avenue Residential at Baltic Avenue – Conceptual Elevations" December 9, 2019, and prepared by Finley Design Architecture + Interiors, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
3. When the site is redeveloped, ~~a minimum the building setbacks of ten (10) feet shall be observed from all property lines shall be reduced as depicted on the concept plan entitled, "Conceptual Site Plan Exhibit", dated April 30, 2021, and prepared by WPL, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development. These are is a deviations to the front and rear yard setbacks~~ required by the Zoning Ordinance.
4. Prior to Site Plan approval, a Landscape Plan shall be submitted to the Department of Planning & Community Development for review and approval.
5. When the site is redeveloped, 5-foot wide sidewalks shall be installed along Norfolk Avenue and Baltic Avenue with curb and gutter.
6. When the site is redeveloped, the curb line radius at the intersection of Norfolk Avenue and Baltic Avenue shall be 35 feet, the curb line radius at the intersection of Baltic Avenue and 9th Street shall be 25 feet, in accordance with Section 3.5 of the Public Works Design Standards Manual. The property line radius at the intersection of Norfolk Avenue and Baltic Avenue shall be 20 feet, and the property line radius at the intersection of Baltic Avenue and 9th Street shall be 10 feet, in accordance with Section 4.1 of the Subdivision Regulations.

7. Prior to Site Plan approval, a subdivision plat to vacate the interior property lines shall be submitted to the Department of Planning & Community Development for review, approval, and recordation.

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

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

Item # 6

**Beach Building Group, Inc. [Applicant] David & Deborah McColgan, Kristin Worrell
[Property Owners]
Conditional Change of Zoning (R-7.5 Residential District to Conditional A-18 Apartment
District)
2332 & 2328 Pleasure House Road**

May 12, 2021

DEFERRED FOR 30 DAYS

Mr. Weiner: Thank you. Next the deferred items. Does anybody have an item to be deferred? Please come forward.

Mr. Beaman: Ms. Chairman, Mr. Vice Chairman, members of the Commission for the record, my name is Rob Beaman. I'm the attorney for the applicant on number three, and we'd like to request a 30 day deferral to continue to work with the adjacent property owners on that application. Thank you, sir.

Mr. Bourdon: Mr. Chairman for the record Eddie Bourdon, Virginia Beach attorney representing item number six, Beach Development, that's a 30 day deferral because the proffers had to be modified after we met with the Shore Drive Advisory Commission and then while I'm up here, 11 and 12 also 30-day deferral because we had to revise the proffers based on some 11th hour requests and also meeting with the Town Center, what is it, the Review Committee, which that's all everything's taken place, everything's done, staff has all the revised proffers. So we'll see you next month.

Mr. Weiner: Sounds good. Thank you, sir. The chair is also aware of items 13 and 14 being deferred. Being said items three, six, eleven, twelve, thirteen and fourteen are being deferred for 30 days. Can I get a motion please?

Mr. Wall: Mr. Chair, I make a motion to defer agenda items number three, six, eleven, twelve, thirteen and fourteen.

Mr. Weiner: Can I get second?

Ms. Klein: Motion by Mr. Wall and seconded by Mrs. Klein, but we have Mr. Redmond.

Mr. Redmond: Yes, thank you, Mr. Chairman. For the record, I am abstaining from voting on the deferral of agenda item number three. The broker for the owner is a colleague of mine, and he and I sometimes partner on various work projects.

Mr. Weiner: Thank you. I am actually abstaining on item number six and pursuant to the state and local government Conflict of Interest Act. I make the following declaration. I'm executing this within the disclosure regarding the Planning Commission's decision

to vote on item number six Beach Building Group, 2332 and 2328 Pleasure House Road, Virginia Beach, Virginia, the applicant is a client of mine, Batchelder & Collins, 2305 Granby Street, I have a financial personal interest in this transaction. Therefore, I abstained from voting on this decision in this matter on May 12, 2021, Planning Commission hearing deferral. Okay, great.

Madam Clerk: All right. Okay, Mr. Alcaraz.

Mr. Alcaraz: AYE.

Madam Clerk: Mr. Barnes is absent. Mr. Coston?

Mr. Coston: AYE.

Madam Clerk: Mr. Graham?

Mr. Graham: AYE.

Madam Clerk: Mr. Horsley is absent. Mr. Inman is absent. Ms Klein?

Ms. Klein: AYE.

Madam Clerk: Ms. Oliver?

Ms. Oliver: AYE.

Madam Clerk: Mr. Redmond?

Mr. Redmond: AYE.

Madam Clerk: Vice Chair Wall?

Mr. Wall: AYE.

Madam Clerk: Chairman Weiner?

Mr. Weiner: AYE.

Madam Clerk: By recorded vote of eight in favor and zero against agenda items 11, 12, 13 and 14 have been deferred for 30 days. Agenda item number three by recorded vote of seven in favor, zero against with one abstention agenda item number three has been deferred for 30 days. Agenda item number six recorded vote of seven in favor, zero against and one abstention agenda item number six has been deferred for 30 days.

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

Item # 7

**SH Campus, LLC [Applicant] St. Luke's United Methodist Church [Property Owner]
Conditional Use Permit (Group Home)
3396 Stoneshore Road**

May 12, 2021

RECOMMENDED FOR APPROVAL - HEARD

Madam Clerk: Our next item is agenda item seven SH Campus LLC. An application for a Conditional Use Permit group home on property located at 3396 Stoneshore Drive in the Rose Hall District. Would the applicant or the applicant's representative, please step to the podium.

Mr. Weiner: Good afternoon. Please state your name for the record.

Ms. Sieracki: Good afternoon, members of the Commission, I am Jennifer Sieracki, Executive Director of Seton Youth Shelters in Virginia Beach.

Mr. Weiner: Okay. Just tell us a little bit about what you're doing?

Ms. Sieracki: We are very excited to have the opportunity for the first time in our 38 year history to bring together our boys and girls house, our mentoring and our outreach programs together on one centralized campus. We know that this will enable us to better serve the families in the Virginia Beach community and beyond. And at this point, we've served and saved just a little over 350,000 lives. The majority of our boys and girls do come to us from the City of Virginia Beach. And this opportunity, of course, allows us to serve those families. It also enables us to, as an organization provide a better workplace for the wonderful people who are committed to the work that we do on behalf of youth in our community. And we also are looking forward with this piece of property to be able to do some green space restoration for both educational and aesthetic purposes in Virginia Beach.

Mr. Weiner: Any questions?

Ms. Sieracki: Yes, ma'am. Sorry, too tall, I need to.

Mr. Klein: No, that's okay. Um, I don't think you guys were here this morning. Could you please provide a brief overview of the kids, of the population that you serve?

Ms. Sieracki: Certainly, so the children that we serve come from all families and backgrounds. They come to us because they may be having problems with their family relationships, arguing with mom and dad. We are at this point in our history, almost 38 years. We're microcosm of the community At-Large; we're seeing more children

who are in homeless situations, many of those short-term homeless but homeless nonetheless. Unfortunately again, as a reflection of the community, we are seeing some traffic children. This is a wide pervasive, widespread pervasive problem in Hampton Roads and beyond. And those are the children that we do serve through our boys house and girls house and then also our mentoring and our outreach programs. Average length of stay in the shelter situation is typically three weeks average age, our kids range in our boys and girls house from 9 through 17, if that helps give a little bit better picture of who we are.

Ms. Weiner: Thank you. Any other questions? Any questions?

Mr. Wall: I see you said three weeks, that's the average stay.

Ms. Sieracki: Yes, sir.

Mr. Wall: Okay. It's not very long, it's...

Ms. Sieracki: We're considered an emergency setting for a child who needs a safe haven, a place to, to go. When you talked about the children we serve, also, if I can say, we serve youth who are in need of shelter and our support services, we're not in anyway, detention setting or setting for a child or youth who may have substance abuse issues, those children need more of a clinical or more supportive setting in those areas. We're not a therapeutic type setting. Yes sir.

Mr. Wall: So can you describe the like how it's going to be constructed?

Ms. Sieracki: Yes. So the project as its planned out now is going to be constructed in three phases. Phase one will be our, our boys house, some folks in the community may have heard about the end of our, our 38 year lease at our boys house due to some priority changes with our landlord and wishes to use that property for their own programming. So that is our top priority is to construct our boys house, followed by the girls house. And finally, phase three will be the administration community education building.

Mr. Wall: Which one's the boys houses'?

Ms. Sieracki: So in looking at the layout that we have in front of us on this property, the boys house would be that building closest to the Southwest corner, followed by the girls house, kind of in the center, and then admin on the kind of the North, the North building at the layout drawing I'm looking at in front of me.

Mr. Wall: Okay, so the church building is going to stay until?

Ms. Sieracki: The church building fortunately, we've determined can be used short term for our boys. We'll have to do some renovations as it is a bit dilapidated.

Mr. Wall: Okay, all right. Thank you.

Mr. Weiner: Mr. Coston.

Mr. Coston: So, are y'all are moving from St. Nicholas and St. Aidans, is that where y'all are now?

Ms. Sieracki: Yes, sir. For 38-year history, we've had to shuttle between three buildings for administration and mentoring and then shelters and outreach. So we will be leaving a St. Nicholas location first. We do anticipate that it'll be several years, you know, unless a miracle occurs. And you know, a huge donation comes in probably as it will be in phases, probably a couple of years, two three years for the girls house and then admin.

Mr. Coston: I applaud the work that you do.

Ms. Sieracki: Thank you so much, you know, we are here because of all of you. So thank you.

Mr. Weiner: Thank you. Mr. Graham.

Mr. Graham: I just have a comment. I grew up on Little Neck Road, right down the street from there. Never knew you guys were there, until just recently, really had, you know, it's quiet use. I mean, nobody knows it's there.

Ms. Sieracki: And thank you for bringing that up. Because of the nature of what we do and confidentiality reasons, we can't really shout from the rooftops about what we do, but we are very excited about again, being able to bring together our programs to better serve Virginia Beach and surrounding communities. And as I mentioned earlier, to also have some wonderful green space to both restore and educate the children that we serve.

Mr. Graham: Yeah, that's great.

Mr. Weiner: Dave any question, any other questions, okay Dave?

Mr. Redmond: No, I just want to miracle already came and that is namely that you all are doing what you do. I was tearing up listening to you describe your mission. I've been familiar with it in the past anyway; you provide just an extraordinary service to some of the most vulnerable people in our community and not enough to do it. The world just doesn't have enough really good people doing these kinds of things. And

I genuinely appreciate what you're doing and the fact that you want to expand it and do it in a better way, I can't tell you how good that it is.

Ms. Sieracki: Now, you are making me tear up, thank you so much for that, we are quiet. We're one of the more quiet nonprofits but again; appreciate the chance to be considered and we are hopeful. Thank you so much.

Mr. Weiner: Thank you. Thank you. Any speakers?

Madam Clerk: Yes, sir. We have two, the first one being Julie Griffin, to be followed by James Seeger.

Ms. Griffin: I am in here representing both Seton House as well as the purchaser of the property.

Mr. Weiner: State your name for the record.

Ms. Griffin: Julie Griffin.

Mr. Weiner: Thank you.

Ms. Griffin: So obviously, we're in support of it. The owners of Atlantic Bay Mortgage Group, which is a great, you know, local company, I'm sure you guys know, Brian Holland, are the main backers in this project and are in great support and hope that we can also have your support.

Mr. Weiner: Thank you.

Mr. Griffin: Thank you.

Madam Clerk: James Seeger.

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

Mr. Seeger: Thank you. My name is James Seeger, I happen to be a resident of that area. I feel at a disadvantage, because what I just heard, however, if you guys would be kind enough to bring up that picture that church. That church sits on the corner of Holland Rolling Stone Shore Road, I happen to own a house there. That area is very crowded and very busy and lots of traffic, so I feel like if you put a home there with these youth, you're gonna have a problem with traffic and some of the kids dealing with the traffic down Holland Road. My own child has had plenty accidents done is just dangerous area. Second of all, in that area, it's already saturated with youth that, you know, they get together and they do mischievous thing, we have Green Lakes in that area and we also have Magic Hollow not far away from there.

So now you're talking about bringing in a bunch of other children and the police in that area and the problems in that area, if you check the police reports, you'll find that that's a very problematic area. So my concern is that if we bring in more than I've spent the last 25 years trying to pay for my house in that area, then the value of that house is going to go, so that's basically my concern I hope you guys take that into consideration.

Mr. Weiner: Okay sir. Any questions? Thank you. Ma'am, would you come back up for a rebuttal?

Ms. Sieracki: I certainly do understand the gentleman's concerns. I do just want to clarify a little bit about how our children stay with us. We have a maximum occupancy in our shelters of 10 boys and 10 girls, those children are in Virginia Beach City Public Schools during the day through our long standing relationship with them are unsupervised at no time. And also our new location will be completely fenced in for the children's protection. I mean, our children are never outside or in any situation where they're unsupervised by our professional case management and counseling staff. And I certainly do understand and appreciate his concerns and appreciate the fact that he's thinking about the children's safety. But again, this will be an enclosed area. These children are always supervised. We have never had an incident of any kind in our 38-year history, because of our incredible staff and their dedication to the care of these children. I hope that clarifies a little bit. Thank you so much.

Mr. Weiner: Thank you. No more speakers?

Madam Clerk: No more speakers.

Mr. Weiner: I will close it and open up for discussion. Jack.

Mr. Wall: I mean, I really appreciate Mr. Seeger's comments, you know, I think he's probably been there for a long time, knows the area, you know, the traffic, the density, maybe some existing problems out there, you know, with some mischievous youth and, you know, I certainly appreciate his insight into the wanting to and maintaining value of the properties, you know, in the area. But I think that we've heard quite a bit, you know, that it's very, very low key, not very dense, the individuals that are there, but are not there very long. And, you know, we just heard that they're supervised for the most part the entire time that they're there. So I hope that alleviates some of Mr. Seeger's, your concerns and yeah, I am going to be in support of it.

Mr. Weiner: Okay. Mr. Redmond?

Mr. Redmond: Just real fast I want to say, I'm really impressed by the notion that you want to involve some of this green space that you'll have at your disposal and get these kids outside some and give them some, you know, some education and some interest in some things. You know, the children spent too much time enclosed by four walls. And I think that's, I think that's going to be a real benefit to them, I think is a real credit to this project. So I can't wait to support it.

Mr. Weiner: Mr. Coston?

Mr. Coston: I agree with Mr. Redmond. I've had the pleasure of inspecting both of those, the former facilities. And I've never seen or heard any problems there. I don't even think the kids get out to play much really. I mean, they don't have much time outdoors into two present locations and that's a great advantage to where they're moving to. I'd like to tell Mr. Seeger that your family will be really safe here from what I've seen of how they run their business.

Mr. Weiner: Anybody else? We have a motion?

Mr. Wall: I make a motion that we approve agenda item number seven.

Mr. Klein: I will second.

Mr. Weiner: Motion by Mr. Wall and second by Ms Klein for approval.

Madam Clerk: Mr. Alcaraz?

Mr. Alcaraz: Aye.

Madam Clerk: Mr. Barnes is absent. Mr. Coston?

Mr. Coston: Aye.

Madam Clerk: Mr. Graham?

Mr. Graham: Aye.

Madam Clerk: Mr. Horsley is absent. Mr. Inman is absent. Ms. Klein?

Ms. Klein: Absolutely.

Madam Clerk: Ms. Oliver?

Ms. Oliver: Aye.

Madam Clerk: Mr. Redmond?

Mr. Redmond: I am going to say an enthusiastic Aye.

Madam Clerk: Vice Chair Wall?

Mr. Wall: Aye.

Madam Clerk: Chairman Wiener?

Mr. Wiener: Aye.

Madam Clerk: By recorded vote of eight in favor and zero against agenda item number seven has been recommended for approval.

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

CONDITIONS:

1. When the site is redeveloped, it shall be in substantial conformance within the submitted conceptual site layout exhibit entitled, "Conceptual Site Layout Plan of Seton House", prepared by Orbis Landscape Architecture, dated April 7, 2021, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
2. When the site is redeveloped, the exterior of the proposed buildings shall substantially adhere in appearance, size and materials to the submitted elevations entitled "Seton House Addition", prepared by DA, dated April 21, 2021, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
3. A Landscape Plan shall be submitted and approved by the Development Services Center Landscape Architect prior to the final site plan approval. Plantings along the property line

adjacent to residentially zoned properties shall be allowed to grow and shall be maintained at a height of no less than eight (8) feet.

4. The applicant shall obtain all necessary permits and inspections from the Department of Planning & Community Development/Permits and Inspections Division. The applicant shall secure a Certificate of Occupancy from the Building Official prior to the occupancy of the Group Home.
5. The number of beds utilizes for the Group Home shall not exceed twenty-four (24) and the number of children shall not exceed twenty (20).

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

**South Lynnhaven, LLC [Applicant & Property Owner]
Modification of Conditions
877 S. Lynnhaven Road**

May 12, 2021

RECOMMENDED FOR APPROVAL - HEARD

Mr. Weiner: Thank you, Alright, go to item number eight.

Madam Clerk: Item number eight is South Lynnhaven. LLC, an application for a Modification of Conditions on property located at 877 South Lynnhaven Road in the Rose Hall District.

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

Mr. Wood: Chris Wood, I represent the owner. I'm one of the owners of the property. Thank you all for taking the time. May I proceed?

Mr. Weiner: Yes sir.

Mr. Wood: This property is very small. It was, as you know, I think in closed session that the street was closed in 1984. For some reason, I don't know why but they left a couple of the easements over top of them. One of the easements is for emergency vehicles, which I've never seen that on a property before. But that was on there. What we would like to do is remove the easements so we can slide the building to the left; we have spoken to the adjacent neighbor. I know she had some concerns about it and I feel like we've got a pretty good relationship with her. I've known her for a long time. And we will certainly continue to work with her. I don't know if she's here today. To make sure what we would like to do by closing that easement is slide the building all the way to the South that will allow us not to have a bunch of setbacks and block her building at all. And it's really about as simple as that. I know there was a concern in closed session about not having an elevation of the building. You know, this is a very small building probably less than 3000 feet. You know, I don't think it would be proffered anyway. So I'm not sure if there's any benefit to seeing what the building will look like. But certainly, it'll be a high quality building. We have been discussing with various professional users like doctors and dentist, and insurance agents and that type of thing. So that's really about it. It's pretty simple.

Mr. Weiner: I'll start off on this one, because I was pretty much the one that said, and I had no idea who the owner was. But we've never approved anything without seeing elevation. If we had one today that we just said that we needed more information,

please go we defer it. They're going to go put things together, they're going to show us what the lots going to look like, you know, the pavement, elevations. I'm just not comfortable approving anything without seeing the elevation. I've been doing it for years now and we've never done that in years.

Mr. Wood: I don't have a problem giving you a sketch, I guess, we wouldn't want to be proffered in any way.

Mr. Weiner: Sure.

Mr. Wood: When you recommend when you suggest that would be proffered?

Mr. Weiner: No, no, no, I just wanted to see what's gonna go there. I mean, I don't, granted, it's gonna go to City Council and they're going to make the final decision, but we don't really, I don't feel comfortable sending this to City Council to say yes, we're gonna do this. It's gonna be a, maybe there's a building there. We don't know what's gonna be there. But I just don't feel comfortable sending that to City Council unless I know what I'm sending the City Council.

Mr. Wood: We'd be happy to do that. It's going to be very difficult because this site is so small to come up with something that's real and I wouldn't want to mislead anybody by saying this is what it's going to be. When it's going to be slightly, likely going to be different than what you know, before we get through the site plan process, but I'm happy to do that, and we can defer for 30 days if you want but if it's not gonna be proffered, I'm not sure the point.

Ms. Oliver: I don't have a problem with this. It's a road that's been closed for quite some time and he said he's sliding the building over. I think I don't have a problem with this.

Mr. Wood: And there is no reason for easements, I mean easements, I don't mean to interrupt, there's no reason for these easements anyway. They're old and not being used and we certainly will work with the utilities department.

Mr. Weiner: And I agree with Ms. Oliver. I mean, yes, the building has been there for since before I was in high school. It's been there that median has been there. So I have no problem with that, but I mean, what do y'all think? Do you all want to move forward? I won't stop it.

Mr. Wall: Well, one thing, how long have you owned the property?

Mr. Wood: Five to seven years, something like that.

Mr. Wall: And but you purchased it knowing that there was that easement on the property.

Mr. Wood: I can't recall honestly, you know, is a scrap piece of property. We bought it from Mr. Mastracco who obviously owned a lot of property around there. But yeah, I'm sure we did know there was an easement there.

Mr. Wall: And that's so your intent is to develop with some kind of a commercial, small business, you know, on the property. Parking would be achieved on parking access?

Mr. Wood: All that, yes, sir. We'll be through the site plan approval, no short term rental, I promise you that. But no, it would be all through. It would be all through the site plan process as far as the parking and the layout and the utilities and all that.

Mr. Weiner: Whitney.

Mr. Graham: Thank you. So just so I'm clear, the idea here is to basically clean the site up as far as these easements and then to go out and find a doctor or dentist or some sort of professional user, then do a build to suit or scrape the building or sell the property, okay.

Mr. Wood: Yes, sir. We would, once we get this cleaned up, we can move forward on a conceptual site plan and try to find a user.

Mr. Graham: Okay. All right.

Mr. Weiner: Any more questions. Any other questions? Oh I am sorry.

Mr. Coston: Is anything on the building, I mean on the property right now?

Mr. Wood: No, sir. There's no, there is grass, just grass and a tree. I don't think that the picture on the left is actually I think that's just off of the property. I could be wrong on that, but it's just basically a grass field.

Mr. Coston: Probably will support, I think that we can trust staff to make sure what gets built there conforms to the regulations.

Mr. Weiner: And also, just being consistent what we've done in the last eight years I've been doing this but if you all feel like we're comfortable with it, I will be comfortable with it, Jack, you have something to add?

Mr. Wall: What utilities do run under through that easement?

Mr. Wood: I can't answer that with certainty. I think I believe that there is a, I can't answer that with certainty. I'm not sure about this, I know there's, I think there's the, I think there

is a water line. I don't think there is sewer. Sewer is down the street and I'm not exactly sure what's under there.

Mr. Wall: Mr. Morrison, can you, do you have any understanding on the utilities?

Mr. Wood: I know Dominion is overhead there. So I noticed that.

Mr. Wall: Give me one second. I'm sorry. Oh, the sewer is no longer in service? What about the waterline? What size is that water line?

Mr. Wood: There's a condition to relocate. So we would have to.

Mr. Wall: It is conditioned to have to move it, the condition. Okay. I don't think that paved area is in the, it is a little misleading that paved area is not part of this application. I think it's all grass turf areas within the easement. They closed say what is, I'm just curious with the green, the green box. That's closed portion of South Lynnhaven Road which is the paved area and is that still public right of way or is that owned by who owns them, the green area?

Mr. Morrison: The green areas owned by the same person has parcel A with Woodard Realty, so when it was closed that half was given, was not given, was portioned to Woodard Realty and the other half was a portion to the applicant's parcel at the time.

Mr. Wall: And they closed it but they maintain the easement because of those utilities probably on there, okay.

Mr. Weiner: Any other questions? Any more questions? All right. Thank you, sir.

Mr. Wood: Thank you, sir.

Mr. Weiner: We have no more speakers. No speakers. Open it for discussion or motion.

Ms. Oliver: I'm gonna make a motion.

Mr. Weiner: Okay.

Ms. Oliver: To approve it.

Mr. Weiner: We have a motion for approval. We have a second?

Mr. Coston: Second.

Mr. Weiner: Motion for approval by Ms. Oliver and second by Mr. Coston. We have Mr. Redmond hand up.

Mr. Redmond: Mr. Chairman to clarify, I am abstaining from this application. The one of Mr. Wood's partners is a colleague, a work colleague of mine who I am partners with on other projects, I don't have anything to do with this but it probably best that I abstain from this and in fact abstain from the shortcoming, the shortly to be considered short term rental applications on there. Yeah, I know, but I am gonna leave as my point.

Mr. Weiner: All right, we are ready to vote.

Madam Clerk: Okay, Mr. Alcaraz?

Mr. Alcaraz: Aye.

Madam Clerk: Mr. Barnes is absent. Mr. Coston?

Mr. Coston: Aye.

Madam Clerk: Mr. Graham?

Mr. Graham: Aye.

Madam Clerk: Mr. Horsley is absent. Mr. Inman is absent. Ms. Klein?

Ms. Klein: Aye.

Madam Clerk: Ms. Oliver?

Ms. Oliver: Aye.

Madam Clerk: Mr. Redmond is abstaining. Vice Chair Wall?

Mr. Wall: Aye.

Madam Clerk: Chairman Wiener?

Mr. Weiner: Aye.

Madam Clerk: By recorded vote of seven in favor zero against with one abstention. Agenda item number eight has been recommended for approval.

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

CONDITIONS:

1. As to the applicant’s property, the conditions attached to the Street Closure granted on August 13, 1984 and extended on May 20, 1985 are hereby deleted.
2. As to the applicant’s property, a Deed of Partial Vacation to vacate the variable with public utility and emergency vehicle access easements shall be recorded with City of Virginia Beach Clerk of Circuit Court within 365 days from the date of City Council action. The Deed of Partial Vacation shall be subject to the approval of the City Attorney’s Office.
3. All City public utility infrastructure within the easement area to be vacated shall be relocated or abandoned as determined and approved by the Department of Public Utilities.

1984 Street Closure Conditions

The original Street Closure was approved by City Council on August 13, 1984, with an extension of time and final approval on May 20, 1985. The conditions were as follows:

1. An easement reserved to the City for installation and maintenance of public utilities.
2. An easement reserved for access of emergency vehicles.
3. The closure of this right of way shall be contingent upon compliance with the above-stated conditions within 180 days of the approval by City Council.

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

issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.

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

Item # 9

**Mistie Wood [Applicant & Property Owner]
Conditional Use Permit (Family Day-Care Home)
1105 Voss Court**

May 12, 2021

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Wall: Thank you. Okay. Thank you, Mr. Chair. These are applications that are recommended for approval by staff, the Planning Commission concurred. And there are no speakers signed up in opposition. We have four items on the consent agenda today. The first item is agenda item number one by which is going to be presented by city staff.

Mr. Kemp: Good afternoon Chairman, Commission. For the record, my name is Kevin Kemp; I am the Zoning Administrator here in Virginia Beach. Item one is an ordinance amendment which modifies the Zoning Ordinance in regards to the sign regulations, particularly making them content neutral and in line with some current court decisions that have been made. What this ordinance does is first changes the regulations for billboards; our current ordinance regulates billboards based on their content. And what I mean by content is a billboard is an offsite sign advertising something not on that site. Well to know if you're advertising something on the site or off the site, you have to read the billboard therefore making it content based. So what this ordinance does is, it makes all outdoor advertising signs, takes billboards out, and any sign is permitted on the site as a free standing sign, but that sign is held to the dimensional standards of what is normally allowed in that Zoning District for freestanding signs. So billboards are not their own use. The second thing that this ordinance does is it removes the Zoning Administrators ability to modify non-conforming signs where in the past if an applicant wished to take non-conforming sign and alter it to make it better, there was an administrative process through my office that that could be done. This now puts that process only by City Council approval. The last thing in the ordinance is in regards to electronic signs and these would only be permitted in two instances. The first are for major entertainment venues. These are venues such as The Aquarium that require City Council approval and therefore City Council would dictate the number of electronic signs and the size and the second instance is for fuel prices. And these would be allowed only on properties that dispense fuel and they would be limited to one sign. Are there any questions?

Mr. Weiner: Thank you.

Mr. Kemp: Thank you Commission.

Mr. Wall: Is there any opposition for this item to be placed on the consent agenda? Okay. The next item on the consent agenda is item number - agenda item number four. Is there a representative for this item?

Mr. Beaman: Mr. Vice Chair, Members of the Commission for the record, my name is Rob Beaman. I'm a local land use attorney at the Troutman Pepper Law Firm here today on behalf of the applicant for agenda item number four, we've had a chance to read the conditions, they are acceptable and we appreciate being on the consent agenda.

Mr. Wall: Thank you. Is there any opposition for this item to be placed on the consent agenda? Hearing none, we've asked Ms. Klein to read this into the record.

Ms. Klein: The applicant is requesting a Conditional Use Permit for a mini warehouse in order to construct a 25,000 square foot indoor self storage facility on this B4 mixed district zoned parcel. A portion of the property contains a parking lot and undeveloped area. The proposed building will be a climate controlled three story mini warehouse building with the total height of 43 feet and it matches the surrounding area. The applicant is seeking a deviation to the required 35 foot front yard setback which staff approves. Based on the consideration staff recommends approval of the application subject to the conditions and the Planning Commission concurs.

Mr. Wall: Thank you. The next item on the consent agenda is item number nine. Is there a representative for this item? Okay, seeing none. Is there any opposition for this item to be on the consent agenda? Hearing none. We've asked Mr. Redmond to read this into the record.

Mr. Redmond: Excuse me. Thank you, Mr. Wall. This is an application for a Conditional Use Permit for a family daycare home at 1105 Voss Court. The applicant is requesting the CUP for a daycare facility of up to 12 children within this single family dwelling. It's a 7500 square foot parcel and seems to be very well organized and laid out for this particular use. The applicant has 22 years of experience caring for children. Staff sees no reason why it should be denied. Planning Commission sees no reason why it should be denied and we therefore place it on consent. Thank you, Mr. Wall.

Mr. Wall: Thank you. The next item on the consent agenda is item number 10. Is there a representative for this item? Okay.

Madam Clerk: Mr. Wall there is, she had signed, Diana Buhrmann had signed up virtually, but she is not online. So is Diana Buhrmann here?

Mr. Wall: Okay. Is there any opposition for this to be on the consent agenda? Okay, hearing none, we've asked Mr. Graham to read this into the record.

Mr. Graham: Thank you, Mr. Wall. The applicant is requesting a Conditional Use Permit for a family daycare home to care for up to 12 children within a single family dwelling. The 5401 square foot parcel is zoned PD-H1 planned unit development and is located in the Magic Hollow neighborhood at 998 Boughton Way in the Rose Hall District. This request for a Conditional Use Permit in staff's opinion is consistent with the policies and goals set forth in the Comprehensive Plan for the suburban area. Staff finds the property to be well organized and well kept; successfully promoting the policies intended to ensure the maintenance and sustainability of great neighborhoods. For these reasons, staff recommends approval and Planning Commission agrees with this recommendation. Therefore we have placed it on the consent agenda.

Mr. Wall: Thank you, Mr. Graham. So that ends the regular consent agenda. The Planning Commission also places the following applications for Conditional Use Permit for Short-Term Rental on the consent agenda as they meet the applicable requirements for section 241.2 of the Zoning Ordinance. Staff and the Planning Commission supports the applications and there are no speakers signed up in opposition and that includes agenda items number 15, 17 and 20. Those were the last items on the consent agenda. I move for approval of agenda items 1, 4, 9, 10, 15, 17, and 20. We have a motion. Do we have a second?

Ms. Klein: Second.

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

Mr. Redmond: Mr. Chairman.

Mr. Weiner: I'm sorry. Go ahead. That's right.

Mr. Redmond: Number one, I am abstaining on agenda item number 8, for the same reason as before, there's work colleague of mine who is a member of the partnership that owns this property and so that's just too close for comfort. I also am abstaining on all of the short-term rental applications. I have a letter on file with the City Attorney's Office, I have a client who's in the travel industry, and that too, is too close for comfort. So I do not vote on short-term rental applications or ordinances. Thank you.

Ms. Wilson: Mr. Graham?

Mr. Weiner: Anybody else?

Ms. Wilson: You have a letter on file saying that you will abstain from all short-term rental applications, has that changed?

Mr. Graham: Yes, ma'am that has been withdrawn.

Ms. Wilson: Okay. And you will now vote on those applications?

Mr. Graham: That is correct. I do not have a conflict.

Ms. Wilson: Thank you.

Mr. Weiner: Thank you. Ready to vote?

Madam Clerk: Yes, sir. Mr. Alcaraz?

Mr. Alcaraz: Aye.

Madam Clerk: Mr. Barnes is absent. Mr. Coston?

Mr. Coston: Aye.

Madam Clerk: Mr. Graham?

Mr. Graham: Aye.

Madam Clerk: Mr. Horsley is absent Mr. Inman is absent. Ms. Klein?

Ms. Klein: Aye.

Madam Clerk: Ms. Oliver?

Ms. Oliver: Aye.

Madam Clerk: Mr. Redmond?

Mr. Redmond: Aye.

Madam Clerk: Vice Chair Wall?

Mr. Wall: Aye.

Madam Clerk: Chairman Wiener?

Mr. Wiener: Aye.

Madam Clerk: By recorded vote of eight in favor and zero against agenda items 1, 4, 9, and 10 have been approved. Agenda items 15, 17 and 20 by recorded vote of seven in favor, zero against with one abstention have been approved by consent.

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

CONDITIONS:

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

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

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

Item # 10

**Diana Buhrmann [Applicant] Michael Kornoelje Jr. [Property Owner]
Conditional Use Permit (Family Day-Care Home)
998 Boughton Way**

May 12, 2021

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Wall: Thank you. Okay. Thank you, Mr. Chair. These are applications that are recommended for approval by staff, the Planning Commission concurred. And there are no speakers signed up in opposition. We have four items on the consent agenda today. The first item is agenda item number one by which is going to be presented by city staff.

Mr. Kemp: Good afternoon Chairman, Commission. For the record, my name is Kevin Kemp; I am the Zoning Administrator here in Virginia Beach. Item one is an ordinance amendment which modifies the Zoning Ordinance in regards to the sign regulations, particularly making them content neutral and in line with some current court decisions that have been made. What this ordinance does is first changes the regulations for billboards; our current ordinance regulates billboards based on their content. And what I mean by content is a billboard is an offsite sign advertising something not on that site. Well to know if you're advertising something on the site or off the site, you have to read the billboard therefore making it content based. So what this ordinance does is, it makes all outdoor advertising signs, takes billboards out, and any sign is permitted on the site as a free standing sign, but that sign is held to the dimensional standards of what is normally allowed in that Zoning District for freestanding signs. So billboards are not their own use. The second thing that this ordinance does is it removes the Zoning Administrators ability to modify non-conforming signs where in the past if an applicant wished to take non-conforming sign and alter it to make it better, there was an administrative process through my office that that could be done. This now puts that process only by City Council approval. The last thing in the ordinance is in regards to electronic signs and these would only be permitted in two instances. The first are for major entertainment venues. These are venues such as The Aquarium that require City Council approval and therefore City Council would dictate the number of electronic signs and the size and the second instance is for fuel prices. And these would be allowed only on properties that dispense fuel and they would be limited to one sign. Are there any questions?

Mr. Weiner: Thank you.

Mr. Kemp: Thank you Commission.

Mr. Wall: Is there any opposition for this item to be placed on the consent agenda? Okay. The next item on the consent agenda is item number - agenda item number four. Is there a representative for this item?

Mr. Beaman: Mr. Vice Chair, Members of the Commission for the record, my name is Rob Beaman. I'm a local land use attorney at the Troutman Pepper Law Firm here today on behalf of the applicant for agenda item number four, we've had a chance to read the conditions, they are acceptable and we appreciate being on the consent agenda.

Mr. Wall: Thank you. Is there any opposition for this item to be placed on the consent agenda? Hearing none, we've asked Ms. Klein to read this into the record.

Ms. Klein: The applicant is requesting a Conditional Use Permit for a mini warehouse in order to construct a 25,000 square foot indoor self storage facility on this B4 mixed district zoned parcel. A portion of the property contains a parking lot and undeveloped area. The proposed building will be a climate controlled three story mini warehouse building with the total height of 43 feet and it matches the surrounding area. The applicant is seeking a deviation to the required 35 foot front yard setback which staff approves. Based on the consideration staff recommends approval of the application subject to the conditions and the Planning Commission concurs.

Mr. Wall: Thank you. The next item on the consent agenda is item number nine. Is there a representative for this item? Okay, seeing none. Is there any opposition for this item to be on the consent agenda? Hearing none. We've asked Mr. Redmond to read this into the record.

Mr. Redmond: Excuse me. Thank you, Mr. Wall. This is an application for a Conditional Use Permit for a family daycare home at 1105 Voss Court. The applicant is requesting the CUP for a daycare facility of up to 12 children within this single family dwelling. It's a 7500 square foot parcel and seems to be very well organized and laid out for this particular use. The applicant has 22 years of experience caring for children. Staff sees no reason why it should be denied. Planning Commission sees no reason why it should be denied and we therefore place it on consent. Thank you, Mr. Wall.

Mr. Wall: Thank you. The next item on the consent agenda is item number 10. Is there a representative for this item? Okay.

Madam Clerk: Mr. Wall there is, she had signed, Diana Buhrmann had signed up virtually, but she is not online. So is Diana Buhrmann here?

Mr. Wall: Okay. Is there any opposition for this to be on the consent agenda? Okay, hearing none, we've asked Mr. Graham to read this into the record.

Mr. Graham: Thank you, Mr. Wall. The applicant is requesting a Conditional Use Permit for a family daycare home to care for up to 12 children within a single family dwelling. The 5401 square foot parcel is zoned PD-H1 planned unit development and is located in the Magic Hollow neighborhood at 998 Boughton Way in the Rose Hall District. This request for a Conditional Use Permit in staff's opinion is consistent with the policies and goals set forth in the Comprehensive Plan for the suburban area. Staff finds the property to be well organized and well kept; successfully promoting the policies intended to ensure the maintenance and sustainability of great neighborhoods. For these reasons, staff recommends approval and Planning Commission agrees with this recommendation. Therefore we have placed it on the consent agenda.

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Ms. Klein: Second.

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

Mr. Redmond: Mr. Chairman.

Mr. Weiner: I'm sorry. Go ahead. That's right.

Mr. Redmond: Number one, I am abstaining on agenda item number 8, for the same reason as before, there's work colleague of mine who is a member of the partnership that owns this property and so that's just too close for comfort. I also am abstaining on all of the short-term rental applications. I have a letter on file with the City Attorney's Office, I have a client who's in the travel industry, and that too, is too close for comfort. So I do not vote on short-term rental applications or ordinances. Thank you.

Ms. Wilson: Mr. Graham?

Mr. Weiner: Anybody else?

Ms. Wilson: You have a letter on file saying that you will abstain from all short-term rental applications, has that changed?

Mr. Graham: Yes, ma'am that has been withdrawn.

Ms. Wilson: Okay. And you will now vote on those applications?

Mr. Graham: That is correct. I do not have a conflict.

Ms. Wilson: Thank you.

Mr. Weiner: Thank you. Ready to vote?

Madam Clerk: Yes, sir. Mr. Alcaraz?

Mr. Alcaraz: Aye.

Madam Clerk: Mr. Barnes is absent. Mr. Coston?

Mr. Coston: Aye.

Madam Clerk: Mr. Graham?

Mr. Graham: Aye.

Madam Clerk: Mr. Horsley is absent Mr. Inman is absent. Ms. Klein?

Ms. Klein: Aye.

Madam Clerk: Ms. Oliver?

Ms. Oliver: Aye.

Madam Clerk: Mr. Redmond?

Mr. Redmond: Aye.

Madam Clerk: Vice Chair Wall?

Mr. Wall: Aye.

Madam Clerk: Chairman Wiener?

Mr. Weiner: Aye.

Madam Clerk: By recorded vote of eight in favor and zero against agenda items 1, 4, 9, and 10 have been approved. Agenda items 15, 17 and 20 by recorded vote of seven in favor, zero against with one abstention have been approved by consent.

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

CONDITIONS:

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2. The Family Day-Care Home shall be limited to the total of twelve (12) children, other than children living in the home.
3. The applicant shall maintain a license with the Virginia Department of Social Services for childcare.
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7. The applicant/owner shall maintain a six-foot privacy fence around the perimeter of the rear yard for the duration of the use.
8. There shall be only one Home Occupation, the Family Day-Care Home, operating on the property associated with this Conditional Use Permit.

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

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

Item # 11

**Pembroke Square Associates, LLC [Applicant & Property Owner]
Conditional Rezoning (B-3 Central Business to Conditional CBC Central Business Core)
Southeastern corner of intersection of Jeanne Street and Constitution Drive**

May 12, 2021

DEFERRED FOR 30 DAYS

Mr. Weiner: Thank you. Next the deferred items. Does anybody have an item to be deferred? Please come forward.

Mr. Beaman: Ms. Chairman, Mr. Vice Chairman, members of the Commission for the record, my name is Rob Beaman. I'm the attorney for the applicant on number three, and we'd like to request a 30 day deferral to continue to work with the adjacent property owners on that application. Thank you, sir.

Mr. Bourdon: Mr. Chairman for the record Eddie Bourdon, Virginia Beach attorney representing item number six, Beach Development, that's a 30 day deferral because the proffers had to be modified after we met with the Shore Drive Advisory Commission and then while I'm up here, 11 and 12 also 30-day deferral because we had to revise the proffers based on some 11th hour requests and also meeting with the Town Center, what is it, the Review Committee, which that's all everything's taken place, everything's done, staff has all the revised proffers. So we'll see you next month.

Mr. Weiner: Sounds good. Thank you, sir. The chair is also aware of items 13 and 14 being deferred. Being said items three, six, eleven, twelve, thirteen and fourteen are being deferred for 30 days. Can I get a motion please?

Mr. Wall: Mr. Chair, I make a motion to defer agenda items number three, six, eleven, twelve, thirteen and fourteen.

Mr. Weiner: Can I get second?

Ms. Klein: Motion by Mr. Wall and seconded by Mrs. Klein, but we have Mr. Redmond.

Mr. Redmond: Yes, thank you, Mr. Chairman. For the record, I am abstaining from voting on the deferral of agenda item number three. The broker for the owner is a colleague of mine, and he and I sometimes partner on various work projects.

Mr. Weiner: Thank you. I am actually abstaining on item number six and pursuant to the state and local government Conflict of Interest Act. I make the following declaration. I'm executing this within the disclosure regarding the Planning Commission's decision to vote on item number six Beach Building Group, 2332 and 2328 Pleasure House

Road, Virginia Beach, Virginia, the applicant is a client of mine, Batchelder & Collins, 2305 Granby Street, I have a financial personal interest in this transaction. Therefore, I abstained from voting on this decision in this matter on May 12, 2021, Planning Commission hearing deferral. Okay, great.

Madam Clerk: All right. Okay, Mr. Alcaraz.

Mr. Alcaraz: AYE.

Madam Clerk: Mr. Barnes is absent. Mr. Coston?

Mr. Coston: AYE.

Madam Clerk: Mr. Graham?

Mr. Graham: AYE.

Madam Clerk: Mr. Horsley is absent. Mr. Inman is absent. Ms Klein?

Ms. Klein: AYE.

Madam Clerk: Ms. Oliver?

Ms. Oliver: AYE.

Madam Clerk: Mr. Redmond?

Mr. Redmond: AYE.

Madam Clerk: Vice Chair Wall?

Mr. Wall: AYE.

Madam Clerk: Chairman Weiner?

Mr. Weiner: AYE.

Madam Clerk: By recorded vote of eight in favor and zero against agenda items 11, 12, 13 and 14 have been deferred for 30 days. Agenda item number three by recorded vote of seven in favor, zero against with one abstention agenda item number three has been deferred for 30 days. Agenda item number six recorded vote of seven in favor, zero against and one abstention agenda item number six has been deferred for 30 days.

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

Item # 12

**Pembroke Square Associates, LLC [Applicant & Property Owner]
Conditional Use Permit (Housing for Seniors)
Southeastern corner of intersection of Jeanne Street and Constitution Drive**

May 12, 2021

DEFERRED FOR 30 DAYS

Mr. Weiner: Thank you. Next the deferred items. Does anybody have an item to be deferred? Please come forward.

Mr. Beaman: Ms. Chairman, Mr. Vice Chairman, members of the Commission for the record, my name is Rob Beaman. I'm the attorney for the applicant on number three, and we'd like to request a 30 day deferral to continue to work with the adjacent property owners on that application. Thank you, sir.

Mr. Bourdon: Mr. Chairman for the record Eddie Bourdon, Virginia Beach attorney representing item number six, Beach Development, that's a 30 day deferral because the proffers had to be modified after we met with the Shore Drive Advisory Commission and then while I'm up here, 11 and 12 also 30-day deferral because we had to revise the proffers based on some 11th hour requests and also meeting with the Town Center, what is it, the Review Committee, which that's all everything's taken place, everything's done, staff has all the revised proffers. So we'll see you next month.

Mr. Weiner: Sounds good. Thank you, sir. The chair is also aware of items 13 and 14 being deferred. Being said items three, six, eleven, twelve, thirteen and fourteen are being deferred for 30 days. Can I get a motion please?

Mr. Wall: Mr. Chair, I make a motion to defer agenda items number three, six, eleven, twelve, thirteen and fourteen.

Mr. Weiner: Can I get second?

Ms. Klein: Motion by Mr. Wall and seconded by Mrs. Klein, but we have Mr. Redmond.

Mr. Redmond: Yes, thank you, Mr. Chairman. For the record, I am abstaining from voting on the deferral of agenda item number three. The broker for the owner is a colleague of mine, and he and I sometimes partner on various work projects.

Mr. Weiner: Thank you. I am actually abstaining on item number six and pursuant to the state and local government Conflict of Interest Act. I make the following declaration. I'm executing this within the disclosure regarding the Planning Commission's decision to vote on item number six Beach Building Group, 2332 and 2328 Pleasure House

Road, Virginia Beach, Virginia, the applicant is a client of mine, Batchelder & Collins, 2305 Granby Street, I have a financial personal interest in this transaction. Therefore, I abstained from voting on this decision in this matter on May 12, 2021, Planning Commission hearing deferral. Okay, great.

Madam Clerk: All right. Okay, Mr. Alcaraz.

Mr. Alcaraz: AYE.

Madam Clerk: Mr. Barnes is absent. Mr. Coston?

Mr. Coston: AYE.

Madam Clerk: Mr. Graham?

Mr. Graham: AYE.

Madam Clerk: Mr. Horsley is absent. Mr. Inman is absent. Ms Klein?

Ms. Klein: AYE.

Madam Clerk: Ms. Oliver?

Ms. Oliver: AYE.

Madam Clerk: Mr. Redmond?

Mr. Redmond: AYE.

Madam Clerk: Vice Chair Wall?

Mr. Wall: AYE.

Madam Clerk: Chairman Weiner?

Mr. Weiner: AYE.

Madam Clerk: By recorded vote of eight in favor and zero against agenda items 11, 12, 13 and 14 have been deferred for 30 days. Agenda item number three by recorded vote of seven in favor, zero against with one abstention agenda item number three has been deferred for 30 days. Agenda item number six recorded vote of seven in favor, zero against and one abstention agenda item number six has been deferred for 30 days.

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

Item # 13

Atlantic Park, Inc. & City of Virginia Beach Development Authority [Applicants & Property Owners]

Street Closure

Portion of 18th Street adjacent to 1880 & 1811 Pacific Avenue, 319 18th Street

May 12, 2021

DEFERRED FOR 30 DAYS

Mr. Weiner: Thank you. Next the deferred items. Does anybody have an item to be deferred? Please come forward.

Mr. Beaman: Ms. Chairman, Mr. Vice Chairman, members of the Commission for the record, my name is Rob Beaman. I'm the attorney for the applicant on number three, and we'd like to request a 30 day deferral to continue to work with the adjacent property owners on that application. Thank you, sir.

Mr. Bourdon: Mr. Chairman for the record Eddie Bourdon, Virginia Beach attorney representing item number six, Beach Development, that's a 30 day deferral because the proffers had to be modified after we met with the Shore Drive Advisory Commission and then while I'm up here, 11 and 12 also 30-day deferral because we had to revise the proffers based on some 11th hour requests and also meeting with the Town Center, what is it, the Review Committee, which that's all everything's taken place, everything's done, staff has all the revised proffers. So we'll see you next month.

Mr. Weiner: Sounds good. Thank you, sir. The chair is also aware of items 13 and 14 being deferred. Being said items three, six, eleven, twelve, thirteen and fourteen are being deferred for 30 days. Can I get a motion please?

Mr. Wall: Mr. Chair, I make a motion to defer agenda items number three, six, eleven, twelve, thirteen and fourteen.

Mr. Weiner: Can I get second?

Ms. Klein: Motion by Mr. Wall and seconded by Mrs. Klein, but we have Mr. Redmond.

Mr. Redmond: Yes, thank you, Mr. Chairman. For the record, I am abstaining from voting on the deferral of agenda item number three. The broker for the owner is a colleague of mine, and he and I sometimes partner on various work projects.

Mr. Weiner: Thank you. I am actually abstaining on item number six and pursuant to the state and local government Conflict of Interest Act. I make the following declaration. I'm executing this within the disclosure regarding the Planning Commission's decision to vote on item number six Beach Building Group, 2332 and 2328 Pleasure House

Road, Virginia Beach, Virginia, the applicant is a client of mine, Batchelder & Collins, 2305 Granby Street, I have a financial personal interest in this transaction. Therefore, I abstained from voting on this decision in this matter on May 12, 2021, Planning Commission hearing deferral. Okay, great.

Madam Clerk: All right. Okay, Mr. Alcaraz.

Mr. Alcaraz: AYE.

Madam Clerk: Mr. Barnes is absent. Mr. Coston?

Mr. Coston: AYE.

Madam Clerk: Mr. Graham?

Mr. Graham: AYE.

Madam Clerk: Mr. Horsley is absent. Mr. Inman is absent. Ms Klein?

Ms. Klein: AYE.

Madam Clerk: Ms. Oliver?

Ms. Oliver: AYE.

Madam Clerk: Mr. Redmond?

Mr. Redmond: AYE.

Madam Clerk: Vice Chair Wall?

Mr. Wall: AYE.

Madam Clerk: Chairman Weiner?

Mr. Weiner: AYE.

Madam Clerk: By recorded vote of eight in favor and zero against agenda items 11, 12, 13 and 14 have been deferred for 30 days. Agenda item number three by recorded vote of seven in favor, zero against with one abstention agenda item number three has been deferred for 30 days. Agenda item number six recorded vote of seven in favor, zero against and one abstention agenda item number six has been deferred for 30 days.

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

Item # 14

Atlantic Park, Inc. [Applicant] City of Virginia Beach Development Authority [Property Owner]

Alternative Compliance

1880 & 1811 Pacific Avenue, 319 18th Street

May 12, 2021

DEFERRED FOR 30 DAYS

Mr. Weiner: Thank you. Next the deferred items. Does anybody have an item to be deferred? Please come forward.

Mr. Beaman: Ms. Chairman, Mr. Vice Chairman, members of the Commission for the record, my name is Rob Beaman. I'm the attorney for the applicant on number three, and we'd like to request a 30 day deferral to continue to work with the adjacent property owners on that application. Thank you, sir.

Mr. Bourdon: Mr. Chairman for the record Eddie Bourdon, Virginia Beach attorney representing item number six, Beach Development, that's a 30 day deferral because the proffers had to be modified after we met with the Shore Drive Advisory Commission and then while I'm up here, 11 and 12 also 30-day deferral because we had to revise the proffers based on some 11th hour requests and also meeting with the Town Center, what is it, the Review Committee, which that's all everything's taken place, everything's done, staff has all the revised proffers. So we'll see you next month.

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Mr. Wall: Mr. Chair, I make a motion to defer agenda items number three, six, eleven, twelve, thirteen and fourteen.

Mr. Weiner: Can I get second?

Ms. Klein: Motion by Mr. Wall and seconded by Mrs. Klein, but we have Mr. Redmond.

Mr. Redmond: Yes, thank you, Mr. Chairman. For the record, I am abstaining from voting on the deferral of agenda item number three. The broker for the owner is a colleague of mine, and he and I sometimes partner on various work projects.

Mr. Weiner: Thank you. I am actually abstaining on item number six and pursuant to the state and local government Conflict of Interest Act. I make the following declaration. I'm executing this within the disclosure regarding the Planning Commission's decision to vote on item number six Beach Building Group, 2332 and 2328 Pleasure House

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Madam Clerk: All right. Okay, Mr. Alcaraz.

Mr. Alcaraz: AYE.

Madam Clerk: Mr. Barnes is absent. Mr. Coston?

Mr. Coston: AYE.

Madam Clerk: Mr. Graham?

Mr. Graham: AYE.

Madam Clerk: Mr. Horsley is absent. Mr. Inman is absent. Ms Klein?

Ms. Klein: AYE.

Madam Clerk: Ms. Oliver?

Ms. Oliver: AYE.

Madam Clerk: Mr. Redmond?

Mr. Redmond: AYE.

Madam Clerk: Vice Chair Wall?

Mr. Wall: AYE.

Madam Clerk: Chairman Weiner?

Mr. Weiner: AYE.

Madam Clerk: By recorded vote of eight in favor and zero against agenda items 11, 12, 13 and 14 have been deferred for 30 days. Agenda item number three by recorded vote of seven in favor, zero against with one abstention agenda item number three has been deferred for 30 days. Agenda item number six recorded vote of seven in favor, zero against and one abstention agenda item number six has been deferred for 30 days.

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

tem # 15

**Todd E. Sweigart [Applicant & Property Owner]
Conditional Use Permit (Short Term Rental)
507 19th Street**

May 12, 2021

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Wall: Thank you. Okay. Thank you, Mr. Chair. These are applications that are recommended for approval by staff, the Planning Commission concurred, and there are no speakers signed up in opposition. We have four items on the consent agenda today. The first item is agenda item number one by which is going to be presented by city staff.

Mr. Kemp: Good afternoon Chairman, Commission. For the record, my name is Kevin Kemp; I am the Zoning Administrator here in Virginia Beach. Item one is an ordinance amendment which modifies the Zoning Ordinance in regards to the sign regulations, particularly making them content neutral and in line with some current court decisions that have been made. What this ordinance does is first changes the regulations for billboards; our current ordinance regulates billboards based on their content. And what I mean by content is a billboard is an offsite sign advertising something not on that site. Well to know if you're advertising something on the site or off the site, you have to read the billboard therefore making it content based. So what this ordinance does is, it makes all outdoor advertising signs, takes billboards out, and any sign is permitted on the site as a free standing sign, but that sign is held to the dimensional standards of what is normally allowed in that Zoning District for freestanding signs. So billboards are not their own use. The second thing that this ordinance does is it removes the Zoning Administrators ability to modify non-conforming signs where in the past if an applicant wished to take non-conforming sign and alter it to make it better, there was an administrative process through my office that that could be done. This now puts that process only by City Council approval. The last thing in the ordinance is in regards to electronic signs and these would only be permitted in two instances. The first are for major entertainment venues. These are venues such as The Aquarium that require City Council approval and therefore City Council would dictate the number of electronic signs and the size and the second instance is for fuel prices. And these would be allowed only on properties that dispense fuel and they would be limited to one sign. Are there any questions?

Mr. Weiner: Thank you.

Mr. Kemp: Thank you Commission.

Mr. Wall: Is there any opposition for this item to be placed on the consent agenda? Okay. The next item on the consent agenda is item number - agenda item number four. Is there a representative for this item?

Mr. Beaman: Mr. Vice Chair, Members of the Commission for the record, my name is Rob Beaman. I'm a local land use attorney at the Troutman Pepper Law Firm here today on behalf of the applicant for agenda item number four, we've had a chance to read the conditions, they are acceptable and we appreciate being on the consent agenda.

Mr. Wall: Thank you. Is there any opposition for this item to be placed on the consent agenda? Hearing none, we've asked Ms. Klein to read this into the record.

Ms. Klein: The applicant is requesting a Conditional Use Permit for a mini warehouse in order to construct a 25,000 square foot indoor self storage facility on this B4 mixed district zoned parcel. A portion of the property contains a parking lot and undeveloped area. The proposed building will be a climate controlled three story mini warehouse building with the total height of 43 feet and it matches the surrounding area. The applicant is seeking a deviation to the required 35 foot front yard setback which staff approves. Based on the consideration staff recommends approval of the application subject to the conditions and the Planning Commission concurs.

Mr. Wall: Thank you. The next item on the consent agenda is item number nine. Is there a representative for this item? Okay, seeing none. Is there any opposition for this item to be on the consent agenda? Hearing none. We've asked Mr. Redmond to read this into the record.

Mr. Redmond: Excuse me. Thank you, Mr. Wall. This is an application for a Conditional Use Permit for a family daycare home at 1105 Voss Court. The applicant is requesting the CUP for a daycare facility of up to 12 children within this single family dwelling. It's a 7500 square foot parcel and seems to be very well organized and laid out for this particular use. The applicant has 22 years of experience caring for children. Staff sees no reason why it should be denied. Planning Commission sees no reason why it should be denied and we therefore place it on consent. Thank you, Mr. Wall.

Mr. Wall: Thank you. The next item on the consent agenda is item number 10. Is there a representative for this item? Okay.

Madam Clerk: Mr. Wall there is, she had signed, Diana Buhrmann had signed up virtually, but she is not online. So is Diana Buhrmann here?

Mr. Wall: Okay. Is there any opposition for this to be on the consent agenda? Okay, hearing none, we've asked Mr. Graham to read this into the record.

Mr. Graham: Thank you, Mr. Wall. The applicant is requesting a Conditional Use Permit for a family daycare home to care for up to 12 children within a single family dwelling. The 5401 square foot parcel is zoned PD-H1 planned unit development and is located in the Magic Hollow neighborhood at 998 Boughton Way in the Rose Hall District. This request for a Conditional Use Permit in staff's opinion is consistent with the policies and goals set forth in the Comprehensive Plan for the suburban area. Staff finds the property to be well organized and well kept; successfully promoting the policies intended to ensure the maintenance and sustainability of great neighborhoods. For these reasons, staff recommends approval and Planning Commission agrees with this recommendation. Therefore we have placed it on the consent agenda.

Mr. Wall: Thank you, Mr. Graham. So that ends the regular consent agenda. The Planning Commission also places the following applications for Conditional Use Permit for Short-Term Rental on the consent agenda as they meet the applicable requirements for section 241.2 of the Zoning Ordinance. Staff and the Planning Commission supports the applications and there are no speakers signed up in opposition and that includes agenda items number 15, 17 and 20. Those were the last items on the consent agenda. I move for approval of agenda items 1, 4, 9, 10, 15, 17, and 20. We have a motion. Do we have a second?

Ms. Klein: Second.

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

Mr. Redmond: Mr. Chairman.

Mr. Weiner: I'm sorry. Go ahead. That's right.

Mr. Redmond: Number one, I am abstaining on agenda item number 8, for the same reason as before, there's work colleague of mine who is a member of the partnership that owns this property and so that's just too close for comfort. I also am abstaining on all of the short-term rental applications. I have a letter on file with the City Attorney's Office, I have a client who's in the travel industry, and that too, is too close for comfort. So I do not vote on short-term rental applications or ordinances. Thank you.

Ms. Wilson: Mr. Graham?

Mr. Weiner: Anybody else?

Ms. Wilson: You have a letter on file saying that you will abstain from all short-term rental applications, has that changed?

Mr. Graham: Yes, ma'am that has been withdrawn.

Ms. Wilson: Okay. And you will now vote on those applications?

Mr. Graham: That is correct. I do not have a conflict.

Ms. Wilson: Thank you.

Mr. Weiner: Thank you. Ready to vote?

Madam Clerk: Yes, sir. Mr. Alcaraz?

Mr. Alcaraz: Aye.

Madam Clerk: Mr. Barnes is absent. Mr. Coston?

Mr. Coston: Aye.

Madam Clerk: Mr. Graham?

Mr. Graham: Aye.

Madam Clerk: Mr. Horsley is absent Mr. Inman is absent. Ms. Klein?

Ms. Klein: Aye.

Madam Clerk: Ms. Oliver?

Ms. Oliver: Aye.

Madam Clerk: Mr. Redmond?

Mr. Redmond: Aye.

Madam Clerk: Vice Chair Wall?

Mr. Wall: Aye.

Madam Clerk: Chairman Wiener?

Mr. Weiner: Aye.

Madam Clerk: By recorded vote of eight in favor and zero against agenda items 1, 4, 9, and 10 have been approved. Agenda items 15, 17 and 20 by recorded vote of seven in favor, zero against with one abstention have been approved by consent.

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

CONDITIONS:

1. The following conditions shall only apply to the dwelling unit addressed as 507 19th Street and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
4. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).
5. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes. Physical response to the site of the Short Term Rental is not required.
6. If, or when, the ownership of the property changes, it is the seller’s responsibility to notify the new property owner of requirements ‘a’ through ‘c’ below. This information must be

submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.

- a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
7. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
 8. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
 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 # 16

**Shandra L. Cauthen [Applicant & Property Owner]
Conditional Use Permit (Short Term Rental)
1816 N. Streamline Drive**

May 12, 2021

WITHDRAWN

Mr. Weiner: Great. Thank you, sir. Appreciate that. Okay, next order of business is items to be withdrawn. Does anybody have any items to be withdrawn? Please come forward. None, the chairs have been told that items number 16 and number 19 are being withdrawn from the agenda today. Can I get a motion please? Mr. Wall.

Mr. Wall: I make a motion to withdraw agenda items number 16 and 19.

Mr. Weiner: Do I have a second?

Mr. Graham: Second.

Mr. Weiner: We have a motion by Mr. Wall and second by Mr. Graham.

Madam Clerk: Mr. Alcaraz.

Mr. Alcaraz: AYE.

Madam Clerk: Mr. Barnes is absent, Mr. Coston?

Mr. Coston: AYE.

Madam Clerk: Mr. Graham.

Mr. Graham: AYE.

Madam Clerk: Mr. Horsley is absent. Mr. Inman is absent. Ms. Klein?

Ms. Klein: AYE.

Madam Clerk: Ms. Oliver?

Ms. Oliver: AYE.

Madam Clerk: Mr. Redmond?

Mr. Redmond: AYE.

Madam Clerk: Vice Chair Wall?

Mr. Wall: AYE.

Madam Clerk: Chairman Wiener?

Mr. Weiner: AYE.

Madam Clerk: By recorded vote of eight in favor and zero against agenda items number 16 and 19, have been withdrawn.

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

Item # 17

**Spivak Family Trust [Applicant & Property Owner]
Conditional Use Permit (Short Term Rental)
229 16th Street**

May 12, 2021

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Wall: Thank you. Okay. Thank you, Mr. Chair. These are applications that are recommended for approval by staff, the Planning Commission concurred. And there are no speakers signed up in opposition. We have four items on the consent agenda today. The first item is agenda item number one by which is going to be presented by city staff.

Mr. Kemp: Good afternoon Chairman, Commission. For the record, my name is Kevin Kemp; I am the Zoning Administrator here in Virginia Beach. Item one is an ordinance amendment which modifies the Zoning Ordinance in regards to the sign regulations, particularly making them content neutral and in line with some current court decisions that have been made. What this ordinance does is first changes the regulations for billboards; our current ordinance regulates billboards based on their content. And what I mean by content is a billboard is an offsite sign advertising something not on that site. Well to know if you're advertising something on the site or off the site, you have to read the billboard therefore making it content based. So what this ordinance does is, it makes all outdoor advertising signs, takes billboards out, and any sign is permitted on the site as a free standing sign, but that sign is held to the dimensional standards of what is normally allowed in that Zoning District for freestanding signs. So billboards are not their own use. The second thing that this ordinance does is it removes the Zoning Administrators ability to modify non-conforming signs where in the past if an applicant wished to take non-conforming sign and alter it to make it better, there was an administrative process through my office that that could be done. This now puts that process only by City Council approval. The last thing in the ordinance is in regards to electronic signs and these would only be permitted in two instances. The first are for major entertainment venues. These are venues such as The Aquarium that require City Council approval and therefore City Council would dictate the number of electronic signs and the size and the second instance is for fuel prices. And these would be allowed only on properties that dispense fuel and they would be limited to one sign. Are there any questions?

Mr. Weiner: Thank you.

Mr. Kemp: Thank you Commission.

Mr. Wall: Is there any opposition for this item to be placed on the consent agenda? Okay. The next item on the consent agenda is item number - agenda item number four. Is there a representative for this item?

Mr. Beaman: Mr. Vice Chair, Members of the Commission for the record, my name is Rob Beaman. I'm a local land use attorney at the Troutman Pepper Law Firm here today on behalf of the applicant for agenda item number four, we've had a chance to read the conditions, they are acceptable and we appreciate being on the consent agenda.

Mr. Wall: Thank you. Is there any opposition for this item to be placed on the consent agenda? Hearing none, we've asked Ms. Klein to read this into the record.

Ms. Klein: The applicant is requesting a Conditional Use Permit for a mini warehouse in order to construct a 25,000 square foot indoor self storage facility on this B4 mixed district zoned parcel. A portion of the property contains a parking lot and undeveloped area. The proposed building will be a climate controlled three story mini warehouse building with the total height of 43 feet and it matches the surrounding area. The applicant is seeking a deviation to the required 35 foot front yard setback which staff approves. Based on the consideration staff recommends approval of the application subject to the conditions and the Planning Commission concurs.

Mr. Wall: Thank you. The next item on the consent agenda is item number nine. Is there a representative for this item? Okay, seeing none. Is there any opposition for this item to be on the consent agenda? Hearing none. We've asked Mr. Redmond to read this into the record.

Mr. Redmond: Excuse me. Thank you, Mr. Wall. This is an application for a Conditional Use Permit for a family daycare home at 1105 Voss Court. The applicant is requesting the CUP for a daycare facility of up to 12 children within this single family dwelling. It's a 7500 square foot parcel and seems to be very well organized and laid out for this particular use. The applicant has 22 years of experience caring for children. Staff sees no reason why it should be denied. Planning Commission sees no reason why it should be denied and we therefore place it on consent. Thank you, Mr. Wall.

Mr. Wall: Thank you. The next item on the consent agenda is item number 10. Is there a representative for this item? Okay.

Madam Clerk: Mr. Wall there is, she had signed, Diana Buhrmann had signed up virtually, but she is not online. So is Diana Buhrmann here?

Mr. Wall: Okay. Is there any opposition for this to be on the consent agenda? Okay, hearing none, we've asked Mr. Graham to read this into the record.

Mr. Graham: Thank you, Mr. Wall. The applicant is requesting a Conditional Use Permit for a family daycare home to care for up to 12 children within a single family dwelling. The 5401 square foot parcel is zoned PD-H1 planned unit development and is located in the Magic Hollow neighborhood at 998 Boughton Way in the Rose Hall District. This request for a Conditional Use Permit in staff's opinion is consistent with the policies and goals set forth in the Comprehensive Plan for the suburban area. Staff finds the property to be well organized and well kept; successfully promoting the policies intended to ensure the maintenance and sustainability of great neighborhoods. For these reasons, staff recommends approval and Planning Commission agrees with this recommendation. Therefore we have placed it on the consent agenda.

Mr. Wall: Thank you, Mr. Graham. So that ends the regular consent agenda. The Planning Commission also places the following applications for Conditional Use Permit for Short-Term Rental on the consent agenda as they meet the applicable requirements for section 241.2 of the Zoning Ordinance. Staff and the Planning Commission supports the applications and there are no speakers signed up in opposition and that includes agenda items number 15, 17 and 20. Those were the last items on the consent agenda. I move for approval of agenda items 1, 4, 9, 10, 15, 17, and 20. We have a motion. Do we have a second?

Ms. Klein: Second.

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

Mr. Redmond: Mr. Chairman.

Mr. Weiner: I'm sorry. Go ahead. That's right.

Mr. Redmond: Number one, I am abstaining on agenda item number 8, for the same reason as before, there's work colleague of mine who is a member of the partnership that owns this property and so that's just too close for comfort. I also am abstaining on all of the short-term rental applications. I have a letter on file with the City Attorney's Office, I have a client who's in the travel industry, and that too, is too close for comfort. So I do not vote on short-term rental applications or ordinances. Thank you.

Ms. Wilson: Mr. Graham?

Mr. Weiner: Anybody else?

Ms. Wilson: You have a letter on file saying that you will abstain from all short-term rental applications, has that changed?

Mr. Graham: Yes, ma'am that has been withdrawn.

Ms. Wilson: Okay. And you will now vote on those applications?

Mr. Graham: That is correct. I do not have a conflict.

Ms. Wilson: Thank you.

Mr. Weiner: Thank you. Ready to vote?

Madam Clerk: Yes, sir. Mr. Alcaraz?

Mr. Alcaraz: Aye.

Madam Clerk: Mr. Barnes is absent. Mr. Coston?

Mr. Coston: Aye.

Madam Clerk: Mr. Graham?

Mr. Graham: Aye.

Madam Clerk: Mr. Horsley is absent Mr. Inman is absent. Ms. Klein?

Ms. Klein: Aye.

Madam Clerk: Ms. Oliver?

Ms. Oliver: Aye.

Madam Clerk: Mr. Redmond?

Mr. Redmond: Aye.

Madam Clerk: Vice Chair Wall?

Mr. Wall: Aye.

Madam Clerk: Chairman Wiener?

Mr. Wiener: Aye.

Madam Clerk: By recorded vote of eight in favor and zero against agenda items 1, 4, 9, and 10 have been approved. Agenda items 15, 17 and 20 by recorded vote of seven in favor, zero against with one abstention have been approved by consent.

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

CONDITIONS:

1. The following conditions shall only apply to the dwelling unit addressed as 229 16th Street and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. The garage space within the unit must remain a minimum of 9-feet by 18-feet, contain a minimum 8-foot wide vehicle entryway opening, and shall remain free of materials to ensure vehicular accessibility to the Short Term Rental tenants.
4. A third (3rd) parking space, at a location subject to approval by the Zoning Administrator, shall be available for use by the Short Term Rental occupants at all times.
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 # 18

**Linda M. Lamb Living Trust [Applicant & Property Owner]
Conditional Use Permit (Short Term Rental)
4615 Ocean View Avenue**

May 12, 2021

RECOMMENDED FOR DENIAL - HEARD

Madam Clerk: Number 18 is Linda M. Lamb Living Trust an application for Conditional Use Permit short term rental on property located at 4615 Ocean View Avenue in the Bayside District. Chairman the applicant is virtual.

Mr. Weiner: Okay.

Madam Clerk: Mr. Lamb, please state your name and then begin your comments after two to three seconds.

Mr. Lamb: Good afternoon. I'm John Lamb and I am representing my wife Linda and I, John Lamb, who had purchased the home at 4615 Ocean View Avenue. We have come from Michigan. I have my first grandson, who is 14 weeks old, and our plan is to use this site as a site that we can live in when we're in Virginia Beach. We estimate we'll be here as babysitters for her, Barrett Lamb, probably about 75% to 80% of the time when we're in the state of Virginia, and we would like to use the other time to allow us to rent that out on a short term rental basis when we're not physically here in the Virginia Beach area. I do have a son that lives about 10 minutes from me and he works here locally in Virginia Beach and I have a daughter-in-law who is in the school system, or at Princess Anne, and teaches first grade. One of the reasons we're here is because of the COVID activity for this young boy and we wanted to babysit him rather than put him in day care. So, we have purchased the home as our home here in Virginia Beach, where we'll reside in and have him physically on site while we're babysitting. And I'd like to answer any other questions that you have for us. We're relatively new to Virginia Beach and relatively new to this process.

Mr. Weiner: Is there any questions for Mr. Lamb? No questions, thank you, all right.

Madam Clerk: We have four speakers one in person and three virtual, calling Daniel Blevins.

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

Mr. Blevins: Daniel Blevins, 4622 Lauderdale Avenue, Virginia Beach Chick's Beach area. I'm in opposition to this application because of a recent incident that occurred on February 28th regarding short term rentals. I asked that a police report be handed

out; I don't know if you've seen it or y'all got it. To members of the Planning Commission, the morning of the 28th at 5 o'clock in the morning, I hear these gunshots it's about 20 of them, boom, boom, boom, I thought it's firecrackers at first. Come to find out, there was a party down the street at a short term rental across the street from Buoys, and there's about 20 shots fired, and cars were shot up. It's very unnerving honestly; we've had more and more applications being filed for short term rentals. In fact, there's two more applications for consideration in June. And it pretty much renders the neighborhood watch program useless. You don't know who's coming and going, you see strange cars coming, used to be, I'm living on a dead end street and you would know the cars that were coming and going, that's not the case anymore. You don't know who they are; you don't know who's in the neighborhood, people walking around, strangers. And it's just not compatible with the neighborhood, with a residential neighborhood, short term rentals aren't. But when it gets to the point where the short term rentals are used as party houses where they're advertised as party houses as it is, in one case I know about and people come and in violation of the terms of the short term rental, Conditional Use Permit and pack a house and they're creating a lot of ruckus to the point where they're shooting guns in the neighborhood. We need to stand back and hold off on any more approvals until more tools are in place for the police department and citizens to use to try to control the activity. For instance, item number four of the conditional uses.

Mr. Weiner: Sir, thank you very much for your comments. Next speaker please. Anybody have any questions? Sir, excuse me.

Mr. Graham: I wouldn't mind just hearing the rest of...

Mr. Blevins: My questions had to do with several of the conditional use conditions and how they're enforced. One of those is number four, I think it says that no more than two per people, well let me read it, I'm sorry. It says no events associated with short term rental will be permitted with more than the allowed number of people who may stay overnight, number of bedrooms times two on the property where the short term rental is located. The short term rental may not request or obtain a special event permit. How is that, can that possibly be enforced? That's one question. I don't expect an answer because I don't think there is an answer, but hopefully there is.

Ms. Oliver: I will answer that, they can enforce the special events.

Mr. Blevins: Right, but how do you enforce the number of people and that's the problem when somebody's throwing a party, if somebody puts out some type of a text to everybody in the world, and the next thing you know, they got 100 people, their party is totally in violation of it. Okay, the next question is item number five, I think there's, you know, the person who has the permit has to be able to provide contact

information and respond to emergencies in 30 minutes. So where do local residents obtain emergency contact information required by condition five? I mean is that available to say that there's something going on? You know, how do you contact the person who needs to be contacted if, you know, chaos is breaking out? The next question is...

Ms. Oliver: I hate to interrupt you, but just because you're throwing these out here, so my question is how long have you lived in Chick's Beach?

Mr. Blevins: Since 2008.

Ms. Oliver: Okay, and so with that, and so I just want to piggyback on this question that you have as far as enforcement and contacting, what do you, and I'm not, I'm not, I'm just asking. So, if you have a problem with a short term rental, what is it that you know that you, what would you do? If there's a party what would you do? Who would you call?

Mr. Blevins: First, I would first call the police. Okay, that would be the first - the first thing to do. Unfortunately, sometimes the police can't get there on time. I mean, just for instance, since the City started advertising Chick's Beach as a destination, we've been inundated with a number of people that are coming down there to use the beach, but there's no parking, there's no facilities or anything else, and you call the police and they're overwhelmed. They're swamped. They can't enforce the parking, streets are 16 feet wide. You got people parking on both sides. You got people parking on the sidewalks, got people leaving their trash everywhere, you got all these things that have been thrown upon us since I've lived there since 2008, used to be really quiet. Nobody knew about, really knew about it, and people didn't come, but since, I guess the shootings down at the oceanfront, people don't want go near there. So let me go to somewhere else. So Chick's Beach is one place to go. I'm sure everyone goes to Sandbridge also. So, the last two questions, I had in terms of mechanism.

Ms. Oliver: Are you aware of that number of 311? Obviously not?

Mr. Blevins: 311? No.

Ms. Oliver: So okay, that's all. That's great. Thank you. That's just a point I have with the lack of awareness of the neighborhood's understanding the process, and that's great. You answered the question.

Mr. Blevins: Okay. Well, good.

Mr. Weiner: Let me tell you 311 is a number set up by the City of Virginia Beach, if you have a problem, or anything from, I called it yesterday for sewer backing up in my front

yard, the Public Works came out in 30 minutes. If you haven't, if you have an issue with a party to short term rental, you call 311. They will go to a dispatch and then they'll send it to most likely the police or non emergency police.

Mr. Blevins: So even at middle of the night?

Mr. Weiner: Sure, sure, 24/7.

Mr. Blevins: That's good to know, I'll remember that. I haven't really had any issues, per se, for short term rentals up until the shooting, okay, up until this shooting that happened on February 28. And then I started paying attention to it, then I started noticing the number of people that were making applications and the fact that we've talked to other people say, yeah, that went over there as they advertise that one is a party house, none of which is in compliance with what I read as a condition of the conditional use permit. Two more things real quick, compliance, where is the enforcement mechanism for item 14, which talks about noise after 10 pm, police will not enforce the noise ordinance. They won't, judge throws it out, they got to have some type of decimeter something that's going to measure the amount of noise, and they won't enforce it, period. They will not. Next thing is finally, is the maximum numbers number of persons on the property after 11 and before 7, overnight lodgers shall be two individuals per bedroom. How is that enforced? How can you enforce that? There's no parking out there. I noticed that this house has that none of the parking spaces are on the property, okay. If it says is built in 77, I'm thinking is back in 1977. Was there no on-site parking requirements for residences? I think it probably was but all these parking spaces here are off-site, they are on city right of way. Okay. That's one thing. The next thing is if it is offsite, was there ever a Conditional Use Permit that allowed for offsite parking, which I know that's a requirement with the one offsite parking in this case that's what we have. So there's a lot of problems. There's no sidewalks in Chick's Beach, there's no trash facilities in Chick's Beach. There's no restroom facilities in Chick's Beach, there's nothing and people are coming down there in droves and littering up and trashing up the place. We have people stop in across the street. We live on Lauderdale. We have a lake across the street. There's trees there, people go out and relieve themselves in public, okay. And it's just too much and the short term rentals just adds to that problem. Thank you.

Mr. Weiner: Thank you, sir. Next speaker.

Madam Clerk: Okay. These are all virtual speakers. I'm going to call it Charles Walton. And after that, Caroline Gingrich, Mr. Walton, if you would wait two to three seconds and state your name and begin your comments.

Mr. Walton: Thank you commissioners. My name is Charles Walton. I reside in 4619 A Ocean View Avenue. While I appreciate the fact that this gentleman is new to the

community, I am not; I've lived here close to five years now. What I'm concerned about are two things. Number one, you know, when I purchased my home, I noticed that there was, you know, a re-gentrification of the area. We have some beautiful homes that are high six figures, low seven figures in the area, of which these residents pay 10s of 1000s of dollars in city taxes annually. And my concern is what will happen to the neighborhood. So I ask the commissioners, is this a benefit to the current residents of the neighborhood? I don't see it that way. I see it as a revenue generator for not only the property owner, and a potential revenue generator for the City of Virginia Beach, but I think the quality of life will decline. Mr. Blevins did a very nice job talking about some of the current issues that we're experiencing, the overcrowding, the street traffic, people wandering around at all hours of the day and night, I can tell you that I've had people climb over my fence in the middle of the night. And this is a big concern to me. Particularly as someone who works from home, has to get up early, work long hours, what I'm concerned about is in the summertime, these renters will have no consideration for the residents; they will be there to party. That is a fact. As a matter of fact, I owned a rental property, and the way that I managed the rental property in a beach town was we had a family member that lived in town. And that family member literally was at the house, once the renters left to make sure that nothing was damaged or destroyed. I'm concerned while this particular property owner says that he's got people that are local, he will not be local. And if something happens on the property, who is responsible. So at the end of the day, we're talking about the residents, their quality of life, and the behavior of these renters that we've seen over time. And that to me, is a great concern. And I know that I speak for other residents in the area. This is the problem commissioners. And if we let this happen here, this will just be the tip of the iceberg, I'm afraid. Thank you for your consideration.

Mr. Weiner: Thank you.

Madam Clerk: Caroline Gingrich, followed by Brian Camden. Ms. Gingrich if you would wait two to three seconds and then state your name and please begin your comments.

Ms. Gingrich: Hi, my name is Caroline Gingrich. I reside at 4614 Ocean View Avenue, which is directly across the street from the Lamb property. My residence is very vulnerable to this property in question. And that's why I feel like it's imperative to have people there with a vested interest in our neighborhood safety and well being of others. In other words, a neighbor, not a hotel guest, there to have a good time with no regard for others. They're paying to do what they want and not follow the rules of a neighborhood. They are staying there in lieu of a hotel. And Mr. Lamb has stated that his son has a young baby. I have a daughter with young children and I can't imagine that her husband would leave in the middle of the night, leave his family, to go to handle a situation at this house if anybody could even get in touch with him. I mean, we don't even know if that situation would, you know, be able to

happen. Mr. Blevins and Chuck have covered all of the other issues. I could go on and on about the shooting, which was a disaster, I mean the amount of police that had to come and handle that situation, it was just unbelievable. I mean, they had our streets closed for, obviously for good reason. And the bullets, you know, they hit cars and a house, it's only by the grace of God that nobody was killed, nobody was injured. It definitely rocked our world, that's for sure. The parking situation, my understanding is that the Lamb's don't even have parking at their house that they would have to literally take the fence down and park on the lawn. And I know the city is supposed to be doing some utility work on that side of the street. That is, they can utilize that parking that is the city that's city property. The former owners constantly called the police because that is a place where people would just park and block their cars in. You know, you're not allowed to put a cone up because it's not your property. It's city's property. So there's no way to prevent people from parking there. That is just it is city property and I don't understand too who's going to enforce the people that are staying there, do they know to take out their trash on Wednesdays; they're not part of the neighborhood. They are hotel guests and I've lived in the neighborhood since 2010. We built our home and I've lived there for years. Never thought this was going to be an issue because we had looked at the regulations. Now of course, I know things change, you know, not on a daily basis, but we knew there was no parking available. And the short term rental thing was not a big deal, what's becoming a big deal and somebody already bought the other side of this duplex and they have stated that if Mr. Lamb is successful, they are also going to do it. So what are we going to turn our neighborhood into I mean, it's just - it's so disheartening that I don't even know what else to say except that.

Mr. Weiner: Thank you for your comments.

Madam Clerk: Next is Brian Camden to be followed by Joseph Auzenne. Mr. Camden if you would wait two to three seconds and please state your name and begin your comments.

Mr. Camden: Yes, this is Brian Camden. Can you hear me?

Madam Clerk: Yes, we can hear you.

Mr. Camden: Okay, I reside at 4609 Ocean View Avenue. I am the house directly next door. I am a 30-year resident of Chesapeake Beach. I'm a member of the Civic League. I am also the block captain for the Neighborhood Watch for this section of Ocean View Avenue. We are in protest of this application. We'd advised Mr. Lamb when he first came up with it that the neighbors would probably be all in opposition to it. The main objection I have is that it is not compatible with the residential use of the surrounding properties. We are all owner occupied units, the houses to both sides, the houses across the street. The houses behind them are all in opposition to this. My son's a freshman at Cox High School. The problem that I run into over the last five years as the Neighborhood Watch is mainly these short term rentals the people

is noise complaints, noise, trash, but mainly noises. They like to be outside on the decks at 2, 3 in the morning. The neighbors complain, the police really will not enforce that, but the people who have to get up in the morning, go to work every day. This severely impacts their ability to have quiet peaceful enjoyment of their house there. There are no short term rentals around us right now with the closest one we have is down at the end of Ocean View Avenue over right next to the bridge tunnel trestle there. I agree with what they were, the previous speakers have said about the no parking, the trash. The gun battle was certainly a major disturbance here. It got everybody really upset about this, but I bring the Commission members back to the fact that this application is not compatible with the residential use of all of the surrounding properties. It's my understanding our Civic League has voted against being a part of the short term rental overlay district, Chesapeake Beach is not in it. And then for good reason we oppose this. The property in question has been owner occupied for a number of years and as the previous speakers mentioned, the ability to people to come in here, buy it.

Mr. Weiner: Next speaker please.

Madam Clerk: Our final speaker is Joseph Auzenne. If you would wait two to three seconds, please state your name and begin your comments.

Mr. Auzenne: Hello, my name is Joe Auzenne. I'm at 4622 Ocean View Avenue across the street from the subject property and I'd like to bring up just a few items. On October 21st, 2020, there was a request by Vice Mayor Wood and Council Members Jones and Tower for the establishment of these short term rental overlay districts. And then on November 4th, 2020, City Council asked the Planning Commission to apply for the overlay districts. City Council in Council's current proposal states that if a property is outside of an overlay district that it will not function as a short term rental property as Mr. Camden mentioned, and it also goes on to state and other areas of the city. Short term rentals are not compatible with the residential use of the surrounding properties and are often the cause of excessive noise, illegal or improper parking, traffic violations, etc, etc, etc. Now, I must say that I'm in little disagreement with Mr. Camden on a number of short term rentals. Based on the summary that I read, approving, tentatively approving this property. There are 22 short term rentals within a four by four block radius of our properties. There's another four short term rentals under consideration for approval. There are actually 14 of the 22 or four blocks or within four blocks of us, actually three blocks. In the summary report, it also states that on page three, it states that it has zero parking spaces. That's not in compliance. The other thing I'd like to mention is that the safety considerations have already been addressed. The other thing I have to address is this COVID-19 situation that we are in, what requirements have the City put on these short term rentals to determine whether or not the people that are coming and flooding into these rentals are not infected. What are the owners doing? What are the owners doing for cleanup after they leave? Or are they just

letting them roam around the beach, having a good time. And then lastly, I'd like to say, and I'd like to quote Ms. Dee Oliver, after the shooting at 56th Street and 58th Street off Holly Road. She said, she suggested that there may be some issues with allowing more properties to be used as business ventures and I quote "all of a sudden it has become a right or it appears that one person after another is buying property in a residential neighborhood to conduct a business, and I'm not sure that it's exactly what we were intending for our City to go." So I thank you for your time. Everything else has been covered by our neighbors and hopefully you will disapprove this request. Thank you.

Mr. Weiner: Thank you sir.

Madam Clerk: That was our final speaker.

Mr. Weiner: Okay, Mr. Lamb are you still there? Would you like to make any comments?

Mr. Lamb: Yes, I understand the consideration with the shooting. We happened to be in the area when that happened. So I understand the impact to the area and I understand that is also the first shooting that has occurred in that area ever. So I understand that I understand that area, I can guarantee you that this property will be taken care of and will be in good repair, excuse me and we'll take care of as best I can. Sorry, I got a dog here. And I'm sorry to hear that, my neighbors are in such vehement disagreement with my being able to be here for 80% of the time, 75 to 80% of the time, and then doing a short term rental for the 25% of the time that I'm not available here. But that I can guarantee you that I will do the very best I can to honor all that I've signed up for in terms of the CUP and also for the short term rental activities that I agreed to.

Mr. Weiner: Thank you for your comments. No more speakers.

Madam Clerk: No more speakers.

Mr. Weiner: I will open it up for us to talk about again.

Ms. Klein: So I appreciate what the applicant is trying to do. I moved down to this area because my mom was here. It was right after I had my son and I needed that extra support. And so I can imagine that, that his son is thrilled that his parents want to come in and help with the baby, congratulations, and at the same time, it sounds like this neighborhood is saturated. And while I believe that the applicant would be a great homeowner, and make sure that the property is taking care of, even when you vetted the people that come into your home, you can't guarantee what they're going to do. And so while I certainly applaud their efforts, he is a victim of the wrongs of the people before him it sounds like.

Mr. Weiner: Okay, thank you. I have a question for staff and I'm just asking a question. Do we actually know that this from the shooting was any illegal short term rental or illegal rental property, or was it a legal property rental? Do we know that?

Mr. Tajan: Yes, sir. We were notified immediately. Once we were aware of the issue, that property was not a legal short term rental. So it was cited appropriately.

Mr. Weiner: Okay. I just wanted to ask a question, nobody ever actually said that, the last question. Any other comments? Yes, Mr. Coston.

Mr. Coston: I'd like to say to Mr. Blevins that, unfortunately, a lot of the responsibility is being placed upon the neighbors to figure out what to do. Now, Ms. Oliver gave you the number 311, that number is actually 385-3111. Okay and it's going to be where the City gathers information to let a short term rental exist or not exist, is based on say, if you see 20 people there that starting to be a party, you can call 311 and say, this is what's going on. And the proper authorities will assist you in making that complaint known to city council so that when that property comes up for review, it either gets denied or re-approved based on what has happened in the past. So that's kind of where we have to go from, what do we do when we see something going on in a short term rental, they also have to have their number posted on the building. So that gives you some more information to find out how to reach out to the person who owns it and operates it.

Mr. Weiner: Thank you, sir. Mr. Wall.

Mr. Wall: I think that the Lambs are very upstanding individuals and very sincere in their plan to operate the short term rental, but it's, it's tough for me to make a decision against, you know, some of the opposition that has come forward to the short term rental in that area.

Mr. Weiner: Okay. Yes, Mr. Alcaraz.

Mr. Alcaraz: I think it was in the fall of 2020 that we really heard numerous people come forward and opposition civic leagues and all that, and I think I heard it loud and clear, and I'm hearing it loud and clear today. So I'm just letting you know, I won't be supporting it.

Mr. Weiner: Okay. Who else, Mr. Graham?

Mr. Graham: Based on what I've heard today, I will not be supporting it.

Mr. Weiner: Okay. Anybody want to make a motion, someone has got to, I am sorry, go ahead. I'm sorry.

Mr. Graham: Mr. Chairman, I'll make a motion that we deny. We recommend denial of this application.

Mr. Weiner: Do we have a second.

Mr. Alcaraz: Second.

Mr. Weiner: We have a motion for denial by Mr. Graham and the second by Mr. Alcaraz.

Madam Clerk: Mr. Alcaraz?

Mr. Alcaraz: Aye.

Madam Clerk: Mr. Barnes is absent. Mr. Coston?

Mr. Coston: Aye.

Madam Clerk: Mr. Graham?

Mr. Graham: Aye.

Madam Clerk: Mr. Horsley is absent. Mr. Inman is absent. Ms. Klein?

Ms. Klein: Aye.

Madam Clerk: Ms. Oliver?

Ms. Oliver: Aye.

Madam Clerk: Mr. Redmond is absent. Vice Chair Wall?

Mr. Wall: Aye.

Madam Clerk: Chairman Wiener?

Mr. Weiner: Aye.

Madam Clerk: By recorded vote of seven in favor and zero against application number 18 has been recommended for denial.

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

CONDITIONS:

1. The following conditions shall only apply to the dwelling unit addressed as 4615 Ocean View Avenue and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
4. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).
5. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes. Physical response to the site of the Short Term Rental is not required.
6. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.

7. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
8. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
9. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
10. Accessory structures shall not be used or occupied as Short Term Rentals.
11. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
12. The Short Term Rental shall have no more than one (1) rental contract during any consecutive seven (7) day period.
13. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
14. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
15. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom.
16. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors, shall be installed in each Short Term Rental.

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

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

Item # 19

**David & Nancy Drogus [Applicant & Property Owner]
Conditional Use Permit (Short Term Rental)
117 73rd Street**

May 12, 2021

WITHDRAWN

Mr. Weiner: Great. Thank you, sir. Appreciate that. Okay, next order of business is items to be withdrawn. Does anybody have any items to be withdrawn? Please come forward. None, the chairs have been told that items number 16 and number 19 are being withdrawn from the agenda today. Can I get a motion please? Mr. Wall.

Mr. Wall: I make a motion to withdraw agenda items number 16 and 19.

Mr. Weiner: Do I have a second?

Mr. Graham: Second.

Mr. Weiner: We have a motion by Mr. Wall and second by Mr. Graham.

Madam Clerk: Mr. Alcaraz.

Mr. Alcaraz: AYE.

Madam Clerk: Mr. Barnes is absent, Mr. Coston?

Mr. Coston: AYE.

Madam Clerk: Mr. Graham.

Mr. Graham: AYE.

Madam Clerk: Mr. Horsley is absent. Mr. Inman is absent. Ms. Klein?

Ms. Klein: AYE.

Madam Clerk: Ms. Oliver?

Ms. Oliver: AYE.

Madam Clerk: Mr. Redmond?

Mr. Redmond: AYE.

Madam Clerk: Vice Chair Wall?

Mr. Wall: AYE.

Madam Clerk: Chairman Wiener?

Mr. Weiner: AYE.

Madam Clerk: By recorded vote of eight in favor and zero against agenda items number 16 and 19, have been withdrawn.



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

Item # 20

**Heather Shimp [Applicant & Property Owner]
Conditional Use Permit (Short Term Rental)
304 28th Street, Unit 307**

May 12, 2021

RECOMMENDED FOR APPROVAL - CONSENT

Mr. Wall: Thank you. Okay. Thank you, Mr. Chair. These are applications that are recommended for approval by staff, the Planning Commission concurred. And there are no speakers signed up in opposition. We have four items on the consent agenda today. The first item is agenda item number one by which is going to be presented by city staff.

Mr. Kemp: Good afternoon Chairman, Commission. For the record, my name is Kevin Kemp; I am the Zoning Administrator here in Virginia Beach. Item one is an ordinance amendment which modifies the Zoning Ordinance in regards to the sign regulations, particularly making them content neutral and in line with some current court decisions that have been made. What this ordinance does is first changes the regulations for billboards; our current ordinance regulates billboards based on their content. And what I mean by content is a billboard is an offsite sign advertising something not on that site. Well to know if you're advertising something on the site or off the site, you have to read the billboard therefore making it content based. So what this ordinance does is, it makes all outdoor advertising signs, takes billboards out, and any sign is permitted on the site as a free standing sign, but that sign is held to the dimensional standards of what is normally allowed in that Zoning District for freestanding signs. So billboards are not their own use. The second thing that this ordinance does is it removes the Zoning Administrators ability to modify non-conforming signs where in the past if an applicant wished to take non-conforming sign and alter it to make it better, there was an administrative process through my office that that could be done. This now puts that process only by City Council approval. The last thing in the ordinance is in regards to electronic signs and these would only be permitted in two instances. The first are for major entertainment venues. These are venues such as The Aquarium that require City Council approval and therefore City Council would dictate the number of electronic signs and the size and the second instance is for fuel prices. And these would be allowed only on properties that dispense fuel and they would be limited to one sign. Are there any questions?

Mr. Weiner: Thank you.

Mr. Kemp: Thank you Commission.

Mr. Wall: Is there any opposition for this item to be placed on the consent agenda? Okay. The next item on the consent agenda is item number - agenda item number four. Is there a representative for this item?

Mr. Beaman: Mr. Vice Chair, Members of the Commission for the record, my name is Rob Beaman. I'm a local land use attorney at the Troutman Pepper Law Firm here today on behalf of the applicant for agenda item number four, we've had a chance to read the conditions, they are acceptable and we appreciate being on the consent agenda.

Mr. Wall: Thank you. Is there any opposition for this item to be placed on the consent agenda? Hearing none, we've asked Ms. Klein to read this into the record.

Ms. Klein: The applicant is requesting a Conditional Use Permit for a mini warehouse in order to construct a 25,000 square foot indoor self storage facility on this B4 mixed district zoned parcel. A portion of the property contains a parking lot and undeveloped area. The proposed building will be a climate controlled three story mini warehouse building with the total height of 43 feet and it matches the surrounding area. The applicant is seeking a deviation to the required 35 foot front yard setback which staff approves. Based on the consideration staff recommends approval of the application subject to the conditions and the Planning Commission concurs.

Mr. Wall: Thank you. The next item on the consent agenda is item number nine. Is there a representative for this item? Okay, seeing none. Is there any opposition for this item to be on the consent agenda? Hearing none. We've asked Mr. Redmond to read this into the record.

Mr. Redmond: Excuse me. Thank you, Mr. Wall. This is an application for a Conditional Use Permit for a family daycare home at 1105 Voss Court. The applicant is requesting the CUP for a daycare facility of up to 12 children within this single family dwelling. It's a 7500 square foot parcel and seems to be very well organized and laid out for this particular use. The applicant has 22 years of experience caring for children. Staff sees no reason why it should be denied. Planning Commission sees no reason why it should be denied and we therefore place it on consent. Thank you, Mr. Wall.

Mr. Wall: Thank you. The next item on the consent agenda is item number 10. Is there a representative for this item? Okay.

Madam Clerk: Mr. Wall there is, she had signed, Diana Buhrmann had signed up virtually, but she is not online. So is Diana Buhrmann here?

Mr. Wall: Okay. Is there any opposition for this to be on the consent agenda? Okay, hearing none, we've asked Mr. Graham to read this into the record.

Mr. Graham: Thank you, Mr. Wall. The applicant is requesting a Conditional Use Permit for a family daycare home to care for up to 12 children within a single family dwelling. The 5401 square foot parcel is zoned PD-H1 planned unit development and is located in the Magic Hollow neighborhood at 998 Boughton Way in the Rose Hall District. This request for a Conditional Use Permit in staff's opinion is consistent with the policies and goals set forth in the Comprehensive Plan for the suburban area. Staff finds the property to be well organized and well kept; successfully promoting the policies intended to ensure the maintenance and sustainability of great neighborhoods. For these reasons, staff recommends approval and Planning Commission agrees with this recommendation. Therefore we have placed it on the consent agenda.

Mr. Wall: Thank you, Mr. Graham. So that ends the regular consent agenda. The Planning Commission also places the following applications for a Conditional Use Permit for Short-Term Rental on the consent agenda as they meet the applicable requirements for section 241.2 of the Zoning Ordinance. Staff and the Planning Commission supports the applications and there are no speakers signed up in opposition and that includes agenda items number 15, 17 and 20. Those were the last items on the consent agenda. I move for approval of agenda items 1, 4, 9, 10, 15, 17, and 20. We have a motion. Do we have a second?

Ms. Klein: Second.

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

Mr. Redmond: Mr. Chairman.

Mr. Weiner: I'm sorry. Go ahead. That's right.

Mr. Redmond: Number one, I am abstaining on agenda item number 8, for the same reason as before, there's work colleague of mine who is a member of the partnership that owns this property and so that's just too close for comfort. I also am abstaining on all of the Short-Term Rental applications. I have a letter on file with the City Attorney's Office, I have a client who's in the travel industry, and that too, is too close for comfort. So I do not vote on Short-Term Rental applications or ordinances. Thank you.

Ms. Wilson: Mr. Graham?

Mr. Weiner: Anybody else?

Ms. Wilson: You have a letter on file saying that you will abstain from all Short-Term Rental applications, has that changed?

Mr. Graham: Yes, ma'am that has been withdrawn.

Ms. Wilson: Okay. And you will now vote on those applications?

Mr. Graham: That is correct. I do not have a conflict.

Ms. Wilson: Thank you.

Mr. Weiner: Thank you. Ready to vote?

Madam Clerk: Yes, sir. Mr. Alcaraz?

Mr. Alcaraz: Aye.

Madam Clerk: Mr. Barnes is absent. Mr. Coston?

Mr. Coston: Aye.

Madam Clerk: Mr. Graham?

Mr. Graham: Aye.

Madam Clerk: Mr. Horsley is absent Mr. Inman is absent. Ms. Klein?

Ms. Klein: Aye.

Madam Clerk: Ms. Oliver?

Ms. Oliver: Aye.

Madam Clerk: Mr. Redmond?

Mr. Redmond: Aye.

Madam Clerk: Vice Chair Wall?

Mr. Wall: Aye.

Madam Clerk: Chairman Wiener?

Mr. Wiener: Aye.

Madam Clerk: By recorded vote of eight in favor and zero against agenda items 1, 4, 9, and 10 have been approved. Agenda items 15, 17 and 20 by recorded vote of seven in favor, zero against with one abstention have been approved by consent.

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

CONDITIONS:

1. The following conditions shall only apply to the dwelling unit addressed as 304 28th Street Unit 207, 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 # 21

**Suzanne Oleszko [Applicant & Property Owner]
Conditional Use Permit (Short Term Rental)
312 Arctic Crescent**

May 12, 2021

RECOMMENDED FOR DENIAL - HEARD

Mr. Weiner: All right, on to item 21.

Madam Clerk: Yes, sir. Our last agenda item for today. Suzanne Oleszko. An application for Conditional Use Permit short term rental on property located at 312 Arctic Crescent in the Beach District.

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

Ms. Oleszko: Hi, I'm Susanna Oleszko, at 312 Arctic Crescent. I've been a Virginia Beach resident all my life. I was born on Arctic Avenue. I attended Star of the Sea elementary school for seven years, First Colonial and now currently I'm a ODU professor. My passion is Virginia Beach and I don't know if any of my pictures got in here. But growing up one of my favorite activities was going to the Virginia Beach Dome on 19th Street. I always loved that building. I always loved the concerts. I always loved the acoustics. This home became available; my father passed away and left me a little money. And I decided to buy this home because I love it, because it's a piece of architecture that's not common in our area, especially common on Arctic Crescent. It has quite a bit of land on the right and on the left. I have a school across the street that I attended. I have Father Steve next door who has come and bless the home. I have a family to the other side. That is a multi use building. When I purchased it, I didn't really, what I was looking at it I really didn't understand what the CUP was. I had been an investor of real estate in Virginia Beach homes for since the 90s, probably flipped maybe 100 homes before it ever was a TV show. My husband is very handy. And we love doing that. I love decorating, he loves doing things. So this home is very unique. When I looked at it, I asked the realtors and I asked other people if there was a Civic League, if there were any restrictions in this community and the answer was no. To the left of me is a residential property which is the church. I talked to Father Steve he thought it was a great idea to have something like this; I would work in conjunction with the church for their youth retreats, for bridal parties, things like that. To the other side of me was a family that also thought it was okay idea. The home is very – very unique. It's a great addition to the Vibe section; it's a piece of art. As I see it. You know, it has a lot of history for our community. I live just a few minutes down the street. I will be extremely involved. I already have another Short Term Rental at the Oceans II condos that has great reviews. I've never had trouble over there with

anything I've done. I've paid the taxes. I've been legal the whole time. I want to make this legal. I want to go take it to a very classy step of having Atkinson Real Estate, manage it as a beach rental. So it wouldn't be the typical Airbnb party center. It is a small home with a big heart. It's a Zen home. It was designed and built for peace and tranquility. It was built by Mr. Revlon who came from New York City after he took Revlon public and he was a part of the Edgar Cayce community. I don't know what else to say about it but it is a perfect place for guests to come to be impressed with our city. It is, as you know, walking to the beach to the boardwalk. It's only eight residences away from the bed and breakfast where they rent by the room by the night for what I would rent the whole entire home for it. I will be there a lot. I have been there a lot. The neighbors know that I'm there a lot. There will be no parties there. There will be no smoking of cigarettes or anything else there. I will install a Kevo Lock System so if there is a party and there are people I can lock them out. I will not have nonsense there. The home is beautifully decorated with a bike theme. I would invite anybody to come, I've invited some people on the board to come. I would like to name it Pedaling Around because it's a round house and I have a bike clean. It's gorgeous. It's fun. I have a lot of privacy. I have the church on the right, the school on the left. It is not a typical home in the neighborhood. It doesn't look like any of the homes; it has twice the property of any home in the neighborhood. Every day, we have the bus line for the children lined up in the circle so it is not very private. We have a circle at the end of the cul-de-sac that is a parking lot for beach goers during the day every day of the year, including surfers in the offseason. As you can see, there's a lot of open land there. I don't know what else to say. But in my mind, at night, it's not a quiet street, I hear the whipping around of the Ferris wheel and the big swing and I see the lights and the neighbors that are here they can walk to the end of their driveway and see it as well. So it is not quiet. There are a lot of people coming up and down the street off the beach walking down the sidewalk. I happen to love it. I love the sound of children. I'm a professor of early childhood education. I love the sound of the playground every day. I love the car line pickup. I've become friends with the people who come to pick up their children. Many of them have toured the home since I've had the orange sign in front. They've come in from the bus line, they wanted to see the house, and they've always wanted to see it. It's extremely unusual. And I think it would be a great addition to our ViBe section, which is two blocks down the street. I have walked there many a times and I've patronized many of the restaurants since then I've been on the tour of the ViBe twice since I've had this home there because I just think it's wonderful. And I really appreciate you considering it in where it is located. Any other questions?

Mr. Weiner: Yes, Mr. Alcaraz?

Mr. Alcaraz: Mrs. Oleszko, we've talked. You said something I have been receiving opposition just want you to know that. I don't know if it was, if it was noted during the informal was, was there any?

Mr. Weiner: No opposition.

Mr. Alcaraz: I did receive calls. One thing you just said, are you offering to restrict it just for the church use? You said that.

Ms. Oleszko: No, no, I want to include that. I want to include that. Yeah, I would include and I would welcome people from the church. I happened to be Catholic, and I happen to grow up in that church. And I would include it and be a part of the church community because basically, my property line is right next to the church property.

Mr. Alcaraz: I understand.

Mr. Oleszko: Yes.

Mr. Alcaraz: Where I'm going with this, I'm not really in support of it, but when you told me something about maybe working with the church, that's where I was kind of leaning toward you. But if it's not just...

Ms. Oleszko: Not completely 100%. But I definitely would offer as much as I could to the church because I believe in that.

Mr. Alcaraz: And I understand that this is what I'm hearing from the neighbors, let me finish. What I'm hearing from the neighbors with the street coming into a cul-de-sac and a turnaround going by with whatever maximum you can have, I think is 4, at once a week, the neighbors. They're swaying me to their side, so...

Ms. Oleszko: Well, I only have two neighbors, two immediate neighbors.

Mr. Alcaraz: I'm talking about the neighbors on the street though.

Ms. Oleszko: Okay, there are eight homes on the street.

Mr. Alcaraz: Correct.

Ms. Oleszko: One of them is a bed and breakfast that has five rooms that they rent out. And the other homes that are on that particular street, none of them look like my home. And none of them have the land that I have; they have taken a lot the size of mine and put three homes on it. And the homes that come before my home on the cul-de-sac, if you look straight down 15th Street, there's a big section eight apartment building that's actually vacant now, that they have, that they look at and there's also if you look straight down, you can see the amusement park and all kinds of stuff down 15th Street. So my little section that none of the neighbors pass by

unless they're coming down the circle is much more private than where they already live.

Mr. Alcaraz: I understand that. I was bringing it up for the additional traffic that would be coming in past their house to get to your Short Term Rental that's a concern that they had.

Ms. Oleszko: There's already about 50 cars that come twice a day to do the pickup line for Star of the Sea School. And then there's probably at least another 20 that come by day to park there to go to the beach any given day. So it's not like someone with four people would bring any more traffic than I mean it is, I've sent pictures in of the pickup line from Star of the Sea that's there twice a day. You couldn't get another car down the street.

Mr. Alcaraz: All right, thank you.

Ms. Oleszko: Thank you.

Mr. Weiner: Any other questions?

Mr. Coston: One quick question.

Mr. Weiner: Mr. Coston.

Mr. Coston: You said there was a multi use building next door, what is that?

Ms. Oleszko: Yeah, it's a home and they have some. It's a, I guess this may be approved for duplexes, a duplex next door. And originally, that home was the first home and the person who developed this particular dome subdivided the lot. So there's a family in there that has a rental, maybe two, and they have totally been in support of me having that they're the only, that's the only house that faces my property. And they're totally in favor of what I'm doing. And I have a letter of support from them.

Mr. Weiner: Mr. Wall.

Mr. Wall: Did you say how long you've owned the property?

Ms. Oleszko: I actually have only owned the property for about three or four months. And I bought this as an investment property to be honest with you, but I also own quite a few other investment properties that are section eight properties in Virginia Beach. And I've owned quite a few different properties.

Mr. Alcaraz: Okay. Thank you.

Mr. Weiner: Any more questions? Okay, thank you, ma'am.

Madam Clerk: We have three speakers.

Mr. Weiner: Okay.

Madam Clerk: Paige Mijares, followed by Heiko Pinkola. And then Albert Gander, so Paige Mijares.

Mr. Mijares: Good afternoon Planning Commission. Thanks for letting us speak on this issue. I want to just be brief, because I know that you guys have to hear these all day long and I just thank you for your time. I'm here to represent that Atkinson Realty would be professionally managing the property. And to show you in person here that that is our intent. You're probably familiar; you've probably heard me say it before, of all of the different services that we provide as guardrails and protection for our Short Term Rentals. We have a staff – full time staff of four that are on call 24/7 during the summer, they're responding to calls whenever it needed, but usually those calls are for that the you know, the wireless isn't working, the remote for the TV, they can't figure out. Those are the kind of calls we get, not issues that you've heard from other applicants. We have an on-site maintenance person to help with any issues of that sort. And we also do extra trash pickup. So we have a Saturday trash pickup, a private company that is paid for not on the dime of the City to ensure that the homes that we operate, are pristine. There are 3 reasons really, that this property really fits and should be approved. And that we are here today asking for your approval. One is that it is exactly where the location is and it really is in that resort vibe like Ms. Oleszko said, you hear the ferris wheel and the activity from Pacific Avenue. Pacific Avenue is literally, you can literally see Pacific Avenue from the property and all of the activity going on there in the tourist area. The other thing is that it's just a unique home, which Ms. Oleszko alluded to as well. It's very difficult to see a family living in this home with no walls really full time. So that that would be another reason that this really fits into that kind of unique – unique experience. The home is only approved for four adults, but honestly most likely it would be two adults and, you know, two children there for the week. And then the third reason is really you witnessed it here. Um, Ms. Oleszko is just an outstanding citizen of Virginia Beach. She cares about our city, and she wants to contribute to it in a manner that's positive and helpful to the resort district. Thank you.

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

Madam Clerk: Heiko Pinkola and then Albert Gander.

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

Mr. Pinkola: Hello, my name is Heiko Pinkola, I live at 328 Arctic Crescent. It's two houses down from the property here, I live there since 2012. The neighborhood is all owned and

people who want to live in the neighborhood, the multi-purpose locations like also long term rental, we know those neighbors as well. Direct neighbors left and right and all they have affiliation with the church and I think that should not play into this here. But I think those ropes are pulled here. I'm very concerned about like the most recent development of violence coming from single groups, and living in scattered areas of the district here, in Short Term Rentals. And I'm just like, my wife is afraid, she was talking about like moving and selling, because they're just like, that contributes to that. I know the police is understaffed and I'm all for the police and they should patrolling more Pacific and Atlantic where those tourists and visitors belong. And they don't belong in neighborhoods like this and therefore, I'm against it, and I cannot support this. Thank you.

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

Madam Clerk: Our final speaker, Albert Gander.

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

Mr. Gander: Sir, Albert Gander. I'm also a resident of Arctic Avenue, I live at 1500. Although I can appreciate some of the things that were said earlier about the management of the property, we moved there because we belong to Star of the Sea church, my children do go to school there. We chose this neighborhood specifically, because it's the last of a neighborhood feel before you're actually in a resort district. I believe when you look at an overlay map for what the resort area is, it goes down 15th Street, it stays to the north of 15th and then to the east, it goes down to 16th Street. The bed and breakfast that was mentioned before, it's a site that there was uses for that type of property actually has a 16th Street address, which is inside of the area allowed for that type of use. I understand that she is also an investor of other properties and I feel like if you're investing to make money, that you should do it within the constraints that already exist, not just because you have the money to come in and infiltrate my neighborhood and erode the neighborhood feel that already exists there. As to the cars that are on that street there for the pickup that happened twice a day, Dr. Avril, who is the principal of that, has spoke to all of us and told us about the cars being there. That was for COVID and COVID only, before that, the pickup happened in the front. They had to do that to help separate the age groups for the kids. So, there is some pickup in the front. That is not historically the way it's been. It has been that way now. I know that Father Steve blessed the house, I think that that's fine. I don't think that he has any ill will toward anyone else. Like what was said before in earlier arguments against Short Term Rentals, I believe that it does bring in elements that don't belong in the neighborhood. It also doesn't belong in my neighborhood. There is the church there. As to the section eight house that I have to look at that's across the street, that is also owned by an ODU professor. He does not keep it in good working order or repair. Matter of fact, he hasn't had anybody in there renting it since I've lived

there. It would be good to go away from the neighborhood. I understand that this property has the intention to be managed correctly and appropriately, but it is not with a neighbor in it. I know every neighbor on the street by name. I knew Lawrence that lived in that house before it was sold, because he passed away and died. I know Mike and Danya that are next to him that have the multi use structure. I know Heiko and Nadia that are next door. I can go on and on and on down the street all the way to the owner operators of the Airbnb. I know them because I'm somebody that's involved in my neighborhood. I can tell you the name of the police officers that walk the beat on my neighborhood. I can even tell you the names of some of the people that are homeless that my church feeds. I know that because I'm there not because I'm not there.

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

Mr. Alcaraz: One question. You said where do you live?

Mr. Gander: 1500 Arctic Avenue. So if you look at that map there, you go straight down the street. That begins Arctic Crescent down there. The 15th terminates the next house over that you can see the one white car in the driveway, that's mine.

Mr. Alcaraz: The first one.

Mr. Gander: Yeah, so when the pickup line, it begins down there, and I walk my kids directly across the street straight to that building where they go to school.

Mr. Alcaraz: All right, great. Thanks.

Mr. Weiner: Thank you. Do you want to come back up, you can make rebuttal.

Ms. Oleszko: I just want to one more comment. I am very passionate about being there. I've been there probably more than a lot of people who have been home at work. I've been there a lot in the past few months. Again, my property as you can see is a much larger property with trees on all the sides. It doesn't interfere with anyone else. The trees you can't even see to have, that have leaves on them now. And I do care about it. And I will be a good neighbor. I have a passion for it. I have a passion for the architecture. I have a passion for our city. I have a passion for the Vibe district. I have a passion for the restaurants, for the hotels, for everything that's going on good there. I live minutes away. I will be there are a lot. I plan if I get your approval; I plan on doing a lot of wonderful things with this home. And I really feel like it will be a destination for the City of Virginia Beach for the Buckminster Fuller lovers, the dome lovers, the architect lovers, the ViBe district, we're looking at a piece of art that is not like any other home in that neighborhood. I'm asking for four people to come for peace and tranquility with a beautiful Lake Holly behind it, the nice Ocean Front close by, the beautiful church beside it, the

bells of the church and the birds singing and all the good things that there are on the street, and the wonderful neighbors who are up and down the street, who are outside. It's an amazing place. And I think it's a great place for us to share with visitors that come to our city to see our resort to enjoy the area and I promise, promise that it will not be a shoot up killing place. It will be a place for peace and tranquility. Thank you.

Mr. Weiner: Thank you. Any other questions? No questions. All right, I'm gonna close this and open up, Mr. Alcaraz. Beach District

Mr. Alcaraz: Anybody else? Oh I mean I appreciate her love for what she wants to do. I'm just torn because again, and I appreciate I know, she's gonna, you know, get in there and make sure that whoever rents that once a week of the four people that she'll do her best to make sure but that's the concern I have with the neighbors. When something happens, it's happened. And then the neighbors have to deal with it. And then again, it happens. And I understand that you'll get the good visitors there, but then we're just I'm just not in support a lot of these STRs and management is the most important thing, but what concerns me when it happens, then I feel like we've let the neighbors down, so I'm not supporting it, but I'd like to hear your concerns.

Ms. Oliver: George on this one, I did get several calls and the concern was and I'm sure she would be a great Short Term Rental owner. The concern here is that these CUP's run with the land. She mentioned on several times that she likes to flip houses. So that concerns me is, you know, when this house gets sold, now we've got an STR in the middle of an established neighborhood and the proximity yeah, it's one block away from Pacific Avenue, but it is an established neighborhood like that gentleman said and the other gentleman said, and I'm just not willing to impart that on the neighborhood. Just, you know, there's a school and children and it's a dead end. And I just unfortunately, and the word destination was used and that made me uncomfortable. I don't think that people want a destination in their neighborhood at this point.

Mr. Weiner: Who else? Mr. Coston? No?

Mr. Coston: I'd like to support her. I think she'd be great at it. I'm a believer in giving people a fair chance and you can. And I try not to judge people by what other people have done in the way other people have run stuff. So kind of twisted in between right now is what I am.

Mr. Weiner: Anybody else? Jack?

Mr. Wall: Yeah, I think she'd do a great job. And I think that, you know, her management, you know, Atkinson Realty does a great job. But the opposition is fairly strong, you

know, and I appreciate their input, and I appreciate their ability and your interest in protecting their neighborhoods, so...

Mr. Weiner: I'm torn. In fact, I told Dee yesterday, I was gonna go by there, and I did go by there yesterday and I thought it was in RT district. I mean, I you can't get any closer to the RT district in this house, literally right next door. But I'm all about being consistent with what we've done in the past and we've done in the years in the past, and when we've had opposition, we've all been consistent about staying with that. So I'm going to not support either. Anyone want to make a motion?

Mr. Alcaraz: Yeah, I'll make a motion again, this is a recommendation that we're making, of course, and City Council has the final say. So, I make a recommendation that we disapprove agenda number 21.

Mr. Weiner: Second? We need to second.

Mr. Wall: I'll second it.

Mr. Weiner: All right. We have a recommendation for denial by Mr. Alcaraz and second by Mr. Wall.

Madam Clerk: Mr. Alcaraz?

Mr. Alcaraz: Aye.

Madam Clerk: Mr. Barnes is absent. Mr. Coston?

Mr. Coston: Aye.

Madam Clerk: Mr. Graham?

Mr. Graham: Aye.

Madam Clerk: Mr. Horsley is absent Mr. Inman is absent. Ms. Klein?

Ms. Klein: Aye.

Madam Clerk: Ms. Oliver?

Ms. Oliver: Aye.

Madam Clerk: Mr. Redmond is absent. Vice Chair Wall?

Mr. Wall: Aye.

Madam Clerk: Chairman Wiener?

Mr. Weiner: Aye.

Madam Clerk: By recorded vote of seven in favor and zero against agenda item number 21 has been recommended for denial.

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

CONDITIONS:

1. The following conditions shall only apply to the dwelling unit addressed as 312 Arctic Crescent, and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. While this Conditional Use Permit is active, parking passes issued for the subject dwelling unit(s) through the Residential Parking Permit Program (RPPP) shall be limited to two resident passes only. Guest and temporary passes through the RPPP shall not be permitted.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times 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.