

Virginia Beach Planning Commission

Public Hearing

June 9, 2021

Mr. Weiner: Would like to call order of the June 9th, 2021, public meeting of the Virginia Beach Planning Commission. My name is David Wiener, I act as a chair. Before we get started, I'd ask Mr. Coston to lead us in prayer and Mr. Horsley in the pledge, please stand.

Mr. Coston: Lord, thou hast been our dwelling place in all the generations, before the mountains were brought forth or ever thou hadst formed the earth in the world, even from everlasting to everlasting your god, Lord we come today to say thank you for your many blessings, God we thank you for your leadership, we thank you for your direction, God we thank you for each leader in this city and every worker. Now Father we ask that you will look on us as we come to conduct business that you would give us your guidance and your wisdom that we might make proper decisions for this city and we thank you and Jesus name we pray, Amen.

Mr. Horsley: Please join me for the pledge. [Group Pledge] I pledge allegiance to the Flag of the United States of America, to the Republic, for which it stands, one nation, under God, indivisible, with liberty and justice for all.

Mr. Weiner: Thank you, next I ask Mr. Redmond to introduce the members please.

Mr. Redmond: Thank you, Mr. Chairman. I'll be happy to, we have number of – unfortunately we have a number of our members who are not here today Mr. Barnes, Ms. Klein and Ms. Oliver so we want to dwell on those because we want to get right to George. George Alcaraz represents the Beach District, he's a businessman, he has a number of different kinds of businesses, and – and he also puts on a number of events and had a very successful recent surfing competition at the pier which, congratulations, Mr. Alcaraz. Mr. Horsley seated next to him is a farmer. He serves At Large but he basically knows everyone in the entire

Princess Anne District as well. And he's a Hokie. Next to him, Mr. Wiener, David Wiener is our chairman, he represents the Kempsville District. He is a commercial salesman in the building industry. Jack Wall is an engineer, he represents the Rose Hall, and did I say you're our chairman. He's chairman of the commission. Jack Wall is our vice chairman, he is an engineer, and he represents the Rose Hall District. Mike Inman is an attorney, and he serves At Large. He's the smartest guy here. Sexy Don or Mike typically is one of the smartest depending on the day, how they woke up that morning, my name is Dave Redmond, I am a – I represent the Bayside District, I'm a commercial real estate broker licensed in Virginia, North Carolina, and seated next to me is Mr. John Coston. He is a retired fire chief – captain. Thank you, I sorry you, apologies, and he also serves At Large. We have a number of staff people in attendance today, they are ably led by Mr. Bobby Tajan the planning director and he's going to take a second and introduce a few members of his staff, Mr. Tajan.

Mr. Tajan: Thank you Mr. Redmond. With us today we have Kevin Kemp our zoning administrator, unfortunately this is his last Planning Commission, we do thank him very much for all his dedication to the city with him, and the table behind me we have Hank Morrison who is one of our planners, Hoa Doa our current planning manager and planning evaluation coordinator and Marchelle Coleman, one of our current planners that helps lead his team, along we have Kay Wilson our deputy city attorney for land use, Pamela Sandloop clerking for us today. Again, also Kevin fairly with IT, thank you very much Kevin for continuing to support us through with the online presence, Tori Eisenberg city attorney assisting us as well, amongst many other staff was sprinkled out through that.

Mr. Redmond: Well, I'm going to go off script here and say, because we have a couple of new interns, I think – and we're making all these introductions seems to be appropriate to introduce the interns who are going to be helping us out this summer, one of whom is putting her head down because she didn't want me to do that but [Inaudible] [00:04:35].

Mr. Tajan: It's funny because I need to be introduced to the interns as well, because they just show up and I don't have all their names unfortunately, so we have – we

have Grace Pullen with us who's interning, you were introduced last month and Madison Lowman, who is also interning with us. We're very thankful for them. We will keep them engaged with many projects that we have as – as our cup continues to spill over as we continue to have more projects as we will help the city move forward.

Mr. Redmond: Thank you, Mr. Chairman. Welcome ladies. Have a great summer. And thank you, Mr. Chairman.

Mr. Weiner: Thank you. Okay, next, Madam Clerk, would you please explain the rules of how we will proceed today.

Ms. Sandloop: Okay. Today, we will have both in person speakers and speakers participating by WebEx. We will recognize in person speakers first calling the first speaker up and up to three additional speakers to avoid any unnecessary delay between. After all in person speakers have been called, I will then recognize the speakers participating via WebEx. In all instances, 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 unnecessary background noise and the possibility of echoing and reverberation. It's important that once recognize please wait two to three seconds to begin to ensure the commission hears your complete remarks. Please begin your comments by identifying yourself. Also, please do not ask if you can hear me as the only one feed is open at a time to minimize echo and reverberation and as such, you will be unable to hear a response. Again speakers will be recognized in the order they registered. Please note if a speaker does not respond, or if a technical issue occurs which renders the speaker comments unintelligible, I will move to the next registered speaker. Commissioners, are there any questions about the process for speakers? Hearing none, I will now proceed to the public hearing rules. The Virginia Beach Planning Commission takes pride and being fair and courteous to all parties in attendance. It's important that all involved understand how the commission normally conducts his meetings. It's equally important that everyone treat each other and the members of the Commission

with respect and civility. The Commission requests 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. With withdrawals and deferrals, the chairman will ask if there are any requests to withdraw or defer an item on the agenda. Consideration of these requests will be made first. Consent agenda, second order of business is the consideration of the consent agenda, which are those items that the Planning Commission believe are unopposed and which have favorable staff recommendation. Regular agenda, the Commission will then proceed with the remaining items on the agenda. Speakers in support or opposition of an agenda item will have three minutes to speak unless they are solely representing a large group such as a Civic League or Homeowners Association, in which case they will have 10 minutes. Please note 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. 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.

**Item # 1**

**Virginia Beach Development Authority [Applicant] Virginia Beach Development Authority  
& Lynn-Lynne, LLC [Property Owners]  
Modification of Proffers  
1941 General Booth Boulevard and portion of Corporate Landing Business Park**

**June 9, 2021**

**DEFERRED FOR 30 DAYS**

Mr. Weiner: Thank you, Mr. Inman. Can I get a motion on the deferred items, please?

Mr. Wall: Mr. Chair, I make a motion that we defer agenda items number 1, 2, 3, 10, 12, 15 and 16, 17 and 18, 22 and 23 for 30 days, 30-day deferral.

Mr. Weiner: And 32 to 36 for indefinite.

Mr. Wall: I'm sorry.

Mr. Weiner: 32 to 36 for indefinite.

Mr. Wall: Oh, and 32 through 36 for an indefinite deferral. Thank you.

Mr. Weiner: I have a motion. Can I have a second?

Mr. Horsley: Second.

Mr. Weiner: Have a motion by Mr. Wall and second by Mr. Horsley, we are ready to vote.

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda items 1, 2, 3, 12, 15 and 16, 17 and 18, 22 and 23 have been deferred for 30 days. Agenda Items 32, 33, 34, 35 and 36 have been deferred indefinitely. And by a vote of six in favor zero against with one abstention agenda item number 10 has been deferred for 30 days.

Mr. Weiner: Great, thank you. Next we'll move on to consent agenda and vice chair Wall will take over.

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

**Item # 2**

**Lynn-Lynne, LLC [Applicant] Virginia Beach Development Authority & Lynn-Lynne, LLC [Property Owners]**

**Conditional Change of Zoning (Conditional B-2 Community Business District to Conditional B-2 Community Business District (0.70-acre) & Conditional I-1 Industrial District (0.52-acre))**

**1941 General Booth Boulevard and portion of Corporate Landing Business Park**

**June 9, 2021**

**DEFERRED FOR 30 DAYS**

Mr. Weiner: Thank you, Mr. Inman. Can I get a motion on the deferred items, please?

Mr. Wall: Mr. Chair, I make a motion that we defer agenda items number 1, 2, 3, 10, 12, 15 and 16, 17 and 18, 22 and 23 for 30 days, 30-day deferral.

Mr. Weiner: And 32 to 36 for indefinite.

Mr. Wall: I'm sorry.

Mr. Weiner: 32 to 36 for indefinite.

Mr. Wall: Oh, and 32 through 36 for an indefinite deferral. Thank you.

Mr. Weiner: I have a motion. Can I have a second?

Mr. Horsley: Second.

Mr. Weiner: Have a motion by Mr. Wall and second by Mr. Horsley, we are ready to vote.



Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda items 1, 2, 3, 12, 15 and 16, 17 and 18, 22 and 23 have been deferred for 30 days. Agenda Items 32, 33, 34, 35 and 36 have been deferred indefinitely. And by a vote of six in favor zero against with one abstention agenda item number 10 has been deferred for 30 days.

Mr. Weiner: Great, thank you. Next we'll move on to consent agenda and vice chair Wall will take over.

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

**Item # 3**

**Wakefield Development, LLC [Applicant] Merlin Beiler, Trustee of the Elva Y. Beiler Trust & of Elva Y. Beiler Land Trust [Property Owner]  
Conditional Change of Zoning (R-15 Residential District & AG-1 Agricultural District to Conditional R-10 Residential District)  
2328 & 2264 Salem Road**

**June 9, 2021**

**DEFERRED FOR 30 DAYS**

Mr. Weiner: Thank you, Mr. Inman. Can I get a motion on the deferred items, please?

Mr. Wall: Mr. Chair, I make a motion that we defer agenda items number 1, 2, 3, 10, 12, 15 and 16, 17 and 18, 22 and 23 for 30 days, 30-day deferral.

Mr. Weiner: And 32 to 36 for indefinite.

Mr. Wall: I'm sorry.

Mr. Weiner: 32 to 36 for indefinite.

Mr. Wall: Oh, and 32 through 36 for an indefinite deferral. Thank you.

Mr. Weiner: I have a motion. Can I have a second?

Mr. Horsley: Second.

Mr. Weiner: Have a motion by Mr. Wall and second by Mr. Horsley, we are ready to vote.

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda items 1, 2, 3, 12, 15 and 16, 17 and 18, 22 and 23 have been deferred for 30 days. Agenda Items 32, 33, 34, 35 and 36 have been deferred indefinitely. And by a vote of six in favor zero against with one abstention agenda item number 10 has been deferred for 30 days.

Mr. Weiner: Great, thank you. Next we'll move on to consent agenda and vice chair Wall will take over.

|         | AYE 7 | NAY 0 | ABS 0 | ABSENT4 |
|---------|-------|-------|-------|---------|
| Alcaraz | AYE   |       |       |         |
| Barnes  |       |       |       | ABSENT  |
| Coston  | AYE   |       |       |         |
| Graham  |       |       |       | ABSENT  |
| Horsley | AYE   |       |       |         |
| Inman   | AYE   |       |       |         |
| Klein   |       |       |       | ABSENT  |
| Oliver  |       |       |       | ABSENT  |
| Redmond | AYE   |       |       |         |
| Wall    | AYE   |       |       |         |
| Weiner  | AYE   |       |       |         |

**Item # 4 & 5**

**DHW Joint Venture, LLC [Applicant & Property Owner]**

**Street Closure (15-foot Street Dedication)**

**Street Closure (20-foot Private Road)**

**15-foot street dedicated adjacent to 50-foot Norfolk & Southern Corp right-of-way 20-foot Private Road northeast of Tolliver Road cul-de-sac**

**June 9, 2021**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Wall: 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 12 items on the consent agenda today. The first two items are being read together. It is agenda item four and five DHW Joint Venture, LLC; a street closure for 15 – for 15-foot street dedication and the street closure for 20 foot private road. It's located in the Bayside District. Is there a representative for this item?

Mr. Bourdon: Thank you, Mr. Vice Chair Wall, Chairman, members of the Commission Eddie Bourdon, Virginia Beach Attorney representing the applicant. We appreciate this item being placed on the consent agenda. All the conditions as recommended by staff are acceptable to my clients. I appreciate Marchelle's good work on this request. Thank you.

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

Mr. Redmond: Thank you, Mr. Wall, the applicant is seeking to close a 397.84 square foot area shown on the 1969 plat as 15-foot dedicated to City of Virginia Beach for road purposes, and a 20-foot private road established by a 1924 plat, the private road. Both areas are adjacent to parcel that were rezoned on July 11th, 2017, from R-5D residential duplex district to Conditional A-36 Apartment district to develop the Burton Station Apartments. This is what we call a housekeeping matter. This small road will be closed to clear up the title issue and allow the project to be moved forward. And then financial consideration between the applicant and the City will happen. It is only 397 feet, so it's not gonna be a lot of money. But, they'll work that out privately between themselves. There is no opposition. There's really nothing substantive about it beyond that and the Commission therefore, places it on consent. Thank you, Mr. Wall.

Mr. Wall: Okay, thank you. That was the last item on the regular consent agenda. The Planning Commission also places the following applications for Conditional Use Permits for Short Term Rentals on the consent agenda as they meet the applicable requirements for Section 241.2 of the Zoning Ordinance. Staff and Planning Commission support the applications and there are no speakers signed up in opposition. These include agenda item number 28 Dan & Sara Bailey, agenda item number 31 Krista L. Woodlock, application number 37 Standard Community LLC, number 38 William Georghiou and number 39 Andrew Broyles. Those were the last items on the short-term rental consent agenda.

Mr. Weiner: Make a motion?

Mr. Wall: I move for approval of the following consent agenda items. Agenda item number 4 DHW joint venture.

Mr. Weiner: Just read the numbers.

Mr. Wall: Okay, just read the numbers. Number 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25 as well as the short-term rental applications number 28, 31, 37, 38, and 39.

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

Mr. Alcaraz: Second.

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

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.



Ms. Sandloop: By recorded vote of seven in favor and zero against agenda items 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25, 28, 31, 37, 38, and 39 have been recommended for approval by consent.

Mr. Weiner: Thank you. Thank you for those who had items on the consent agenda and that will now be scheduled for City Council. Now, we will move forward to the regular agenda.

---

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

## CONDITIONS

1. The City Attorney’s Office will make the final determination regarding ownership of the underlying fee. The purchase price to be paid to the City shall be determined according to the “Policy Regarding Purchase of City’s Interest in Streets Pursuant to Street Closures,” approved by City Council. Because the street closures are a formality to clear up a title issue, which could be an impediment to the redevelopment of the property, it is recommended that a purchase price be waived for these closures.
2. The applicant shall resubdivide the property and vacate internal lot lines to incorporate the closed area of the Street Dedication and the Private Road into the adjoining parcels. The plat must be submitted and approved for recordation prior to final street closure approval.
3. The applicant shall verify that no private utilities exist within the areas proposed for closure. If private utilities do exist, easements satisfactory to the utility company must be provided.
4. Closures of the Street Dedication and Private Road shall each be contingent upon compliance with the above stated conditions within 365 days of approval by City Council. If the conditions noted above are not accomplished and the final plat is not approved within one year of the City Council vote to close the proposed areas, this approval shall be considered null and void.

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

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

**Item # 6**

**John's Garage [Applicant] 5772 Arrowhead LLC [Property Owner]  
Conditional Use Permit (Automotive Repair Garage)  
5772 Arrowhead Drive, Suites A & B**

**June 9, 2021**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Wall: Okay, thank you. The next item on the agenda is agenda item number six. John's Garage, LLC is the applicant. 5772 Arrowhead LLC is the property owner. They're requesting a Conditional Use Permit for an Automotive Repair Garage located in the Kempsville District. Is there a representative to speak on this item?

Mr. Sweeney: I'm John Sweeney.

Mr. Wall: Okay, thank you. Is there any opposition for this item to be placed on the consent agenda?

Mr. Weiner: Thank you, sir.

Mr. Wall: Okay, yeah. Hearing none, we've asked Mr. Inman to read this into the record.

Mr. Inman: Thank you. This is, as stated, a Conditional Use Permit application located at 5772 Arrowhead Drive in Suites A and B. It is currently zoned industrial warehouse and I-1 light industrial and its surrounding properties are similarly zoned. The Automotive Repair Garage which occupies two suites within the industrial warehouse has total floor area of 3,420 square feet. The auto repair business provides engine repair, oil changes, tire service, brakes and state inspections. While the new town strategic growth area master plan calls for a long term redevelopment of this area into a series of mixed use developments. The staff views that the proposed use is compatible with the existing light industrial uses or surrounding the site. Auto repair uses have existed within this area for decades and as such, the proposed use is acceptable until the market forces the transition of this area to the long term vision established in the Newtown SGA Plan. No site improvements or changes up to the building are proposed with this request and parking on-site meets the requirements of the zoning ordinance. And consideration

of these things, the staff recommends approval and we put it on the consent agenda.

Mr. Wall: Okay, thank you. That was the last item on the regular consent agenda. The Planning Commission also places the following applications for Conditional Use Permits for Short Term Rental on the consent agenda as they meet the applicable requirements for Section 241.2 of the Zoning Ordinance. Staff and Planning Commission support the applications and there are no speakers signed up in opposition. These include agenda item number 28 Dan & Sara Bailey, agenda item number 31 Krista L. Woodlock, application number 37 Standard Community LLC, number 38 William Georghiou and number 39 Andrew Broyles. Those were the last items on the short-term rental consent agenda.

Mr. Weiner: Make a motion?

Mr. Wall: I move for approval of the following consent agenda items. Agenda item number 4 DHW Joint Venture.

Mr. Weiner: Just read the numbers.

Mr. Wall: Okay, just read the numbers. Number 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25 as well as the short-term rental applications number 28, 31, 37, 38, and 39.

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

Mr. Alcaraz: Second.

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

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda items 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25, 28, 31, 37, 38, and 39 have been recommended for approval by consent.

Mr. Weiner: Thank you. Thank you for those who had items on the consent agenda and that will now be scheduled for City Council. Now, we will move forward to the regular agenda.

---

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

**CONDITIONS**

1. No motor vehicles in a state of obvious disrepair shall be stored outside of the building. All such vehicles shall only be permitted to be stored within the building.
2. There shall be no outside storage of equipment, parts, tires, or materials.
3. No motor vehicle repair work shall take place outside of the building.
4. No motor vehicles shall be parked within any portion of the public right-of-way.
5. All on-site signage must meet the requirements and regulations of the Zoning Ordinance. A separate permit from the Department of Planning & Community Development is required for any new signage installed on the site.
6. There shall be no signs that 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.
7. There shall be no portable or nonstructural signs or electronic display signs on the site.

8. All outdoor lights shall be shielded to direct light and glare onto the premises, said lighting and glare shall be deflected, shaded, and focused away from all adjoining property. Any 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 # 7**

**Thin Brew Line Brewing Company [Applicant] Oceana Crossings, LLC [Property Owner]  
Modification of Conditions (Craft Brewery & Open-Air Market)  
1375 Oceana Boulevard**

**June 9, 2021**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Wall: Thank you, Mr. Inman. The next item on the agenda is agenda item number seven. Thin Brew Line Brewing Company is the applicant. Oceana Crossing LLC is the property owner. They are requesting a Modification of Conditions for a Craft Brewery and Open-Air Market, located in the Beach District. Is there a representative for this item? Okay. Seeing none, is there any opposition for this item to be placed on the consent agenda? Okay, hearing none. We've asked Mr. Alcaraz to read this into the record.

Mr. Alcaraz: Thank you. The applicant is requesting a Modification of Conditions from December 12th, 2018 City Council for a Conditional Use Permit for a Craft Brewery and Open-Air Market in the shopping center along Oceana Boulevard zoned Conditional B-2 Community Business district. The Conditional Use Permit for the Craft Brewery was specific to unit 124 and the Open-Air Market was permitted to allow a food truck within the parking lot of the shopping center. The applicant is seeking to expand the brewery to the adjacent unit, unit 122. The expansion of the business will allow for additional 1600 square feet to accommodate customers and staff. No changes to the exterior of the building or signage are proposed. The operational hours are still the same. All conditions attached to the Conditional Use Permit in 2018 shall remain in effect. And with the condition stated, as I just mentioned, everything's still in effect. The Planning Commission is recommended for consent agenda.

Mr. Wall: Okay, thank you. That was the last item on the regular consent agenda. The Planning Commission also places the following applications for Conditional Use Permits for Short Term Rentals on the consent agenda as they meet the applicable requirements for Section 241.2 of the Zoning Ordinance. Staff and Planning Commission support the applications and there are no speakers signed up in opposition. These include agenda item number 28 Dan & Sara Bailey, agenda item number 31 Krista L. Woodlock, application number 37 Standard Community LLC, number 38 William Georghiou and number 39 Andrew Broyles. Those were the last items on the short-term rental consent agenda.

Mr. Weiner: Make a motion?



Mr. Wall: I move for approval of the following consent agenda items. Agenda item number 4 DHW Joint Venture.

Mr. Weiner: Just read the numbers.

Mr. Wall: Okay, just read the numbers. Number 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25 as well as the short-term rental applications number 28, 31, 37, 38, and 39.

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

Mr. Alcaraz: Second.

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

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda items 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25, 28, 31, 37, 38, and 39 have been recommended for approval by consent.

Mr. Weiner: Thank you. Thank you for those who had items on the consent agenda and that will now be scheduled for City Council. Now, we will move forward to the regular agenda.

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

|         |     |  |  |        |
|---------|-----|--|--|--------|
| Inman   | AYE |  |  |        |
| Klein   |     |  |  | ABSENT |
| Oliver  |     |  |  | ABSENT |
| Redmond | AYE |  |  |        |
| Wall    | AYE |  |  |        |
| Weiner  | AYE |  |  |        |

**CONDITIONS**

1. All conditions attached to the Conditional Use Permit for the Craft Brewery & Open-Air Market dated December 12, 2018, shall remain in effect.

**Conditional Use Permit (Craft Brewery)**

2. With the exception of any modifications required by any of these conditions or by any City regulations, the units shall be configured in conformance with the submitted layout plan shown on page 5 of this report. Said plan has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development.
3. An occupancy load for the Craft Brewery shall be established by the City of Virginia Beach Building Official's Office.
4. A Certificate of Occupancy shall be obtained prior to operation of Craft Brewery.
5. Any conditions associated with the license issued by the Virginia Alcoholic Beverage Control Board shall be incorporated as conditions with this Conditional Use Permit.
6. All signage onsite shall meet the requirements of the City Zoning Ordinance. 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. A separate sign permit from the Planning Department shall be required for the installation of any signage.
7. Hampton Roads Sanitation District approval shall be obtained prior to any discharge of sewage.
8. As per Section 230 of the Zoning Ordinance, live music will only be allowed inside the establishment when all the doors and windows are closed. No live music will be permitted on the outdoor patio area.

**Conditional Use Permit (Open-Air Market)**

9. Unless otherwise authorized by the Zoning Ordinance, the Open-Air Market shall be limited to one food truck, which shall be located in substantial conformances with the submitted layout plan, shown on page 8 of this report. Said plan has been exhibited to the Virginia Beach City Council and are on file in the Virginia Beach Planning Department and Community Development.

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

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

**Item # 8**

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

**June 9, 2021**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Wall: Thank you. The next item on the agenda is Commonwealth Auto Group as the applicant and WWMD Properties. LP is the property, requesting a Conditional Use Permit for Motor Vehicle Sales and Rentals. Its located in the Bayside District. Is there an applicant or a representative for this item?

Mr. Ramon: Good afternoon, I'm Joe Anthony Ramon. I'm the dealer operator for Commonwealth Auto Group. I'm also the State Vice President of Virginia Independent Auto Leader Association.

Mr. Wall: Are the conditions acceptable to you?

Mr. Ramon: Yes, they are acceptable. The pavement in a front is roughly 25,000 feet, just wanted to notate that as well.

Mr. Wall: Okay. Well, thank you. Okay, is there any opposition for this item to be placed on the consent agenda? Hearing none, we've asked Mr. Redmond to read this into the record.

Mr. Redmond: Thank you, Mr. Wall. This is an application for a Conditional Use Permit for Motor Vehicle Sales at 4873 Haygood Road. This application first came before us a month ago. It was deferred. We had some suggestions for improvements to the property and to the application itself. I want to thank and commend the applicant, they responded very well to our requests and improve the application and the treatment of this property. Such that I now believe and the commission agrees that it is appropriate to be placed on consent. Thank you, Mr. Wall.

Mr. Wall: Okay, thank you. That was the last item on the regular consent agenda. The Planning Commission also places the following applications for Conditional Use Permits for

Short Term Rentals on the consent agenda as they meet the applicable requirements for Section 241.2 of the Zoning Ordinance. Staff and Planning Commission support the applications and there are no speakers signed up in opposition. These include agenda item number 28 Dan & Sara Bailey, agenda item number 31 Krista L. Woodlock, application number 37 Standard Community LLC, number 38 William Georghiou and number 39 Andrew Broyles. Those were the last items on the Short Term Rental consent agenda.

Mr. Weiner: Make a motion?

Mr. Wall: I move for approval of the following consent agenda items. Agenda item number 4 DHW joint venture.

Mr. Weiner: Just read the numbers.

Mr. Wall: Okay, just read the numbers. Number 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25 as well as the short-term rental applications number 28, 31, 37, 38, and 39.

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

Mr. Alcaraz: Second.

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

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda items 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25, 28, 31, 37, 38, and 39 have been recommended for approval by consent.

Mr. Weiner: Thank you. Thank you for those who had items on the consent agenda and that will now be scheduled for City Council. Now, we will move forward to the regular agenda.

---

|         | AYE 7 | NAY 0 | ABS 0 | ABSENT 4 |
|---------|-------|-------|-------|----------|
| Alcaraz | AYE   |       |       |          |
| Barnes  |       |       |       | ABSENT   |
| Coston  | AYE   |       |       |          |
| Graham  |       |       |       | ABSENT   |
| Horsley | AYE   |       |       |          |
| Inman   | AYE   |       |       |          |
| Klein   |       |       |       | ABSENT   |
| Oliver  |       |       |       | ABSENT   |
| 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 6/10/2021 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. The exterior of the building shall substantially adhere in appearance, size, color, and materials to the submitted elevations entitled “BUILDING ELEVATION, 4873 HAYGOOD ROAD, VIRGINIA BEACH, VA 23455, USA”, dated 5/22/2021 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.
3. All the curbing, bollards, and surfaces on the site where the painting is chipping or in obvious despair shall be repainted and maintained while the use is active.
4. The total number of vehicles displayed for sale shall be limited to 38 vehicles and no vehicles for sale shall be available behind the building in the “Vehicle Prep Area” as denoted on the plan.
5. 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 Landscape Plan. All landscaping shall be maintained on-site in accordance with the approved Landscape Plan including the landscaping located within the right-of-way.



6. 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.
7. The freestanding sign to remain on site shall be repainted to match the color of the building, as depicted in the rendering on page 9 of this report.
8. The canopy structure on the site shall be removed prior to operation of the Motor Vehicles Sales and Rentals establishment.
9. 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.
10. 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.
11. Prior to operation of the Motor Vehicles Sales and Rentals establishment, the areas of the parking lot identified on the plan referenced in Condition 1 above shall be repaved and the entire 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).
12. There shall be no storage of tires, merchandise, or debris of any kind outside of the building.
13. No outside storage of vehicles in a state of obvious disrepair shall be permitted on the site.
14. There shall be no auto repair or service on the site.
15. There shall be no outside audio speakers for any purpose.
16. 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.
17. 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.
18. 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 # 9**

**Ocean Rental Properties, LLC [Applicant] Ocean Rental Properties, LLC; Robert Arthur, Jr., & Margaret Burd Perkins; & Thomas J. Schwartz & Colleen Hurley-Schwartz [Property Owners]**

**Street Closure**

**Adjacent addresses: Portion of unimproved right-of-way south of Norfolk Avenue and north of 516 & 518 Norfolk Avenue Units A & B**

**June 9, 2021**

**RECOMMENDED APPROVAL - CONSENT**

Mr. Wall: Okay, thank you. The next item is agenda item number nine. Ocean Rental Properties, LLC is the applicant. Ocean Rental Properties, LLC, Robert Arthur Jr. and Margaret Burd Perkins and Thomas J. Schwartz and Colleen Hurley-Schwartz are the property owners. The application is for a street closure and it is located in the Beach District. Is there a representative for this item?

Mr. Bourdon: Thank you Mr. Chairman, Vice Chairman Wall and members of the Commission for the record Eddie Bourdon, Virginia Beach Attorney representing the applicants. We appreciate being on the Consent Agenda. All 11 conditions, which set a record for a street closure, are acceptable. Appreciate HoA's work on this. It is a complicated set of facts and it deserves the 11 conditions. Thank you very much.

Mr. Wall: Okay. Thank you. Is there any opposition for this item to be placed on the consent agenda? Hearing none, the commission is asked Mr. Alcaraz to read this into the record.

Mr. Alcaraz: Alright. Thank you again. Again, this applicant requested four Conditional Use Permits on October 20, 2020. City Council approved four conditional use permits for the short term rentals at 516 Norfolk Avenue. A condition of the approval was to seek a street closure request for the unimproved portion of the right-of-way in front of 516 and 518 Norfolk Avenue to improve and provide parking on the subject property and not within the Norfolk Avenue right-of-way. As such, the applicant is following through on that request and is working with the adjacent property owners for the street closure. And for that reason, we put on the Consent Agenda.

Mr. Wall: Okay, thank you. That was the last item on the regular consent agenda. The Planning Commission also places the following applications for Conditional Use Permits for Short Term Rentals on the Consent Agenda, as they meet the applicable

requirements for Section 241.2 of the Zoning Ordinance. Staff and Planning Commission support the applications and there are no speakers signed up in opposition. These include agenda item number 28 Dan & Sara Bailey, agenda item number 31 Krista L. Woodlock, application number 37 Standard Community LLC, number 38 William Georghiou and number 39 Andrew Broyles. Those were the last items on the short-term rental consent agenda.

Mr. Weiner: Make a motion?

Mr. Wall: I move for approval of the following consent agenda items. Agenda item number 4 DHW joint venture.

Mr. Weiner: Just read the numbers.

Mr. Wall: Okay, just read the numbers. Number 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25 as well as the short-term rental applications number 28, 31, 37, 38, and 39.

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

Mr. Alcaraz: Second.

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

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda items 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25, 28, 31, 37, 38, and 39 have been recommended for approval by consent.

Mr. Weiner: Thank you. Thank you for those who had items on the consent agenda and that will now be scheduled for City Council. Now, we will move forward to the regular agenda.

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

## CONDITIONS

1. The access point in front of 516 Norfolk Avenue shall be closed and curb and gutter shall be reinstalled along this portion of Norfolk Avenue.
2. No more than two (2) vehicles shall be parked in front of 516 Norfolk Avenue, between the building and the right-of-way.
3. A fence shall be installed along the front property line and plantings shall be planted to screen to parking area.
4. The existing gravel in front of 516 Norfolk Avenue, between the building and right-of-way, shall be removed.
5. A parking agreement between the property owners of 516 and Unit B of 518 Norfolk Avenue shall be recorded within 180 days from the date of approval of this request.
6. The fence located in front of 518 Norfolk Avenue shall be relocated to not encroaches into the right-of-way unless an encroachment request is granted by the City.
7. The City Attorney's Office will make the final determination regarding ownership of the underlying fee. The purchase price to be paid to the City shall be determined according to the "Policy Regarding Purchase of City's Interest in Streets Pursuant to Street Closures," approved by City Council. Copies of the policy are available in the Planning Department.
8. A public utility easement(s), extending 5 feet in each direction of the water service lines and water meter boxes shall be recorded with the Clerk Circuit Court prior to final street closure approval.

9. The applicant shall resubdivide the properties and vacate internal lot lines to incorporate the closed area into the adjoining parcels. The plat must be submitted and approved for recordation prior to final street closure approval.
10. The applicant or the applicant's successors or assigns shall verify that no private utilities exist within the right-of-way proposed for the closure. If private utilities do exist, easements satisfactory to the utility company, must be provided.
11. Closure of the right-of-way shall be contingent upon compliance with the above stated conditions within 365 days of approval by City Council. If the conditions noted above are not accomplished and the final plat is not approved for recordation within one year of the City Council vote to close the right-of-way this approval shall be considered null and void.

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

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

**Item # 10**

**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**

**June 9, 2021**

**DEFERRED FOR 30 DAYS**

Mr. Weiner: Thank you. Are there any other items to be deferred? Okay, the chair is aware of items, I'm just gonna go through this, items one for 30 days, item two for 30 days, item three for 30 days, item 10 for 30 days, item 12 for 30 days, item 23 for 30 days, and items 32 through 36 indefinite deferral. Can I have a motion? I'm sorry? Well, she already came in today; oh I am sorry, 22 for 30 days, 23 for 30 days. Okay.

Mr. Redmond: Mr. Chairman.

Mr. Weiner: Ms. Redmond.

Mr. Redmond: Mr. Chairman, pursuant to the state and local government conflict of interest act, I am making the following declaration. I am abstaining from the vote on deferring agenda item number 10. As I have a conflict on that application, which I will explain more fully when we actually hear it, I have a – have a letter on file with the city attorney's office.

Mr. Weiner: Thank you. Can I have a motion?

Mr. Inman: Mr. Chair.

Mr. Weiner: Oh, I am sorry, who's coming?

Mr. Inman: I need to make some disclosures of having talked to the city attorney about the matter that I should go ahead and do all these disclosures before we vote on



anything. So pursuant to the Conflicts of Interest Act, let me first say that as to items that are being financed by Town Bank, which therefore number 13, 14, 20, 21 and 29. I serve on an Advisory Board for Town Bank, which does not consider loans and/or approve loans, and disclosing my membership in that Advisory Board, and I believe I can participate in – in the decisions here today fairly and objectively and in the public interest. That's number one. Next, I'm disclosing that as to items 20 and 21 Pembroke Square Associates, my law firm represents the developer of the property and some of its principles, but I do not represent anyone on this project. And therefore, since I have no financial interest in the matter, and I made this disclosure, I feel I can participate objectively and fairly in the public interest. Last but not least, as to items 15, 16, 17, 18 MP Shore LLC, I represent one of the developers of the property, Terry Peterson but I do not have anything to do with this particular project. And I have no financial interest in it, and I'm making this disclosure and feel that I can fairly and objectively decide, make the decision in the public interest.

Mr. Weiner: Thank you, Mr. Inman. Can I get a motion on the deferred items, please?

Mr. Wall: Mr. Chair, I make a motion that we defer agenda items number 1, 2, 3, 10, 12, 15 and 16, 17 and 18, 22 and 23 for 30 days, 30-day deferral.

Mr. Weiner: And 32 to 36 for indefinite.

Mr. Wall: I'm sorry.

Mr. Weiner: 32 to 36 for indefinite.

Mr. Wall: Oh, and 32 through 36 for an indefinite deferral. Thank you.

Mr. Weiner: I have a motion. Can I have a second?

Mr. Horsley: Second.

Mr. Weiner: Have a motion by Mr. Wall and second by Mr. Horsley, we are ready to vote.

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda items 1, 2, 3, 12, 15 and 16, 17 and 18, 22 and 23 have been deferred for 30 days. Agenda Items 32, 33, 34, 35 and 36 have been deferred indefinitely. And by a vote of six in favor zero against with one abstention agenda item number 10 has been deferred for 30 days.

Mr. Weiner: Great, thank you. Next we'll move on to consent agenda and vice chair Wall will take over.

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

**Item # 11**

**Green Clean Auto Wash [Applicant & Property Owner]  
Conditional Use Permit (Car Wash Facility)  
3112 Virginia Beach Boulevard**

**June 9, 2021**

**RECOMMENDED FOR APPROVAL - HEARD**

Ms. Sandloop: Okay. Our first item on the regular agenda is item number 11. Green Clean Auto Wash, an application for a conditional use permit Car Wash Facility on property located at 3112 Virginia Beach Boulevard in the Lynnhaven District. Is the applicant or the applicant's representative present and if so please step to the podium.

Mr. Weiner: Good afternoon.

Mr. Royal: Afternoon Chairman Weiner, Vice Chair Wall, and members of the Planning Commission. For the record, I'm Randy Royal, Kimley-Horn Associates here to represent this project Green Clean Car Wash. Property zoned B-2, we need a use permit for the car wash currently, or previously it had bank operating and auto storage on there. We've worked with staff extensively; I don't think there are any problems. It's a nice looking building, modern style building. We took advantage of the setbacks to move it from 35 feet to 19 feet for a lot of reasons to kind of match the SGA, give it more the urban look to shield the parking from the passersby, and to get as far away from the residences as we could, the residence at the back of the property. We've got extensive landscaping, we've got more landscaping than is required and planning things bigger. Again, working with staff trying to come up with a nice project here, we have spoken to Steve Nimitz, who's the president of the Kings Grants Civic League, he had no opposition. There are three houses adjacent to the property and we got one of them, it's still who responded we sent certified letters but we talked to Ed and he had no problem with it. The site itself has five access points on it, very bad for traffic engineering. We've reduced that to two and the one on Virginia Beach Boulevard, where previously were three. There's one entrance and it's only an inbound and ingress entrance. So we've helped the traffic situation there. But I heard you at the pre-briefing this morning, and we probably didn't look at that close enough, but we certainly have now as far as the noise, Mr. Wall had a concern I'm sure all of you do. And I've got a couple of ideas that I'd like to add for stipulations, and then I'll kind of walk through how I think that helps. I've spoken to Mr. Dell about it. But number would be to put noise attenuators on the air blowers at the end of the tunnel if you will. Number two, there's not a pointer up here or is there? So if you look at the right side of the

building and no-no, you could stay up there with it site plan, please, thank you. So the wall, we would extend the wall on the top side there to further attenuate the – thank you perfect, up on the edge there, yeah, we would extend it down a little bit. Yeah, like that, which is going, I'll explain to you in a minute how that's going to help the numbers in there. So we'd like to propose those as two additional stipulations. And the rationale and Mr. Wall I heard you this morning, I went by and looked at the one at Edwin and Independence. And for one thing, the dryers on that particular unit are right at the edge makes a difference. I mean, they're not inbound whatsoever. I'm not saying that ours isn't loud too. But ours are maybe eight feet in or so. So you lose some there, lose some decimal levels. So 25 feet from the dryers, you should be hearing about 70 to 75 decibels. With the attenuators, we should drop that about 10. That gets us to 60 to 65. With the additional wall, that should get us another 5 to 10 decibels, getting all the way to the back there, which is about 130 feet to the closest residence, that's another 5 to 10 decibels. That gets us down to probably in the 40 to 50 decibel range. And I got to believe that Virginia Beach Boulevard is 65 decibels there now. So I get it, I absolutely do. But I think the levels and of course it's not a constant annoyance. It's a small part of the car wash that operates just at the end, but it's not a consistent noise 24/7 throughout the day. So we feel like with that, to get that down to probably 40 to 50 range and so you'll know everybody knows the echoes numbers, but you don't really know what they mean, 60 decibels is considered normal, 60 decibels is me talk not on the microphone but me talking 5 to 10 feet away a normal conversation or like an air conditioner unit running. So it's not bad, it comes on for a short period, dries the cars but again, the extra that we wanted to offer up Mr. Wall to try to mitigate this noise here. I've got the owner here if you have any specific questions about the car wash itself; he's done them all over Hampton Roads. It's a high end facility. There are no bays; it's just the tunnel, the automated car wash. Again, thank you, Mr. Doa, we've worked with him extensively on a lot of things on this project to try to make it the best we can, we've improved it further with these noise attenuation. So we're amenable to the stipulations, we'd like to propose the additional two stipulations for you, staff has recommended approval, we hope you will do the same to City Council. And I'll standby for questions. Thank you.

Mr. Weiner: Any questions? Jack?

Mr. Wall: No, I do appreciate that. Because in the past, applications have come through here and we've approved them and it can be very impactful to the adjacent property owners, you know, not just an impact, but you know, life changing, you know, financial impact as well. So I appreciate, you know, offering those the stipulations,

those conditions to be added. And I think you know, I would like to add those with the acceptance of the rest of the Planning Commission.

Mr. Horsley: Mr. Dell, did you work up some language there?

Mr. Dell: [Inaudible] [00:49:23]

Mr. Horsley: Okay.

Mr. Tajan: We can work with this and we'll add it as we move forward. But we can have condition number 10, to reduce noise impacts from the car wash and automatic dryers, noise attenuation shall be installed to reduce the noise from the automatic dryers exiting the car wash and an additional six foot wall shall be installed along the exit of the automatic car wash as approved by the Director of Planning.

Mr. Weiner: Okay, sounds good. Thank you.

Mr. Royal: Thank you.

Mr. Weiner: All right. There are no speakers correct?

Ms. Sandloop: No speakers sir.

Mr. Weiner: Jack.

Mr. Wall: I am ready to make a motion, okay. I'll make a motion that we approve agenda item number 14, is it 14?

Mr. Weiner: 11.

Mr. Wall: 11, a Green Clean Auto Wash with the added condition about the noise attenuation.

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

Mr. Horsley: Second.

Mr. Weiner: We have a second by Mr. Horsley. Motion by Mr. Wall and seconded by Mr. Horsley, ready to vote.

Ms. Sandloop: Okay. Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda item number 11 has been recommended for approval with conditions as added.

Mr. Royal: Thank you.

---

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



## CONDITIONS

1. When the property is redeveloped and landscaped, it shall be in substantial conformance with the submitted concept plan entitled, "Proposed Retail Development – Green Clean", prepared by Kimley-Horn, revised May 24, 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 property is redeveloped, the exterior of the convenience store building shall substantially adhere in appearance, size and materials to the elevations entitled, "Green Clean Auto Wash," prepared by SBA Studios Architectural Design, dated April 29, 2021, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
3. When the property is developed, the monument sign shall substantially adhere in appearance, size and materials to the elevations entitled, "Exterior Monument Signage", dated May 7, 2021, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
4. A Landscape Plan shall be submitted that contains the plantings and screenings references in Condition 1 above that includes but not limited to the following:
  - a. As depicted on the plan as the "15-foot Cat. IV Landscape Buffer", along adjacent properties that are residentially zoned, evergreen trees shall be installed at a minimum of six (6) feet in height and be allowed to grow and be maintained at a height of no less than ten (10) feet and the required shrubs shall be allowed to grow and be maintained at a height of no less than four feet;
  - b. As depicted on the plan, the row of evergreen trees along the northern parking/vacuum stations shall be installed at a minimum of six (6) feet and be allowed to grow and be maintained at a height of no less than eight (8) feet.

A Site Plan shall not be released until the Landscape Plan is approved by the Development Service Center Landscape Architect. Any dead, diseased, or dying plantings shall be replaced by the next planting cycle. The privacy fence shall be maintained in good condition.

5. The dumpster shall be enclosed with a solid brick wall in color and material to match the building and any required screening shall be installed in accordance with Section 245(e) of the Zoning Ordinance.
6. The hours of operation of the automated car wash and vacuums shall be limited to between the hours of 8:00 a.m. to 8:00 p.m. daily.
7. All light poles shall be no taller than 14 feet in height.
8. The hoses and poles for the vacuum system shall be of a neutral earth tone color.
9. Any onsite signage shall meet the requirements of the City Zoning Ordinance, unless otherwise approved by the Board of Zoning Appeals, and there shall be no neon, other than individual channel letters lighted with internal neon and as approved by the Zoning Administrator, 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. There shall be no window

signage permitted. The building signage shall not be a “box sign” and the proposed sign package shall be submitted to the Zoning Administrator for review and acceptance prior to the issuance of a sign 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 # 12**

**Design by Eleni, Inc. [Applicant & Property Owner]  
Change in Nonconformity  
2416 Seaview Avenue**

**June 9, 2021**

**DEFERRED FOR 30 DAYS**

Mr. Weiner: Thank you. Are there any other items to be deferred? Okay, the chair is aware of items, I'm just gonna go through this, items one for 30 days, item two for 30 days, item three for 30 days, item 10 for 30 days, item 12 for 30 days, item 23 for 30 days, and items 32 through 36 indefinite deferral. Can I have a motion? I'm sorry? Well, she already came in today; oh I am sorry, 22 for 30 days, 23 for 30 days. Okay.

Mr. Redmond: Mr. Chairman.

Mr. Weiner: Ms. Redmond.

Mr. Redmond: Mr. Chairman, pursuant to the state and local government conflict of interest act, I am making the following declaration. I am abstaining from the vote on deferring agenda item number 10. As I have a conflict on that application, which I will explain more fully when we actually hear it, I have a – have a letter on file with the city attorney's office.

Mr. Weiner: Thank you. Can I have a motion?

Mr. Inman: Mr. Chair.

Mr. Weiner: Oh, I am sorry, who's coming?

Mr. Inman: I need to make some disclosures of having talked to the city attorney about the matter that I should go ahead and do all these disclosures before we vote on

anything. So pursuant to the Conflicts of Interest Act, let me first say that as to items that are being financed by Town Bank, which therefore number 13, 14, 20, 21 and 29. I serve on an Advisory Board for Town Bank, which does not consider loans and/or approve loans, and disclosing my membership in that Advisory Board, and I believe I can participate in – in the decisions here today fairly and objectively and in the public interest. That's number one. Next, I'm disclosing that as to items 20 and 21 Pembroke Square Associates, my law firm represents the developer of the property and some of its principles, but I do not represent anyone on this project. And therefore, since I have no financial interest in the matter, and I made this disclosure, I feel I can participate objectively and fairly in the public interest. Last but not least, as to items 15, 16, 17, 18 MP Shore LLC, I represent one of the developers of the property, Terry Peterson but I do not have anything to do with this particular project. And I have no financial interest in it, and I'm making this disclosure and feel that I can fairly and objectively decide, make the decision in the public interest.

Mr. Weiner: Thank you, Mr. Inman. Can I get a motion on the deferred items, please?

Mr. Wall: Mr. Chair, I make a motion that we defer agenda items number 1, 2, 3, 10, 12, 15 and 16, 17 and 18, 22 and 23 for 30 days, 30-day deferral.

Mr. Weiner: And 32 to 36 for indefinite.

Mr. Wall: I'm sorry.

Mr. Weiner: 32 to 36 for indefinite.

Mr. Wall: Oh, and 32 through 36 for an indefinite deferral. Thank you.

Mr. Weiner: I have a motion. Can I have a second?

Mr. Horsley: Second.

Mr. Weiner: Have a motion by Mr. Wall and second by Mr. Horsley, we are ready to vote.

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda items 1, 2, 3, 12, 15 and 16, 17 and 18, 22 and 23 have been deferred for 30 days. Agenda Items 32, 33, 34, 35 and 36 have been deferred indefinitely. And by a vote of six in favor zero against with one abstention agenda item number 10 has been deferred for 30 days.

Mr. Weiner: Great, thank you. Next we'll move on to consent agenda and vice chair Wall will take over.

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

**Item # 13**

**Atherton Construction & Development, Inc. [Applicant & Contract Purchaser] The Open Door Chapel, Inc. [Property Owner]  
Modification of Conditions (Religious Use)  
3177 Virginia Beach Boulevard**

**June 9, 2021**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Wall: Okay, thank you. The next application on the agenda is agenda item number 13. Atherton Construction & Development Incorporate is the applicant; the Open Door Chapel Incorporated is the property owner.

Ms. Sandloop: Mr. Wall, we have the representative as WebEx for Atherton. Okay, I'm calling Troy Parker. Did I skip – Did I do something wrong? And we're good. Okay. Troy Parker is the representative. He is on WebEx. Mr. Parker if you would please pause two to three seconds, state your name and then please begin your comments.

Mr. Parker: Yes, hello, this is Troy Parker. I'm here representing Atherton Construction Development, here to answer any questions concerning the proposed change in use on some property that we're purchasing from the church to complete approximately 25,000 square foot development in front of the church. Thank you.

Mr. Wall: Are the two conditions acceptable?

Mr. Parker: Yes.

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

Mr. Horsley: Thank you, Vice Chairman, that's better, I guess. In 1978, a conditional use permit was approved by City Council for a Religious Use on a 7.12-acre parcel. In January of this – this year, a modification of conditions to that conditional use permit was granted by City Council to remove 0.5 acres from that use permit to use for parking for a retail development next door – to the North. Now they're asking to remove 1.7 acres from that use permit to provide additional parking for that retail development. Staff has looked at this; the church still has plenty of acreage for parking, and plenty of parking left, so they thought it was fine to do that. So there weren't any – any opposition so we decided to place it on the consent agenda. Thank you.

Mr. Wall: Okay, thank you Mr. Horsley. The next item on the consent agenda is agenda item number 19, 3323 Shore Drive LLC. Requesting conditional use permit for

Commercial Marina is located in the Lynnhaven District. Is there a representative for this item?

Mr. Faduro: Good afternoon. I'm Ray Faduro representing the applicant and the property owner for the item 19 and we will take it as it stands with the recommendation.

Mr. Wall: Okay, thank you.

Mr. Faduro: You can ask any questions if you need. Thank you.

Mr. Wall: Are the – are the two conditions acceptable?

Mr. Faduro: Yes, they are.

Mr. Wall: Okay. Thank you, sir.

Mr. Faduro: Very much.

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

Mr. Coston: The applicant is proposing to construct two docks each adjacent to the existing Bubba's Seafood and Shellfish Company restaurants to accommodate birthing personal watercraft of restaurant customers. The proposed dock for Bubba's will be approximately 12 feet wide by 75 feet long. The proposed dock for Shellfish Company will be approximately 12 feet wide by 55 feet long. Timber stairs will be provided to access – access the restaurants from each dock. A Joint Permit was submitted to construct the proposed dock at Bubba's Seafood Restaurant on April 7th, 2020. A Joint Permit Application was submitted to construct the proposed dock at Shellfish Company on May 5th, 2020. The Waterfront Permit is pending the approval of the conditional use permit. The staff recommended approval and the Planning Commission concurs therefore, we've placed this on the consent agenda.

Mr. Wall: Okay, thank you. That was the last item on 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 Planning Commission support the applications and there are no speakers signed up in opposition. These include agenda item number 28 Dan & Sara Bailey, agenda item number 31 Krista L. Woodlock, application number 37 Standard Community LLC, number 38 William Georghiou and number 39 Andrew Broyles. Those were the last items on the short-term rental consent agenda.

Mr. Weiner: Make a motion?



Mr. Wall: I move for approval of the following consent agenda items. Agenda item number 4 DHW joint venture.

Mr. Weiner: Just read the numbers.

Mr. Wall: Okay, just read the numbers. Number 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25 as well as the short-term rental applications number 28, 31, 37, 38, and 39.

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

Mr. Alcaraz: Second.

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

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda items 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25, 28, 31, 37, 38, and 39 have been recommended for approval by consent.

Mr. Weiner: Thank you. Thank you for those who had items on the consent agenda and that will now be scheduled for City Council. Now, we will move forward to the regular agenda.

---

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

**CONDITIONS**

1. All conditions attached to the Modification of Conditions granted on January 5, 2021 are hereby deleted and superseded by the following conditions.
2. Prior to site plan approval for the redevelopment of the property to the north that depicts the 0.58-acre portion and 0.17-acre portion of the church’s property to be incorporated into that site as parking areas, the applicant/owner shall submit a subdivision plat 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 # 14**

**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**

**June 9, 2021**

**RECOMMENDED FOR APPROVAL - HEARD**

Mr. Weiner: Before we move to item 14, I need to abstain from this item. Pursuant to the State and Local Government Conflicts of Interest Act, I make the following declaration I'm executing a written disclosure regarding the Planning Commission's discussion and vote for item number 14 Beach Building Group 2332 & 2328 Pleasure House Road. Virginia Beach the applicant is a client of mine, Batchelder & Collins, 2305 Granby Street, Norfolk, Virginia and I may have a financial and personal interest in this transaction. Therefore I abstain from this item and I will step away and Mr. Wall will take over.

Mr. Wall: Okay.

Ms. Sandloop: Okay. Next agenda item is agenda item number 14 Beach Building Group Incorporated, an application for a conditional change of zoning, R-7.5 residential district to conditional A-18 apartment district on property located at 2332 and 2328 Pleasure House Road in the Bayside District.

Mr. Bourdon: Mr. Vice Chair, members of the Commission for the record Eddie Bourdon Virginia Beach Attorney representing Beach Building Group, Inc. Mr. Jonathan Speight, Principal of Beach Building Group Inc, is with us this afternoon. This is an assemblage of three parcels of property that's been put together at the 2332 & 2328 Pleasure House Road, subject property abuts the Windsong Apartments, which have a density that's greater than is proposed on this property and has been approved for an even greater density. This is a conditional rezoning to develop an eight unit condominium for sale units, not apartments. They're very attractive, high quality units; the Bayfront Advisory Commission which recommended approval of this without any negative votes whatsoever. Their design committee we worked with them made some modifications and enhancements to the architectural elevations of the units. They were very, very pleased with the end product. As I said the density is 13.79 units per acre. That's the density; the A-18 is just per lot

coverage. So it's more than four units below A-18 density. We have a total of 16 outside parking spaces and 16 garage parking spaces on site. So it's four for each unit, plenty of parking, one access to Pleasure House Road, we've got with the Windsong Apartment redevelopment, they will be putting extensive landscaping and fencing along our eastern boundary and our southern boundary. We are landscaping the street frontage as well as the northern boundary where we are adjacent to a single family dwelling. But that is a part of the Windsong Complex. The staff did a great job working with us and as recommended approval of the application. The number of units, as I say, are less than what is around us, this would have made perfectly good sense as a rezoning with Windsong as it currently is. The redevelopment is going to take place is at a much higher density than is currently there. When that rezoning was going forward, it's my understanding that the Chesapeake Beach Civic League, which is not taking a position opposed to this, and they've been advised of this and the plans were provided to them initially and then after they were revised. They had indicated I believe that they, if Windsong had redeveloped at 18 units per acre they'd have been, you know, they would not have had any opposition. And again, this is at 13.79 units per acre. For sale units, not apartments, we've proffered that the units cannot be rented for any period less than 30 days. And when you do your lease or whatever, you know, you're still going to have people carry over it month to month so that's the reason for the 30 days but that's in here that it will be a condominium and the units will be for sale. Be happy to answer any questions that any of you may have.

Mr. Wall: Thank you. Are there any, any questions for the applicant?

Mr. Bourdon: Thank you.

Ms. Sandloop: Mr. Wall, we have one speaker. And she is via WebEx, Kim Mayo, if you would wait two to three seconds, and then state your name and please start your comments.

Ms. Mayo: Hello. Is my voice okay?

Ms. Sandloop: Please begin your comments.

Ms. Mayo: Okay. Hi, everyone. Thank you. This is Kim Mayo. I'm at Secure Court, which is directly across the street from 2332 Pleasure House Road. I want to welcome the new planning council members; I will be speaking today briefly in opposition to this proposal. It's only half an acre and they want to cram eight units in there. It's currently zoned for residential 7.5, not 18 apartment districts. They'll do very well in this market just selling as is, no need to pose a risk to others by changing zoning. Two wrongs don't make a right and 30-day rental sounds pretty short term to me as well. The City of Virginia Beach, including plans with planning council is required to adhere to the comprehensive plan last updated May 17th, 2016 with regards to zoning determinations. Comprehensive plan was unfortunately ignored on both Windsong and Westminster. And the results were a lawsuit against our great city and against developers by the abutters. The fact that these ever got approved is really troubling and embarrassing. Residents deserve to be respected and his plan should be followed. Nobody wants these lawsuits, and I also stand with area residents and the OP on opposition to Marlin Bay. Concerns about Pleasure House Road echo during Windsong hearings are not minor. They include flooding. I've personally witnessed the area surrounding 2332 Pleasure House Road flood and flood badly many, many times. The project puts lives in danger, lives in danger with increased traffic as a result of the greater residential density, too many close calls with pedestrians, bicyclists, and moms with baby strollers on Pleasure House Road. And also there are concerns about decreased property values during the construction period. There would be a lot of noise, vibrations, odors, construction debris and reduced air quality for those with asthma for both this project and Windsong. Again in conclusion, we ask that you follow the comprehensive plan. Thank you so much for your time. I'll take my comments off the air.

Mr. Wall: Thank you. Are there any questions? Alright. Does the applicant to rebut...

Mr. Bourdon: I do have a couple of things, like to point out. The first is that as staff is recommended this is exactly in accordance with our comprehensive plan. And that's why it's being recommended. It's also why it's being recommended by the Shore Drive Advisory Commission. The other thing that point out is that directly across the street where Ms. Mayo resides on Secure Court that properties zoned A-18, there are nine units on it. And I don't know that it has any more land than this property has on it may have a slight amount more but it's a fraction, it's not, they don't have anywhere near an acre either. Same zoning, same density, and probably higher density than what this application involves. So it's – it's and the 30 days is just a minimum of these. If somebody there for sale, but if somebody rents out their unit, it will not be a short-term rental by restriction, that's the point. I'll be happy to answer any questions.

Mr. Wall: Okay. Thank you. Are there any questions for Mr. Bourdon? Oh just one.

Mr. Alcaraz: Mr. Bourdon your client already established or started the stormwater plan and going through the extent of that?

Mr. Bourdon: Yeah, they've begun that but in this part of the city, we don't have to do the same level at before coming for entitlement because on a project of this, of this size to spend those 10s of 1000s of dollars but yes they will be able to do the – using filteras under the parking areas and the drive aisle, they'll be able to meet the requirements. Thank you.

Mr. Alcaraz: Okay thank you.

Mr. Wall: All right. I'm going to open the floor for discussion. Mr. Redmond.

Mr. Redmond: Thank you, Mr. Wall. Well, first off, I support this application looks to me to be very appropriate application, I like the design, the site plan seems to be well thought out, I would only, I have no doubt whatsoever that with regard to stormwater, it will be nothing but an improvement because he's already told us what the measures would be. And I think everybody has to remember number one, Virginia Beach has the most stringent stormwater regulations in the Commonwealth of Virginia, we looked at it probably be a whole bunch of other states nearby us, but it's us. And it is not an application that is ever going to get through site plan review. In this environment that's fall short of the standards that we've set. So I'm comfortable with the stormwater not just that it won't be a problem, but that will be an improvement to the site because it's far more modern and more intense than has ever been on the site before. And I also would point out at 13 units to acre, there are hundreds of units in this neighborhood, that are a density higher than 13 units to the acre, you can drive down Shore Drive and see three storey apartment complexes in very, very close proximity to this that are far, that are denser than this. I think this is a fine use of this property. It's well landscaped. And I particularly like the design of the buildings, so I think is a very high quality design. I bet you they sell quick; I bet it will be very nice places to live. So anyway, I will support it. Thanks.

Mr. Wall: Okay. Mr. Inman.

Mr. Inman: Yeah, I certainly agree what David says, this property is surrounded by denser uses. The highest best use of this property should be a higher density. We're basically only adding six residential units on the site. By doing this, they are very attractive; they've got excellent restrictions that Mr. Bourdon referred to that will be recorded. There won't be any short term rental in here and so I support the application.

Mr. Wall: Okay, thank you. Anyone else? Oh, well, I've got a couple of things. One is, you know, I support the application too. I think it's attractive. I think it does fit the character of the neighborhood and along Pleasure House. So I'm in support as well. Okay. Mr. Redmond.

Mr. Redmond: Mr. Chairman – Mr. Vice Chairman in his acting capacity as chairman, I move approval of agenda item number 14.

Mr. Inman: I'll second it.

Mr. Wall: Okay. Thank you. I've got a second. So Mr. Redmond makes a motion to approve. Mr. Inman makes a motion as the second, call for the vote.

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner is abstaining. By recorded vote of six in favor and zero against with one abstention agenda item number 14 has been recommended for approval.

Mr. Wall: Thank you.

Mr. Bourdon: Thank you very much.

---

|         | AYE 6 | NAY 0 | ABS 1 | ABSENT 4 |
|---------|-------|-------|-------|----------|
| Alcaraz | AYE   |       |       |          |



|         |     |  |         |        |
|---------|-----|--|---------|--------|
| Barnes  |     |  |         | ABSENT |
| Coston  | AYE |  |         |        |
| Graham  |     |  |         | ABSENT |
| Horsley | AYE |  |         |        |
| Inman   | AYE |  |         |        |
| Klein   |     |  |         | ABSENT |
| Oliver  |     |  |         | ABSENT |
| Redmond | AYE |  |         |        |
| Wall    | AYE |  |         |        |
| Weiner  |     |  | ABSTAIN |        |

**PROFFERS**

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

**Proffer 1:**

When the Property is redeveloped, it shall be improved with an eight (8) unit residential condominium with fencing, landscaping and access substantially as shown on the exhibits entitled “CONCEPTUAL LAYOUT PLEASURE HOUSE ROAD DEVELOPMENT VIRGINIA BEACH, VIRGINIA”, dated 10/27/2020 and “CONCEPTUAL PLANTING LAYOUT PLEASURE HOUSE ROAD DEVELOPMENT VIRGINIA BEACH, VIRGINIA”, dated 10/27/2020, prepared by WPL, which has been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning (hereinafter “Rezoning Exhibit”).

**Proffer 2:**

The architectural design of the buildings depicted on the Rezoning Exhibit will be as depicted on the exhibit entitled, “CONDOMINIUM PLANS PLEASURE HOUSE ROAD” – “ELEVATIONS”, dated 11/1/20, (hereinafter “Elevations”) with the primary exterior building materials being premium vinyl and architectural shingles. The elevations have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning.

**Proffer 3:**

When the Property is developed, the party of the first part shall record a Declaration submitting the Property to the Condominium Act of the Commonwealth of Virginia which shall include a restriction prohibiting the rental of any unit for a term of less than thirty (30) days. The Condominium Unit Owners' Association shall be responsible for maintaining all open spaces, common areas, landscaping and other improvements on the Property as depicted on the Concept Plan. Membership, by all residential unit owners, in the Condominium Association shall be mandatory.

**Proffer 4:**

Further conditions may be required by the Grantee during detailed Site Plan review and administration of applicable City codes by all cognizant City agencies and departments to meet all applicable City code requirements.

**Staff Comments:** Staff has reviewed the Proffers listed above and finds them acceptable as they provide a high level of predictability related to the ultimate site layout, vehicular ingress/egress, landscaping, building architecture and exterior building materials. The City Attorney's Office has reviewed the agreement and found it to be legally sufficient and in acceptable legal form.

**Items # 15 & 16**

**JTR, LLC [Applicant] JTR, LLC; Bayliner Building, LLC & Shore Drive Area Properties  
[Property Owners]**

**Street Closures**

**Adjacent Address: Portion of Ocean Tides Drive, south of Shore Drive and north of  
Clipper Bay Drive, and a portion of Clipper Bay Drive right-of-way, south of Shore Drive  
and west of Ocean Tides Drive**

**June 9, 2021**

**DEFERRED FOR 30 DAYS**

Ms. Murphy: Good afternoon, members of the Planning Commission. For the record, my name is Lisa Murphy, local zoning attorney. And this may be a little bit redundant. I'm here on behalf of JTR LLC and MP Shore, and we are requesting a 30-day deferral of agenda items 15, 16, 17 and 18. And when we requested the deferral, we made sure to reach out to the Ocean Park Civic League and Shore Drive Community Coalition and we'll continue to keep them involved in the process. Thank you.

Mr. Weiner: Thank you. Are there any other items to be deferred? Okay, the chair is aware of items, I'm just gonna go through this, items one for 30 days, item two for 30 days, item three for 30 days, item 10 for 30 days, item 12 for 30 days, item 23 for 30 days, and items 32 through 36 indefinite deferral. Can I have a motion? I'm sorry? Well, she already came in today; oh I am sorry, 22 for 30 days, 23 for 30 days. Okay.

Mr. Redmond: Mr. Chairman.

Mr. Weiner: Ms. Redmond.

Mr. Redmond: Mr. Chairman, pursuant to the state and local government conflict of interest act, I am making the following declaration. I am abstaining from the vote on deferring agenda item number 10. As I have a conflict on that application, which I will explain more fully when we actually hear it, I have a – have a letter on file with the city attorney's office.

Mr. Weiner: Thank you. Can I have a motion?

Mr. Inman: Mr. Chair.

Mr. Weiner: Oh, I am sorry, who's coming?

Mr. Inman: I need to make some disclosures of having talked to the city attorney about the matter that I should go ahead and do all these disclosures before we vote on anything. So pursuant to the Conflicts of Interest Act, let me first say that as to items that are being financed by Town Bank, which therefore number 13, 14, 20, 21 and 29. I serve on an Advisory Board for Town Bank, which does not consider loans and/or approve loans, and disclosing my membership in that Advisory Board, and I believe I can participate in – in the decisions here today fairly and objectively and in the public interest. That's number one. Next, I'm disclosing that as to items 20 and 21 Pembroke Square Associates, my law firm represents the developer of the property and some of its principles, but I do not represent anyone on this project. And therefore, since I have no financial interest in the matter, and I made this disclosure, I feel I can participate objectively and fairly in the public interest. Last but not least, as to items 15, 16, 17, 18 MP Shore LLC, I represent one of the developers of the property, Terry Peterson but I do not have anything to do with this particular project. And I have no financial interest in it, and I'm making this disclosure and feel that I can fairly and objectively decide, make the decision in the public interest.

Mr. Weiner: Thank you, Mr. Inman. Can I get a motion on the deferred items, please?

Mr. Wall: Mr. Chair, I make a motion that we defer agenda items number 1, 2, 3, 10, 12, 15 and 16, 17 and 18, 22 and 23 for 30 days, 30-day deferral.

Mr. Weiner: And 32 to 36 for indefinite.

Mr. Wall: I'm sorry.

Mr. Weiner: 32 to 36 for indefinite.

Mr. Wall: Oh, and 32 through 36 for an indefinite deferral. Thank you.

Mr. Weiner: I have a motion. Can I have a second?

Mr. Horsley: Second.

Mr. Weiner: Have a motion by Mr. Wall and second by Mr. Horsley, we are ready to vote.

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda items 1, 2, 3, 12, 15 and 16, 17 and 18, 22 and 23 have been deferred for 30 days. Agenda Items 32, 33, 34, 35 and 36 have been deferred indefinitely. And by a vote of six in favor zero against with one abstention agenda item number 10 has been deferred for 30 days.

Mr. Weiner: Great, thank you. Next we'll move on to consent agenda and vice chair Wall will take over.

---

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



**Items # 17-18**

**MP Shore, LLC [Applicant] JTR, LLC; Bayliner Building, LLC; Shore Drive Area Properties, LLC & City of Virginia Beach [Property Owners]  
Conditional Change of Zoning (B-2 and PD-H1 Districts to Conditional B-4 Mixed Use District)  
Conditional Use Permit (Multi-Family Dwellings)  
3829 & 3785 Shore Drive, adjacent parcel between Marlin Bay Drive and 3829 Shore Drive**

**June 9, 2021**

**DEFERRED FOR 30 DAYS**

Ms. Murphy: Good afternoon, members of the Planning Commission. For the record, my name is Lisa Murphy, local zoning attorney. And this may be a little bit redundant. I'm here on behalf of JTR LLC and MP Shore, and we are requesting a 30-day deferral of agenda items 15, 16, 17 and 18. And when we requested the deferral, we made sure to reach out to the Ocean Park Civic League and Shore Drive Community Coalition and we'll continue to keep them involved in the process. Thank you.

Mr. Weiner: Thank you. Are there any other items to be deferred? Okay, the chair is aware of items, im just gonna go through this, items one for 30 days, item two for 30 days, item three for 30 days, item 10 for 30 days, item 12 for 30 days, item 23 for 30 days, and items 32 through 36 indefinite deferral. Can I have a motion? I'm sorry? Well, she already came in today; oh I am sorry, 22 for 30 days, 23 for 30 days. Okay.

Mr. Redmond: Mr. Chairman.

Mr. Weiner: Ms. Redmond.

Mr. Redmond: Mr. Chairman, pursuant to the state and local government conflict of interest act, I am making the following declaration. I am abstaining from the vote on deferring agenda item number 10. As I have a conflict on that application, which I will explain more fully when we actually hear it, I have a – have a letter on file with the city attorney's office.

Mr. Weiner: Thank you. Can I have a motion?



Mr. Inman: Mr. Chair.

Mr. Weiner: Oh, I am sorry, who's coming?

Mr. Inman: I need to make some disclosures of having talked to the city attorney about the matter that I should go ahead and do all these disclosures before we vote on anything. So pursuant to the Conflicts of Interest Act, let me first say that as to items that are being financed by Town Bank, which therefore number 13, 14, 20, 21 and 29. I serve on an Advisory Board for Town Bank, which does not consider loans and/or approve loans, and disclosing my membership in that Advisory Board, and I believe I can participate in – in the decisions here today fairly and objectively and in the public interest. That's number one. Next, I'm disclosing that as to items 20 and 21 Pembroke Square Associates, my law firm represents the developer of the property and some of its principles, but I do not represent anyone on this project. And therefore, since I have no financial interest in the matter, and I made this disclosure, I feel I can participate objectively and fairly in the public interest. Last but not least, as to items 15, 16, 17, 18 MP Shore LLC, I represent one of the developers of the property, Terry Peterson but I do not have anything to do with this particular project. And I have no financial interest in it, and I'm making this disclosure and feel that I can fairly and objectively decide, make the decision in the public interest.

Mr. Weiner: Thank you, Mr. Inman. Can I get a motion on the deferred items, please?

Mr. Wall: Mr. Chair, I make a motion that we defer agenda items number 1, 2, 3, 10, 12, 15 and 16, 17 and 18, 22 and 23 for 30 days, 30-day deferral.

Mr. Weiner: And 32 to 36 for indefinite.

Mr. Wall: I'm sorry.

Mr. Weiner: 32 to 36 for indefinite.

Mr. Wall: Oh, and 32 through 36 for an indefinite deferral. Thank you.

Mr. Weiner: I have a motion. Can I have a second?

Mr. Horsley: Second.

Mr. Weiner: Have a motion by Mr. Wall and second by Mr. Horsley, we are ready to vote.

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda items 1, 2, 3, 12, 15 and 16, 17 and 18, 22 and 23 have been deferred for 30 days. Agenda Items 32, 33, 34, 35 and 36 have been deferred indefinitely. And by a vote of six in favor zero against with one abstention agenda item number 10 has been deferred for 30 days.

Mr. Weiner: Great, thank you. Next we'll move on to consent agenda and vice chair Wall will take over.

---

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



**Item # 19**

**3323 Shore Drive, LLC [Applicant & Property Owner]  
Conditional Use Permit (Commercial Marina)  
3323 Shore Drive**

**June 9, 2021**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Wall: Okay, thank you Mr. Horsley. The next item on the consent agenda is agenda item number 19, 3323 Shore Drive LLC. Requesting a conditional use permit for a Commercial Marina located in the Lynnhaven District. Is there a representative for this item?

Mr. Faduro: Good afternoon. I'm Ray Faduro representing the applicant and the property owner for the item 19 and we will take it as it stands with the recommendation.

Mr. Wall: Okay, thank you.

Mr. Faduro: You can ask any questions if you need. Thank you.

Mr. Wall: Are the – are the two conditions acceptable?

Mr. Faduro: Yes, they are.

Mr. Wall: Okay. Thank you, sir.

Mr. Faduro: Very much.

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

Mr. Coston: The applicant is proposing to construct two docks each adjacent to the existing Bubba's Seafood and Shellfish Company restaurants to accommodate birthing personal watercraft of restaurant customers. The proposed dock for Bubba's will be approximately 12 feet wide by 75 feet long. The proposed dock for Shellfish Company will be approximately 12 feet wide by 55 feet long. Timber stairs will be provided to access the restaurants from each dock. A Joint Permit Application was submitted to construct the proposed dock at Bubba's Seafood Restaurant on April 7th, 2020. A Joint Permit Application was submitted to construct the proposed dock at Shellfish Company on May 5th, 2020. The Waterfront Permit is pending the approval of the conditional use permit. The staff recommended approval and the Planning Commission concurs therefore, we've placed this on the consent agenda.

Mr. Wall: Okay, thank you. That was the last item on 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 Planning Commission support

the applications and there are no speakers signed up in opposition. These include agenda item number 28 Dan & Sara Bailey, agenda item number 31 Krista L. Woodlock, application number 37 Standard Community LLC, number 38 William Georgiou and number 39 Andrew Broyles. Those were the last items on the short-term rental consent agenda.

Mr. Weiner: Make a motion?

Mr. Wall: I move for approval of the following consent agenda items. Agenda item number 4 DHW joint venture.

Mr. Weiner: Just read the numbers.

Mr. Wall: Okay, just read the numbers. Number 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25 as well as the short-term rental applications number 28, 31, 37, 38, and 39.

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

Mr. Alcaraz: Second.

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

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda items 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25, 28, 31, 37, 38, and 39 have been recommended for approval by consent.

Mr. Weiner: Thank you. Thank you for those who had items on the consent agenda and that will now be scheduled for City Council. Now, we will move forward to the regular agenda.

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

**CONDITIONS**

1. No additional restaurant seating shall be allowed on the proposed 12-foot wide docks for Bubba’s Restaurant and the Shellfish Co., unless a BZA Variance or Parking Agreement are obtained to allow for additional seating.
2. A Joint Permit Application shall be approved by the Department of Planning and Community Development and a building permit obtained from Permits and Inspections for each dock prior to beginning construction.

*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 # 20**

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

**June 9, 2021**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Wall: Thank you. The next item on the agenda is number 20. Pembroke Square Associates LLC, they're both the applicant and the property owner. Is there a representative for this item?

Mr. Bourdon: Thank you, Eddie Bourdon, Virginia Beach Attorney representing Pembroke Square Associates on item number 20 as well as item number 21. I remember 20 is a conditional rezoning. So obviously, we agree with our proffers. We appreciate being on the consent agenda. I want to take just a second to thank Ashby Moss and director Bobby Tajan for their work with us on this application. And I also would want to let the commission know, another two records in one – one meeting, the public outreach on this, they had a, we had a outreach that had YouTube TV, I think it was over 400 people, either the 30 or so that attended in person on TV because they could monitor how many people were watching from homes. Over 400 people reviewed this with us about six weeks ago, which that's a lot of people for public outreach meeting. I appreciate everybody's assistance with this.

Mr. Wall: Okay, thank you. Is there any opposition for this being placed on the consent agenda? Hearing none, we've asked Mr. Redmond to read this into the record.

Mr. Redmond: Thank you, Mr. Wall. Agenda items number 20 and 21 do two things. One is a conditional rezoning from B-3 Central Business District to conditional CBC Central Business Core District. It's a very complex application, I would urge you to read it, and we would be here for another 45 minutes if you ask me to do all that. This is the purpose for which we had a Pembroke area strategic growth area plan and subsequently revise – revised the zoning ordinances and created new zoning categories was to encourage this type of development at this site and others within the Pembroke SGA. The second part of this application is the conditional use permit for a senior housing facility. You can see the renderings here before us. It is – it is well designed, it's attractive, it fits well on that corner of Jeanne Street and Constitution Drive, it certainly will be a fit well within – within this district, and I think provide another option for our citizens to live. Everybody knows there's an



enormous shortage of housing in our city and frankly throughout the United States. The applicant was receptive to some changes to the design of this building that I think enhanced it and I'm sure it will be a credit to this neighborhood to this district and to our city as a whole. Therefore, the commission views that this is quite appropriate for consent and we look forward to its development and all its contributions and other contributions to come, thank you Mr. Wall.

Mr. Wall: Okay, thank you. So these are these are two applications. The first one was application agenda item number 20, which was for conditional rezoning for B-3 central business to conditional CBC central business, and Mr. Redmond just read that into the record. Now for agenda item number 21. Its Pembroke Square Associates, LLC is the applicant property owner for conditional use permit for housing for seniors are the two conditions that fall?

Mr. Bourdon: Acceptable to client.

Mr. Wall: Okay. Thank you. Is there any opposition for this item to be placed on the consent agenda? And Mr. Redmond, I believe read that one as well and combine them together. So okay, thank you. The next item on the consent agenda is agenda item number 24. Marie Strom is the applicant and Aloha LLC is the property owner for a conditional use permit, tattoo parlor located in the Beach District. Is there a representative for this item?

Mr. Wall: Okay, thank you. That was the last item on 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 Planning Commission support the applications and there are no speakers signed up in opposition. These include agenda item number 28 Dan & Sara Bailey, agenda item number 31 Krista L. Woodlock, application number 37 Standard Community LLC, number 38 William Georghiou and number 39 Andrew Broyles. Those were the last items on the short-term rental consent agenda.

Mr. Weiner: Make a motion?

Mr. Wall: I move for approval of the following consent agenda items. Agenda item number 4 DHW joint venture.

Mr. Weiner: Just read the numbers.

Mr. Wall: Okay, just read the numbers. Number 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25 as well as the short-term rental applications number 28, 31, 37, 38, and 39.

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

Mr. Alcaraz: Second.

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

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda items 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25, 28, 31, 37, 38, and 39 have been recommended for approval by consent.

Mr. Weiner: Thank you. Thank you for those who had items on the consent agenda and that will now be scheduled for City Council. Now, we will move forward to the regular agenda.

---

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

## **PROFFERS**

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

### **Proffer 1:**

When the Property is redeveloped, the height of those portions of any structures located within forty feet (40') of the right of way line of Jeanne Street shall not exceed thirty-five feet (35').

### **Proffer 2:**

When the approximately 2.12 acre section of the Property located at the southwest corner of the intersection of Jeanne Street and Constitution Drive is developed, it shall be a senior housing community substantially as depicted on the site plat designated “PEMBROKE SENIOR LIVING prepared for PEMBROKE SQUARE ASSOCIATES”, dated January 26, 2021 by Kimley Horn (“Site Plan”) which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development.

### **Proffer 3:**

When PEMBROKE SENIOR LIVING is developed as depicted on the Site Plan, the architectural features, exterior appearance and exterior building materials shall be substantially as depicted and described on the two (2) page exhibit titled “PEMBROKE SENIOR LIVING – ELEVATIONS” dated January 22, 2021, prepared by Kahler Slater (“Elevations”) which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development.

### **Proffer 4:**

When the Property is redeveloped, except as expressly limited by the three (3) preceding proffers, the maximum permitted height of any structures in the northern portion of the Property shall be one hundred feet (100') and there shall be no height limitation on structures in the southernmost portion of the Property as depicted and described on the “REZONING EXHIBIT – BUILDING HEIGHT” dated January 26, 2021 prepared by Kimley Horn (“Building Height Exhibit”) which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development.

### **Proffer 5:**

When the entire Property is redeveloped, there will be a total of not less than ten percent (10%) Open Space and a total of not less than five percent (5%) Green Space as described in the

Pembroke Strategic Growth Area 4 Implementation Plan dated November 10, 2009, as amended February 25, 2014.

**Proffer 6:**

Further conditions may be required by the Grantee during detailed Site Plan review and administration of applicable City codes by all cognizant City agencies and departments to meet all applicable City code requirements.

**Staff Comments:** Staff has reviewed the Proffers listed above and finds them acceptable. The City Attorney's Office has reviewed the agreement and found it to be legally sufficient and in acceptable legal form.

**Item # 21**

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

**June 9, 2021**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Wall: Thank you. The next item on the agenda is number 20. Pembroke Square Associates LLC, they're both the applicant and the property owner. Is there a representative for this item?

Mr. Bourdon: Thank you, Eddie Bourdon, Virginia Beach Attorney representing Pembroke Square Associates on item number 20 as well as item number 21. I remember 20 is a conditional rezoning. So obviously, we agree with our proffers. We appreciate being on the consent agenda. I want to take just a second to thank Ashby Moss and director Bobby Tajan for their work with us on this application. And I also would want to let the commission know, another two records in one – one meeting, the public outreach on this, they had a, we had a outreach that had YouTube TV, I think it was over 400 people, either the 30 or so that attended in person on TV because they could monitor how many people were watching from homes. Over 400 people reviewed this with us about six weeks ago, which that's a lot of people for public outreach meeting. I appreciate everybody's assistance with this.

Mr. Wall: Okay, thank you. Is there any opposition for this being placed on the consent agenda? Hearing none, we've asked Mr. Redmond to read this into the record.

Mr. Redmond: Thank you, Mr. Wall. Agenda items number 20 and 21 do two things. One is a conditional rezoning from B-3 Central Business District to conditional CBC Central Business Core District. It's a very complex application, I would urge you to read it, and we would be here for another 45 minutes if you ask me to do all that. This is the purpose for which we had a Pembroke area strategic growth area plan and subsequently revise – revised the zoning ordinances and created new zoning categories was to encourage this type of development at this site and others within the Pembroke SGA. The second part of this application is the conditional use permit for a senior housing facility. You can see the renderings here before us. It is – it is well designed, it's attractive, it fits well on that corner of Jeanne Street and Constitution Drive, it certainly will be a fit well within – within this district, and I think provide another option for our citizens to live. Everybody knows there's an

enormous shortage of housing in our city and frankly throughout the United States. The applicant was receptive to some changes to the design of this building that I think enhanced it and I'm sure it will be a credit to this neighborhood to this district and to our city as a whole. Therefore, the commission views that this is quite appropriate for consent and we look forward to its development and all its contributions and other contributions to come, thank you Mr. Wall.

Mr. Wall: Okay, thank you. So these are these are two applications. The first one was application agenda item number 20, which was for conditional rezoning for B-3 central business to conditional CBC central business, and Mr. Redmond just read that into the record. Now for agenda item number 21. Its Pembroke Square Associates, LLC is the applicant property owner for conditional use permit for housing for seniors are the two conditions that fall?

Mr. Bourdon: Acceptable to client.

Mr. Wall: Okay. Thank you. Is there any opposition for this item to be placed on the consent agenda? And Mr. Redmond, I believe read that one as well and combine them together. So okay, thank you. The next item on the consent agenda is agenda item number 24. Marie Strom is the applicant and Aloha LLC is the property owner for a conditional use permit, tattoo parlor located in the Beach District. Is there a representative for this item?

Mr. Wall: Okay, thank you. That was the last item on 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 Planning Commission support the applications and there are no speakers signed up in opposition. These include agenda item number 28 Dan & Sara Bailey, agenda item number 31 Krista L. Woodlock, application number 37 Standard Community LLC, number 38 William Georghiou and number 39 Andrew Broyles. Those were the last items on the short-term rental consent agenda.

Mr. Weiner: Make a motion?

Mr. Wall: I move for approval of the following consent agenda items. Agenda item number 4 DHW joint venture.

Mr. Weiner: Just read the numbers.

Mr. Wall: Okay, just read the numbers. Number 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25 as well as the short-term rental applications number 28, 31, 37, 38, and 39.

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

Mr. Alcaraz: Second.

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

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.



Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda items 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25, 28, 31, 37, 38, and 39 have been recommended for approval by consent.

Mr. Weiner: Thank you. Thank you for those who had items on the consent agenda and that will now be scheduled for City Council. Now, we will move forward to the regular agenda.

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

|        |     |  |  |  |
|--------|-----|--|--|--|
| Weiner | AYE |  |  |  |
|--------|-----|--|--|--|

## CONDITIONS

1. The site shall be developed in substantial conformance with the submitted site layout plan entitled “PEMBROKE SENIOR LIVING prepared for PEMBROKE SQUARE ASSOCIATES” prepared by Kimley Horn and dated January 26, 2021, which has been exhibited to the Virginia Beach City Council and is on file with the Planning Department.
2. The building shall be constructed in substantial conformance with the submitted elevations entitled “PEMBROKE SENIOR LIVING – ELEVATIONS” dated January 22, 2021, prepared by Kahler Slater, which have been exhibited to the Virginia Beach City Council and are on file with the Planning Department.

*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 # 22**

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

**Street Closure**

**Portion of 18<sup>th</sup> Street adjacent to 1880 & 1811 Pacific Avenue, 319 18<sup>th</sup> Street**

**June 9, 2021**

**DEFERRED FOR 30 DAYS**

Mr. Weiner: Thank you. Are there any other items to be deferred? Okay, the chair is aware of items, im just gonna go through this, items one for 30 days, item two for 30 days, item three for 30 days, item 10 for 30 days, item 12 for 30 days, item 23 for 30 days, and items 32 through 36 indefinite deferral. Can I have a motion? I'm sorry? Well, she already came in today; oh I am sorry, 22 for 30 days, 23 for 30 days. Okay.

Mr. Redmond: Mr. Chairman.

Mr. Weiner: Ms. Redmond.

Mr. Redmond: Mr. Chairman, pursuant to the state and local government conflict of interest act, I am making the following declaration. I am abstaining from the vote on deferring agenda item number 10. As I have a conflict on that application, which I will explain more fully when we actually hear it, I have a – have a letter on file with the city attorney's office.

Mr. Weiner: Thank you. Can I have a motion?

Mr. Inman: Mr. Chair.

Mr. Weiner: Oh, I am sorry, who's coming?

Mr. Inman: I need to make some disclosures of having talked to the city attorney about the matter that I should go ahead and do all these disclosures before we vote on anything. So pursuant to the Conflicts of Interest Act, let me first say that as to items that are being financed by Town Bank, which therefore number 13, 14, 20, 21 and 29. I serve on an Advisory Board for Town Bank, which does not consider loans and/or approve loans, and disclosing my membership in that Advisory Board, and I believe I can participate in – in the decisions here today fairly and objectively and in the public interest. That's number one. Next, I'm disclosing that as to items 20 and 21 Pembroke Square Associates, my law firm represents the developer of the property and some of its principles, but I do not represent anyone on this project. And therefore, since I have no financial interest in the matter, and I made this disclosure, I feel I can participate objectively and fairly in the public interest. Last but not least, as to items 15, 16, 17, 18 MP Shore LLC, I represent one of the developers of the property, Terry Peterson but I do not have anything to do with this particular project. And I have no financial interest in it, and I'm making this disclosure and feel that I can fairly and objectively decide, make the decision in the public interest.

Mr. Weiner: Thank you, Mr. Inman. Can I get a motion on the deferred items, please?

Mr. Wall: Mr. Chair, I make a motion that we defer agenda items number 1, 2, 3, 10, 12, 15 and 16, 17 and 18, 22 and 23 for 30 days, 30-day deferral.

Mr. Weiner: And 32 to 36 for indefinite.

Mr. Wall: I'm sorry.

Mr. Weiner: 32 to 36 for indefinite.

Mr. Wall: Oh, and 32 through 36 for an indefinite deferral. Thank you.

Mr. Weiner: I have a motion. Can I have a second?

Mr. Horsley: Second.

Mr. Weiner: Have a motion by Mr. Wall and second by Mr. Horsley, we are ready to vote.

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda items 1, 2, 3, 12, 15 and 16, 17 and 18, 22 and 23 have been deferred for 30 days. Agenda Items 32, 33, 34, 35 and 36 have been deferred indefinitely. And by a vote of six in favor zero against with one abstention agenda item number 10 has been deferred for 30 days.

Mr. Weiner: Great, thank you. Next we'll move on to consent agenda and vice chair Wall will take over.

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

**Item # 23**

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

**Alternative Compliance**

**1880 & 1811 Pacific Avenue, 319 18<sup>th</sup> Street**

**June 9, 2021**

**DEFERRED FOR 30 DAYS**

Mr. Weiner: Thank you. Are there any other items to be deferred? Okay, the chair is aware of items, im just gonna go through this, items one for 30 days, item two for 30 days, item three for 30 days, item 10 for 30 days, item 12 for 30 days, item 23 for 30 days, and items 32 through 36 indefinite deferral. Can I have a motion? I'm sorry? Well, she already came in today; oh I am sorry, 22 for 30 days, 23 for 30 days. Okay.

Mr. Redmond: Mr. Chairman.

Mr. Weiner: Ms. Redmond.

Mr. Redmond: Mr. Chairman, pursuant to the state and local government conflict of interest act, I am making the following declaration. I am abstaining from the vote on deferring agenda item number 10. As I have a conflict on that application, which I will explain more fully when we actually hear it, I have a – have a letter on file with the city attorney's office.

Mr. Weiner: Thank you. Can I have a motion?

Mr. Inman: Mr. Chair.

Mr. Weiner: Oh, I am sorry, who's coming?

Mr. Inman: I need to make some disclosures of having talked to the city attorney about the matter that I should go ahead and do all these disclosures before we vote on anything. So pursuant to the Conflicts of Interest Act, let me first say that as to items that are being financed by Town Bank, which therefore number 13, 14, 20, 21 and 29. I serve on an Advisory Board for Town Bank, which does not consider loans and/or approve loans, and disclosing my membership in that Advisory Board, and I believe I can participate in – in the decisions here today fairly and objectively and in the public interest. That's number one. Next, I'm disclosing that as to items 20 and 21 Pembroke Square Associates, my law firm represents the developer of the property and some of its principles, but I do not represent anyone on this project. And therefore, since I have no financial interest in the matter, and I made this disclosure, I feel I can participate objectively and fairly in the public interest. Last but not least, as to items 15, 16, 17, 18 MP Shore LLC, I represent one of the developers of the property, Terry Peterson but I do not have anything to do with this particular project. And I have no financial interest in it, and I'm making this disclosure and feel that I can fairly and objectively decide, make the decision in the public interest.

Mr. Weiner: Thank you, Mr. Inman. Can I get a motion on the deferred items, please?

Mr. Wall: Mr. Chair, I make a motion that we defer agenda items number 1, 2, 3, 10, 12, 15 and 16, 17 and 18, 22 and 23 for 30 days, 30-day deferral.

Mr. Weiner: And 32 to 36 for indefinite.

Mr. Wall: I'm sorry.

Mr. Weiner: 32 to 36 for indefinite.

Mr. Wall: Oh, and 32 through 36 for an indefinite deferral. Thank you.

Mr. Weiner: I have a motion. Can I have a second?



Mr. Horsley: Second.

Mr. Weiner: Have a motion by Mr. Wall and second by Mr. Horsley, we are ready to vote.

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda items 1, 2, 3, 12, 15 and 16, 17 and 18, 22 and 23 have been deferred for 30 days. Agenda Items 32, 33, 34, 35 and 36 have been deferred indefinitely. And by a vote of six in favor zero against with one abstention agenda item number 10 has been deferred for 30 days.

Mr. Weiner: Great, thank you. Next we'll move on to consent agenda and vice chair Wall will take over.

---

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

**Item # 24**

**Marie Strom [Applicant] Aloha, LLC [Property Owner]  
Conditional Use Permit [Tattoo Parlor]  
615 N Birdneck Road, Suite 108**

**June 9, 2021**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Wall: Okay. Thank you. Is there any opposition for this item to be placed on the consent agenda? And Mr. Redmond, I believe read that one as well and combine them together. So okay, thank you. The next item on the consent agenda is agenda item number 24. Marie Strom is the applicant and Aloha LLC is the property owner for a conditional use permit, tattoo parlor located in the Beach District. Is there a representative for this item?

Ms. Strom: Hi. Yes, I'm Marie Strom. The owner of Repor Salon.

Mr. Wall: Okay. Are the three conditions acceptable?

Ms. Strom: Yes, sir.

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

Mr. Coston: The applicant is requesting to operate a tattoo parlor to offer microblading services within an existing Salon and Spa in a shopping center along North Birdneck Road, South of Laskin Road. The site is zoned B-2 Community Business which permits tattoo parlors with a conditional use permit. The applicant seeks to offer microblading services, a semi-permanent makeup technique within a 182 square foot space inside the salon. The hours of operation are proposed as 8 a.m. to 5 p.m. by appointment only seven days a week. No exterior changes are proposed to the building. The staff has recommended approval and the commission concurs.

Mr. Wall: Okay. Thank you. The next item on the consent agenda is agenda item number 25 DOZB, LLC as both the applicant and the property owner for alternative

compliance. This application is located in the Beach District. Is there a representative for this item?

Mr. Wall: Okay, thank you. That was the last item on 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 Planning Commission support the applications and there are no speakers signed up in opposition. These include agenda item number 28 Dan & Sara Bailey, agenda item number 31 Krista L. Woodlock, application number 37 Standard Community LLC, number 38 William Georghiou and number 39 Andrew Broyles. Those were the last items on the short-term rental consent agenda.

Mr. Weiner: Make a motion?

Mr. Wall: I move for approval of the following consent agenda items. Agenda item number 4 DHW joint venture.

Mr. Weiner: Just read the numbers.

Mr. Wall: Okay, just read the numbers. Number 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25 as well as the short-term rental applications number 28, 31, 37, 38, and 39.

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

Mr. Alcaraz: Second.

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

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda items 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25, 28, 31, 37, 38, and 39 have been recommended for approval by consent.

Mr. Weiner: Thank you. Thank you for those who had items on the consent agenda and that will now be scheduled for City Council. Now, we will move forward to the regular agenda.

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

**CONDITIONS**

1. A business license for the Tattoo Parlor shall not be issued to the applicant without the approval of the Health Department to ensure consistency with the provisions of Chapter 23 of the City Code.
2. The actual application of tattoos shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
3. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar sign installed on the exterior of the building or in any window, or on the doors. A separate sign permit shall be obtained from the Planning Department for the installation of any new signs.

*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 # 25**

**DOZB, LLC [Applicant] DOZ, LLC [Property Owner]  
Alternative Compliance  
821, 823 & 825 Virginia Beach Boulevard**

**June 9, 2021**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Wall: Okay. Thank you. The next item on the consent agenda is agenda item number 25 DOZB, LLC as both the applicant and the property owner for alternative compliance. This application is located in the Beach District. Is there a representative for this item?

Mr. Bourdon: Again, Mr. Chairman, Mr. Vice Chair, members of commission Eddie Bourdon, Virginia Beach Attorney representing DOBZ, all eight conditions as recommended by Mr. Morrison, including the revised condition regarding the bike parking that he reviewed in the informal are acceptable to my clients. I'm not sure if the disclosure included disclosure of my representation. We'll get that straight between here and City Council and appreciate being on the consent agenda.

Mr. Wall: Okay, thank you. Is there any opposition for this application being placed on the consent agenda? Hearing none, we've asked Mr. Inman to read this into the record.

Mr. Inman: Thank you, Mr. Wall. This property is located at 821, 823 and 825 Virginia Beach Boulevard and the existing land uses mostly vacant but with a single family dwelling on part of it. Surrounding, it is a mixed use of land uses. It happens to be across the street from the Precinct Station on Virginia Beach Boulevard. The proposal is to develop what's called the shipyard at 17th Street, which is a craft brewery tasting room restaurant with extensive outdoor area for use as a beer garden on Virginia Beach Boulevard. The proposed structures on the site do not meet the build-to requirements of the Oceanfront Resort District Form Based Code and the applicant requests alternative compliance to proceed. Build-to requirements have to do with setback from the street. So the applicant has requested that the proposed structures to be placed outside the build-to zones for mixed use buildings along the gateway frontage, which requires 60% of the building frontage to be 5 to 15 feet from the right-of-way. And currently there's an 800-square foot cottage from 1935 on the property, its set for demolition. In this



place, an 1183 square-foot restaurant with limited seating and takeaway options is proposed directly south of the restaurant connected by a hallway and 1842 square feet craft brewery with a tasting room and a 1200 square foot rooftop patio is proposed. The applicants requesting reduced parking due to pedestrian nature of the Oceanfront Resort District and the site's proximity to public transit and large public venues such as the sports center and Virginia Beach Convention Center. The site is also only 0.2 miles from the VIBe District another walkable pedestrian oriented area with ample street parking. So in conclusion, the recommendation and evaluation by the staff is that the Form Based Code provides flexibility through the alternative compliance process to accommodate unique uses and development forms that contribute to the character and ambiance envisioned in the Resort Area Strategic Action Plan, but do not follow the prescribed form as written. Section 7.3.3 of the Form Based Code provides Review Standards for these applications noting the council shall consider the extent to which the proposed development taken as a whole and satisfies these standards. Having considered all these recommendations, we decided to put it on a consent agenda.

Mr. Wall:           Okay, thank you. That was the last item on 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 Planning Commission support the applications and there are no speakers signed up in opposition. These include agenda item number 28 Dan & Sara Bailey, agenda item number 31 Krista L. Woodlock, application number 37 Standard Community LLC, number 38 William Georghiou and number 39 Andrew Broyles. Those were the last items on the short-term rental consent agenda.

Mr. Wall:           Okay, thank you. That was the last item on 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 Planning Commission support the applications and there are no speakers signed up in opposition. These include agenda item number 28 Dan & Sara Bailey, agenda item number 31 Krista L. Woodlock, application number 37 Standard Community LLC, number 38 William Georghiou and number 39 Andrew Broyles. Those were the last items on the short-term rental consent agenda.

Mr. Weiner:       Make a motion?

Mr. Wall: I move for approval of the following consent agenda items. Agenda item number 4 DHW joint venture.

Mr. Weiner: Just read the numbers.

Mr. Wall: Okay, just read the numbers. Number 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25 as well as the short-term rental applications number 28, 31, 37, 38, and 39.

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

Mr. Alcaraz: Second.

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

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda items 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25, 28, 31, 37, 38, and 39 have been recommended for approval by consent.

Mr. Weiner: Thank you. Thank you for those who had items on the consent agenda and that will now be scheduled for City Council. Now, we will move forward to the regular agenda.

---

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

|         |     |  |  |        |
|---------|-----|--|--|--------|
| Oliver  |     |  |  | ABSENT |
| Redmond | AYE |  |  |        |
| Wall    | AYE |  |  |        |
| Weiner  | AYE |  |  |        |

**CONDITIONS**

1. All new, permanent structures shall substantially conform to the renderings depicted in “Conceptual Site Plan, 829 Virginia Beach Blvd” dated May 25, 2021 by WPL, which has been exhibited to the City Council and is shown on pages 8 and 9 of this staff report.
2. Bicycle racks designed in conformance with the City’s bicycle parking design guidelines to accommodate at least ~~25% of the establishment’s permitted occupancy load~~ twenty-five (25) bicycles shall be provided in a designated location to be determined during detailed site plan review.
3. An unsignalized crosswalk with added pedestrian warning signs shall be installed across Virginia Beach Boulevard on the east side of Washington Avenue per specifications outlined in the Public Works Design Standards Manual.
4. No amplified music is permitted between 11:00 p.m. and 10:00 a.m.
5. No merchandise, produce, or food shall be displayed or sold along the Virginia Beach Boulevard street frontage.
6. The operation shall not disturb the tranquility of residential areas or other areas in close proximity or otherwise interfere with the reasonable use and enjoyment of neighboring property by reason of excessive noise, traffic, lighting, or overflow parking.
7. A Landscape Plan shall be submitted that contains the plantings and screenings references in Condition 1 above that includes, but is not limited to, the following:
  - a. Along adjacent properties that are considered to be “Protected Districts” by the Oceanfront Resort District Form-Based Code, evergreen trees shall be installed at a minimum of six (6) feet in height and be allowed to grow and be maintained at a height of no less than ten (10) feet and the required shrubs shall be allowed to grow and be maintained at a height of no less than four (4) feet.
  - b. The 20” oak tree depicted to remain on the concept plan shall be preserved and properly protected through all phases of construction to the greatest extent possible. If the tree dies or is removed as a result of developing the site, three additional replacement trees shall be planted onsite. Replacement trees shall have minimum a caliper of 2 ½” at the time of planting.
8. All interior lot lines shall be vacated.

*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 # 26**

**Traci R. & Michael L. McGlynn [Applicants & Property Owners]  
Modification of Conditions  
523 20<sup>th</sup> ½ Street**

**June 9, 2021**

**RECOMMENDED FOR APPROVAL - HEARD**

Ms. Sandloop: Mr. Weiner, do you want me to read 26 and 27 together or individually?

Mr. Weiner: I think we're gonna need to do that individually because one is a short-term rental, or how would we work that.

Ms. Sandloop: Okay.

Mr. Weiner: Can we do it together? Since it's same person? We do it separate. Let's do separate.

Ms. Sandloop: Okay.

Mr. Tajan: The question will end up bleeding over Mr. Chair. My recommendation is that we read them together.

Mr. Weiner: Perfect, read them together. Okay, we're good.

Ms. Sandloop: Okay, the next two items are agenda items number 26 and 27. They are both applications from Traci R. & Michael L. McGlynn. The first number 26 being an application for modification of conditions on property located at 523 20th and a half Street. Item number 27 is an application for a conditional use permit short-term rental on property located at 523 20th and a half street in the Beach District, the applicant or the applicants representative please step to the podium.

Mr. Weiner: Welcome, ma'am.

Ms. McGlynn: Hi, thank you. My name is Traci McGlynn. My husband and I have been living in the subject property for the last year and have absolutely loved living at the beach and in the VIBe District. Recently, however, we decided to buy a beach bungalow on 35th Street but to afford the house we would have to short term rent our home on 20th and a half Street. This was not an easy decision as we have loved our home and our neighbors. I know many people have concerns about living near a short-term rental, we have discussed concerns with our neighbors that share the lot with us and after discussions, and they support our decision. We will be living on 35th Street which is only about a mile away so we can check on guests easily and be visible presence which will help defer some of the disruptions of a short-term rental. Even before the Planning Commission added the one rental per week, we were planning on a seven day Saturday to Saturday rental schedule. We'll be advertising the home as a great place for a family vacation and really market the home for families. This will minimize the large groups here to party, which we will include in our rules of no parties and will maintain a visible presence to ensure adherence to these rules. I will, of course, provide my personal contact information to my immediate neighbors along with the posted sign with the contact information. We have worked to keep our lawn and flower beds in clean and orderly conditions and I have a lawn service and will continue that service so our property will not begin to look unkept. Because we will be so close, we will be able to monitor the garbage and recycles and ensure that they are taken out and removed in a clean way. I realized the unregistered short-term rental across the street from ours has caused some concern, but we are working hard to address those types of issues in our home. We do care about our neighbors and their peaceful living and we'll do everything we can to ensure our home does not become a nuisance to our neighbors and friends. Thank you.

Mr. Weiner: Thank you ma'am. Any questions to speaker, no thank you. Mr. Redmond.

Mr. Redmond: I shall take my leave. Mr. Chairman pursuant to the Conflict of Interest Act in Virginia Code Section 2.2-3115F, I'm making the following declaration, I have it on the file with the city attorney a conflicts letter I abstained from all STR applications and ordinances on this day. That would be agenda items number 26 to 39.

Mr. Weiner: Thank you.

Mr. Redmond: Have a good day.

Mr. Weiner: 29 and 30. But that's okay. We're good. Okay speakers.

Ms. Sandloop: Yes, sir. We have two, one in person and one WebEx. Sarah Welch.

Mr. Weiner: Welcome.

Ms. Welch: Good afternoon. Good afternoon members of the Virginia Beach Planning Commission. My name is Sarah Welch and I reside at 522 20 and a Half Street directly across from the proposed short-term rental. I purchased my home in September of 2018 and made it my permanent home in May of 2019. I stand in opposition to this proposed change request. My rationale for the opposition is there is currently a short-term rental directly to the west side of my home. We've had loud tenants, parking issues, and the lawn has been in disrepair. I submitted photos to Ms. Summer Peebles for parking and lawn issues. I believe based on the code of one parking space per bedroom, there is not ample parking to have two short term rentals adjacent. Also, the current property does not comply with no more than two contracts in seven consecutive days, I purposely bought this house in this neighborhood as it was a single family home area with homeowners in most of the homes. I did not buy in other locations in Virginia Beach due to the high concentration of investor real estate. As a property owner in this small street, basically an alleyway, I'm concerned of the potential for too many investor properties in a half block situation. I'm also concerned about the potential property value degradation and the safety of our neighborhood with too many homes as investor real estate. If we must have investor real estate on the street, I'm requesting the board provided density cap to ensure that the neighborhood does not turn into an area where propensity of homes are investors' short owned rentals. I believe no more than 10 to 15% of the homes on a given location should be investor short term. I respectfully request you take my feedback into consideration as you make your upcoming decisions. Thank you in advance for your time.



Mr. Weiner: Any questions? Ma'am just real quick are you aware of the 311 number, 311 in City of Virginia Beach?

Ms. Welch: I am.

Mr. Weiner: Okay. If you have problems with the short term rentals, you can use that number 311.

Ms. Welch: I understand that.

Mr. Weiner: And I don't know I'm sure Summers good at what she does, and I'm sure she will look in to see if that's actually a legal short-term rental that you're having problems with.

Ms. Welch: It's grandfather.

Mr. Weiner: Its grandfather, okay. Then use that 311 number whenever there's any problems. Okay. Thank you.

Ms. Welch: Thank you.

Ms. Sandloop: Our next speaker is WebEx. Paula Shifflett. If you would please wait two to three seconds, state your name, and then please begin your comments.

Ms. Shifflett: Hi. My name is Paula Shifflett. Am I coming through?

Ms. Sandloop: We can hear you.

Ms. Shifflett: I want to apologize ahead of time I had a work thing come up and I'm not – I do not have a written agenda, but I'll do the best I can. I need to – I just want to clarify the sign, the zoning sign has been in front of the 523 property on 20th Street for whatever the required time is my understanding or what I'm hearing is, is that it has been – this property has been submitted as 523 and a half street. So could you clarify for me that property and its location because it's front door, and it's two balconies and parking is on 20th Street. So it would be considered a house on 20th Street versus 523 and a half. So I'm a little confused about that.

Ms. Weiner: Ma'am, please continue with your comments.

Ms. Shifflett: Okay, so the house is facing 20th Street, we live slightly to the east across the street. Just to give you a little background so that you understand a little bit about us as my husband and I have been residents here for over 21 years, and actively involved in the community, including raising a child in the Virginia Beach School System, who's currently in a VB Academy. We largely contribute to drop through fundraising most recently to the Virginia Aquarium Building, their new sanctuary. We're definitely embedded residents, we're looking forward to spending what I can say is the rest of our life here. And in those 20 years, we have watched a lot of development on this street, mostly single home residential, we've also encountered as, you know, lots of traffic because we are one of the few three streets from directly from the beach to away from the beach after some of the streets were closed off. So we get a lot of foot traffic from the Convention Center going to the beach as well as traffic and work trucks and my understanding also is that you are opening up the, you are building wave pool etcetera and the dome area and so construction will continue. So with the 20 foot wide street and curbing put in for the new homes, the traffic has been a little more crowded as well as stopping because two cars cannot fit down this road or work trucks or anything at the same time with the new curbing put in if somebody is actually parked on the street. So my concern is the traffic. It's also parking. There have been several incidences with parking for people that are visiting houses that are short-term rentals. So I am speaking against it at this point because we have enjoyed and we continue to enjoy the fact that we are wanting.

Mr. Weiner: Thank you very much for your comments ma'am.

Ms. Sandloop: No more speakers.

Mr. Weiner: Okay, Ms. McGlynn would you like to come back up for rebuttal.

Ms. McGlynn: My only comment I think she's, we were required to put a sign on 20th Street and 20th and a half Street. I believe the two houses she's talking about are facing 20th Street. My house is 20th and a half Street. So it looked confusing, but that's the only, that's the only thing I have to add.

Mr. Weiner: Okay, great. Thank you very much.

Mr. Alcaraz: I got a question.

Mr. Weiner: Ma'am, hold a second, sorry.

Mr. Alcaraz: Are the units A, B and C are?

Ms. McGlynn: They each have their own home address. They have their own home number.

Mr. Alcaraz: So the units on 20th Street or what?

Ms. McGlynn: On 20th street is 523 and 521.

Mr. Alcaraz: 521.

Ms. McGlynn: Yeah, I believe so.

Mr. Alcaraz: Okay. On the map, it shows units A, B and C.

Ms. McGlynn: I think that was just for clarity.

Mr. Alcaraz: Okay, so it's three different separate addresses.

Ms. McGlynn: Yes.

Mr. Alcaraz: All right. Thank you.

Mr. Weiner: Any other questions? No more speakers. All right, we will close this and open up for discussion. Mr. Alcaraz.

Mr. Alcaraz: I mean, they meet the criteria or everything that said, they've got the parking and, of course, they're in the OR district and I'm an advocate for OR District, so like to hear from you guys, but I'm supporting it.

Mr. Weiner: Okay. Anybody else?

Mr. Horsley: I will support it too.

Mr. Weiner: Making a motion?

Mr. Alcaraz: I'll make a motion that we approve this application.

Mr. Weiner: We had 26 and 27.

Mr. Alcaraz: Oh 26 and 27. Okay yes, I'd like to make a motion that we approve 26 and 27.

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

Mr. Coston: Second.

Mr. Weiner: Second by Mr. Coston. We're ready to vote.

Ms. Sandloop: Okay, I'm going to call for item number 26 first.

Mr. Weiner: Okay.

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

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

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of six in favor and zero against with one abstention, agenda item number 26 has been recommended for approval. Moving on to item number 27 for the short-term rental application, Mr. Alcaraz?

|         | AYE 6 | NAY 0 | ABS 0 | ABSENT 5 |
|---------|-------|-------|-------|----------|
| Alcaraz | AYE   |       |       |          |
| Barnes  |       |       |       | ABSENT   |
| Coston  | AYE   |       |       |          |
| Graham  |       |       |       | ABSENT   |
| Horsley | AYE   |       |       |          |
| Inman   | AYE   |       |       |          |
| Klein   |       |       |       | ABSENT   |
| Oliver  |       |       |       | ABSENT   |
| Redmond |       |       |       | ABSENT   |
| Wall    | AYE   |       |       |          |
| Weiner  | AYE   |       |       |          |

## CONDITIONS

1. All conditions attached to the Alternative Compliance granted on June 19, 2018 are hereby deleted and superseded by the following conditions.
2. When the property is developed, with the exception of any conditions below, it shall be substantially in accordance with the submitted site exhibit entitled, "ALTERNATIVE COMPLIANCE EXHIBIT, SITE IMPROVEMENT PLAN," dated 02-27-2018, as prepared by WPL. Said exhibit 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 developed, with the exception of any conditions below, the structures constructed shall have the architectural features, materials, and appearance of like quality and character to the architectural elevation exhibits entitled, "DETACHED HOMES AT 20TH," dated 4-13-18, as prepared by Beach Building Group. These elevations have been exhibited to the Virginia Beach City Council and are on file with the Department of Planning and Community Development.
4. With the exception of the garages, each unit shall have a finished floor elevation of no less than two feet, as prescribed by the Oceanfront Resort District Form-Based Code.
5. Where "planting bed" is called out on the submitted site exhibit, a mixture of groundcover, evergreen, woody, grassy, and ornamental plantings shall be used. As part of site plan review, where the planting bed is over four feet in dimension, the Development Services Center Landscape Reviewer may request up to 200% of the number of plantings required to meet the minimum foundation landscaping criteria.
6. All plantings shall be maintained in good health. Plantings that fail to grow shall be replaced with a similar type of plant or a plant type approved by the Development Services Center.
7. The applicant shall make all right-of-way improvements as required for 20th Street and 20th ½ Street and as further required by Public Works Traffic Engineering and the Development Services Center as part of site plan review.
8. All mechanical equipment, including but not limited to HVAC units, shall be screened year-round by landscaping or maintenance free fencing. All trash receptacles shall be stored in a manner such that they are not capable of being viewed from the public right-of-way.

**Item # 27**

**Traci R. & Michael L. McGlynn [Applicants & Property Owners]  
Conditional Use Permit (Short Term Rental)  
523 20<sup>th</sup> ½ Street**

**June 9, 2021**

**RECOMMENDED FOR APPROVAL - HEARD**

Ms. Sandloop: Mr. Weiner, do you want me to read 26 and 27 together or individually?

Mr. Weiner: I think we're gonna need to do that individually because one is a short-term rental, or how would we work that.

Ms. Sandloop: Okay.

Mr. Weiner: Can we do it together? Since it's same person? We do it separate. Let's do separate.

Ms. Sandloop: Okay.

Mr. Tajan: The question will end up bleeding over Mr. Chair. My recommendation is that we read them together.

Mr. Weiner: Perfect, read them together. Okay, we're good.

Ms. Sandloop: Okay, the next two items are agenda items number 26 and 27. They are both applications from Traci R. & Michael L. McGlynn. The first number 26 being an application for modification of conditions on property located at 523 20th and a half Street. Item number 27 is an application for a conditional use permit short-term rental on property located at 523 20th and a half street in the Beach District, the applicant or the applicants representative please step to the podium.



Mr. Weiner: Welcome, ma'am.

Ms. McGlynn: Hi, thank you. My name is Traci McGlynn. My husband and I have been living in the subject property for the last year and have absolutely loved living at the beach and in the VIBe District. Recently, however, we decided to buy a beach bungalow on 35th Street but to afford the house we would have to short term rent our home on 20th and a half Street. This was not an easy decision as we have loved our home and our neighbors. I know many people have concerns about living near a short-term rental, we have discussed concerns with our neighbors that share the lot with us and after discussions, and they support our decision. We will be living on 35th Street which is only about a mile away so we can check on guests easily and be visible presence which will help defer some of the disruptions of a short-term rental. Even before the Planning Commission added the one rental per week, we were planning on a seven day Saturday to Saturday rental schedule. We'll be advertising the home as a great place for a family vacation and really market the home for families. This will minimize the large groups here to party, which we will include in our rules of no parties and will maintain a visible presence to ensure adherence to these rules. I will, of course, provide my personal contact information to my immediate neighbors along with the posted sign with the contact information. We have worked to keep our lawn and flower beds in clean and orderly conditions and I have a lawn service and will continue that service so our property will not begin to look unkept. Because we will be so close, we will be able to monitor the garbage and recycles and ensure that they are taken out and removed in a clean way. I realized the unregistered short-term rental across the street from ours has caused some concern, but we are working hard to address those types of issues in our home. We do care about our neighbors and their peaceful living and we'll do everything we can to ensure our home does not become a nuisance to our neighbors and friends. Thank you.

Mr. Weiner: Thank you ma'am. Any questions to speaker, no thank you. Mr. Redmond.

Mr. Redmond: I shall take my leave. Mr. Chairman pursuant to the Conflict of Interest Act in Virginia Code Section 2.2-3115F, I'm making the following declaration, I have it on the file with the city attorney a conflicts letter I abstained from all STR applications and ordinances on this day. That would be agenda items number 26 to 39.

Mr. Weiner: Thank you.

Mr. Redmond: Have a good day.

Mr. Weiner: 29 and 30. But that's okay. We're good. Okay speakers.

Ms. Sandloop: Yes, sir. We have two, one in person and one WebEx. Sarah Welch.

Mr. Weiner: Welcome.

Ms. Welch: Good afternoon. Good afternoon members of the Virginia Beach Planning Commission. My name is Sarah Welch and I reside at 522 20 and a Half Street directly across from the proposed short-term rental. I purchased my home in September of 2018 and made it my permanent home in May of 2019. I stand in opposition to this proposed change request. My rationale for the opposition is there is currently a short-term rental directly to the west side of my home. We've had loud tenants, parking issues, and the lawn has been in disrepair. I submitted photos to Ms. Summer Peebles for parking and lawn issues. I believe based on the code of one parking space per bedroom, there is not ample parking to have two short term rentals adjacent. Also, the current property does not comply with no more than two contracts in seven consecutive days, I purposely bought this house in this neighborhood as it was a single family home area with homeowners in most of the homes. I did not buy in other locations in Virginia Beach due to the high concentration of investor real estate. As a property owner in this small street, basically an alleyway, I'm concerned of the potential for too many investor properties in a half block situation. I'm also concerned about the potential property value degradation and the safety of our neighborhood with too many homes as investor real estate. If we must have investor real estate on the street, I'm requesting the board provided density cap to ensure that the neighborhood does not turn into an area where propensity of homes are investors' short owned rentals. I believe no more than 10 to 15% of the homes on a given location should be investor short term. I respectfully request you take my feedback into consideration as you make your upcoming decisions. Thank you in advance for your time.

Mr. Weiner: Any questions? Ma'am just real quick are you aware of the 311 number, 311 in City of Virginia Beach?

Ms. Welch: I am.

Mr. Weiner: Okay. If you have problems with the short term rentals, you can use that number 311.

Ms. Welch: I understand that.

Mr. Weiner: And I don't know I'm sure Summers good at what she does, and I'm sure she will look in to see if that's actually a legal short-term rental that you're having problems with.

Ms. Welch: It's grandfather.

Mr. Weiner: Its grandfather, okay. Then use that 311 number whenever there's any problems. Okay. Thank you.

Ms. Welch: Thank you.

Ms. Sandloop: Our next speaker is WebEx. Paula Shifflett. If you would please wait two to three seconds, state your name, and then please begin your comments.

Ms. Shifflett: Hi. My name is Paula Shifflett. Am I coming through?

Ms. Sandloop: We can hear you.

Ms. Shifflett: I want to apologize ahead of time I had a work thing come up and I'm not – I do not have a written agenda, but I'll do the best I can. I need to – I just want to clarify the sign, the zoning sign has been in front of the 523 property on 20th Street for whatever the required time is my understanding or what I'm hearing is, is that it has been – this property has been submitted as 523 and a half street. So could you clarify for me that property and its location because it's front door, and it's two balconies and parking is on 20th Street. So it would be considered a house on 20th Street versus 523 and a half. So I'm a little confused about that.

Ms. Weiner: Ma'am, please continue with your comments.

Ms. Shifflett: Okay, so the house is facing 20th Street, we live slightly to the east across the street. Just to give you a little background so that you understand a little bit about us as my husband and I have been residents here for over 21 years, and actively involved in the community, including raising a child in the Virginia Beach School System, who's currently in a VB Academy. We largely contribute to drop through fundraising most recently to the Virginia Aquarium Building, their new sanctuary. We're definitely embedded residents, we're looking forward to spending what I can say is the rest of our life here. And in those 20 years, we have watched a lot of development on this street, mostly single home residential, we've also encountered as, you know, lots of traffic because we are one of the few three streets from directly from the beach to away from the beach after some of the streets were closed off. So we get a lot of foot traffic from the Convention Center going to the beach as well as traffic and work trucks and my understanding also is that you are opening up the, you are building wave pool etcetera and the dome area and so construction will continue. So with the 20 foot wide street and curbing put in for the new homes, the traffic has been a little more crowded as well as stopping because two cars cannot fit down this road or work trucks or anything at the same time with the new curbing put in if somebody is actually parked on the street. So my concern is the traffic. It's also parking. There have been several incidences with parking for people that are visiting houses that are short-term rentals. So I am speaking against it at this point because we have enjoyed and we continue to enjoy the fact that we are wanting.

Mr. Weiner: Thank you very much for your comments ma'am.

Ms. Sandloop: No more speakers.

Mr. Weiner: Okay, Ms. McGlynn would you like to come back up for rebuttal.

Ms. McGlynn: My only comment I think she's, we were required to put a sign on 20th Street and 20th and a half Street. I believe the two houses she's talking about are facing 20th Street. My house is 20th and a half Street. So it looked confusing, but that's the only, that's the only thing I have to add.

Mr. Weiner: Okay, great. Thank you very much.

Mr. Alcaraz: I got a question.

Mr. Weiner: Ma'am, hold a second, sorry.

Mr. Alcaraz: Are the units A, B and C are?

Ms. McGlynn: They each have their own home address. They have their own home number.

Mr. Alcaraz: So the units on 20th Street or what?

Ms. McGlynn: On 20th street is 523 and 521.

Mr. Alcaraz: 521.

Ms. McGlynn: Yeah, I believe so.

Mr. Alcaraz: Okay. On the map, it shows units A, B and C.

Ms. McGlynn: I think that was just for clarity.

Mr. Alcaraz: Okay, so it's three different separate addresses.

Ms. McGlynn: Yes.

Mr. Alcaraz: All right. Thank you.

Mr. Weiner: Any other questions? No more speakers. All right, we will close this and open up for discussion. Mr. Alcaraz.

Mr. Alcaraz: I mean, they meet the criteria or everything that said, they've got the parking and, of course, they're in the OR district and I'm an advocate for OR District, so like to hear from you guys, but I'm supporting it.

Mr. Weiner: Okay. Anybody else?

Mr. Horsley: I will support it too.

Mr. Weiner: Making a motion?

Mr. Alcaraz: I'll make a motion that we approve this application.

Mr. Weiner: We had 26 and 27.

Mr. Alcaraz: Oh 26 and 27. Okay yes, I'd like to make a motion that we approve 26 and 27.

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

Mr. Coston: Second.

Mr. Weiner: Second by Mr. Coston. We're ready to vote.

Ms. Sandloop: Okay, I'm going to call for item number 26 first.

Mr. Weiner: Okay.

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

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

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of six in favor and zero against with one abstention, agenda item number 26 has been recommended for approval. Moving on to item number 27 for the short-term rental application, Mr. Alcaraz?

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.



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

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of six in favor and zero against with one abstention, agenda item number 27 has been recommended for approval.

Mr. Weiner: Okay, great. Thank you,

---

|         | AYE 6 | NAY 0 | ABS 0 | ABSENT 5 |
|---------|-------|-------|-------|----------|
| Alcaraz | AYE   |       |       |          |
| Barnes  |       |       |       | ABSENT   |
| Coston  | AYE   |       |       |          |
| Graham  |       |       |       | ABSENT   |
| Horsley | AYE   |       |       |          |
| Inman   | AYE   |       |       |          |
| Klein   |       |       |       | ABSENT   |
| Oliver  |       |       |       | ABSENT   |
| Redmond |       |       |       | ABSENT   |
| Wall    | AYE   |       |       |          |
| Weiner  | AYE   |       |       |          |

### CONDITONS

1. The following conditions shall only apply to the dwelling unit addressed as 523 20 ½ Street and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. A fourth (4th) 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. An executed

lease for this parking space shall be submitted to the Zoning Administrator for review within 90 days of City Council's approval of the Short Term Rental Conditional Use Permit request.

4. 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.
5. While this Conditional Use Permit is active, parking passes issued for the subject dwelling unit(s) through the Residential Parking Permit Program (RPPP) shall be limited to two resident passes only. Guest and temporary passes through the RPPP shall not be permitted.
6. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
7. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).
8. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes. Physical response to the site of the Short Term Rental is not required.
9. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
  - a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and
  - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
  - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
10. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
11. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
12. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.

13. Accessory structures shall not be used or occupied as Short Term Rentals.
14. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
15. The Short Term Rental shall have no more than one (1) rental contract during any consecutive seven (7) day period.
16. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
17. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
18. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom.
19. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors, shall be installed in each Short Term Rental.

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

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

**Item # 28**

**Dan & Sara Bailey [Applicants & Property Owners]  
Conditional Use Permit (Short Term Rental)  
103 57<sup>th</sup> Street Unit A**

**June 9, 2021**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Wall: Okay, thank you. That was the last item on 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 Planning Commission support the applications and there are no speakers signed up in opposition. These include agenda item number 28 Dan & Sara Bailey, agenda item number 31 Krista L. Woodlock, application number 37 Standard Community LLC, number 38 William Georghiou and number 39 Andrew Broyles. Those were the last items on the short-term rental consent agenda.

Mr. Weiner: Make a motion?

Mr. Wall: I move for approval of the following consent agenda items. Agenda item number 4 DHW joint venture.

Mr. Weiner: Just read the numbers.

Mr. Wall: Okay, just read the numbers. Number 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25 as well as the short-term rental applications number 28, 31, 37, 38, and 39.

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

Mr. Alcaraz: Second.

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

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda items 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25, 28, 31, 37, 38, and 39 have been recommended for approval by consent.

Mr. Weiner: Thank you. Thank you for those who had items on the consent agenda and that will now be scheduled for City Council. Now, we will move forward to the regular agenda.

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

## CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 103 57<sup>th</sup> Street, Unit A, 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 # 29**

**Catherine Patterson Denton [Applicant] The Pink Cabana, LLC [Property Owner]  
Conditional Use Permit (Short Term Rental)  
1316 Cypress Avenue**

**June 9, 2021**

**RECOMMENDED FOR APPROVAL - HEARD**

Ms. Sandloop: Our next item is agenda item number 29 Catherine Patterson Denton, an application for a conditional use permit short-term rental on property located at 1316 Cypress Avenue in the Beach District.

Mr. Weiner: Good afternoon.

Mr. Bourdon: Good afternoon, Mr. Chairman. Again, Eddie Bourdon, Virginia Beach Attorney representing Catherine Denton, Katie Denton, and Katie and her husband are here. Katie, just a little bit of background, she lives at the north end and she has short term, some short term rentals that she owns and manages on the Outer Banks. And she came across this beautiful little bungalow cottage at the corner of 14th in Cypress that she just purchased, Will had earlier gotten confused on when he's looking at his records. Ms. Denton just bought this property and she and the previous owner who's sold it to her didn't want to see this property demoed, you know, in a new two unit duplex condo get built on it. And it, it's just, I think the perfect type of a dwelling, if it's given the, you know, the TLC that it needs, and she's gonna, you know, make some improvements to it, but not change it, not change the – the character of it, perfect place to do just this type of use of the property and, and it's a way to make that, you know, viable versus a tear down and rebuild. They meets all the criteria, all the conditions are acceptable. Katie went and talked to the people to the south and to the west, all the owners, but all of those are rentals and the owner has no objection whatsoever if they're not short term rentals, they are rental property so and there are quite a number of those in this area. But the reality is, this is a situation where the short-term rental actually can extend the life of this property that again is perfect parking, you know, works perfectly. And Katie is very meticulous in screening the renters for her places and she's here and she'd be happy to answer any questions any of you may have but she will be hands on as far as management. She has had a website for some time. And if you go to it, it's quite impressive. She does this very professionally, very high quality and she has five star reviews across the board for the people who come and stay in her other short term rentals which are on the Outer Banks and she wants to do the same thing with this piece of property because it's a perfect

property to do it on given it's the quality of the house that's on it and how you, you know, look around there are some still left but there aren't a lot of these old beach bungalows left. Be happy to answer any questions, and Katie is here and will be happy to answer any questions if you have any for her about how she operates her short term rentals.

Mr. Weiner: Questions. Let's listen to speakers. Thank you.

Ms. Sandloop: We have one speaker Ben Harrison.

Mr. Harrison: Hello, I'm Ben Harrison. I live directly across the street or next to the house requesting permission for this mini hotel which will have no on-site supervision or management if you allow it. I'm glad they've spoken with some of the renters but my neighbors and I who own single family homes, view this as an invitation, and excuse me, an uninvited incursion by unknown vacationing type people and other itinerants into our peaceful neighborhood. If you allow this to occur, their cars will be cramped into our little street, possibly blocking driveways. Their music and parties may not be quite loud enough, quite late enough to force us to call the cops but will remain on edge and always a few seconds away from dialing 911 wasting our resources because of the actions you might take today. Late night parties, pumping bass music, screaming fights in the yard, toddlers meandering aimlessly, animals running off leashes, people knocking on our doors because they're lost, parents by the police are all foreseeable yet avoidable by you. Short term renters do not have respect for the neighborhood that we hold dear. I have personally witnessed this type of renter from my home. Not in this house obviously but there are close by short term rentals that have destroyed the fabric of this community and violated noise ordinances and also have portable fire pits in the driveway searching for things to burn, leaving permanent marks from the fire, also spray painting items on the driveway or excuse me on the sidewalk and owners have no clue. To approve this request is a gross lack of consideration of residents will affect traffic flow, environmental concerns and the like. If you allow this to proceed, please note that the great website and 311 do not provide on-site management, like is required at hotels in the resort area. On-site management monitors and enforces occupancy restrictions, parking limits and noise monitoring and control. Why should our local police be burdened with these management duties? Additionally, if police must be called, the permit should be rescinded until the owner formally submits a viable actionable issue remediation strategy to us, the neighbors. Living next to a short-term rental like this is difficult due to having new people in and out all the time, partying right next to our bedroom window. Makes for unnecessary stressful situations with homes so close together as they are here

at the beach. Hotels do not belong in neighborhoods, especially non-supervised hotels. And what further explanation is needed after the nonsense that went on at 5508 Holly awhile back, parking, parties, gunshots, injuries, lots of people staying in one residence with no place for them to park. You don't want it in your neighborhood. We do not want it in ours. This is not a resort area. It's a residential neighborhood adjacent to a resort area. And none of us signed up for this. Please think of the many unintended consequences that may not have been can fully considered, and please deny this request. Thank you.

Mr. Weiner: Any questions?

Mr. Alcaraz: Yeah I do, you had mentioned, can you point on that map or just not point, just tell me I can kind of get the bearing where's your residence?

Mr. Harrison: The word 14th, the number 14, that's my driveway right there.

Mr. Alcaraz: Okay. So you're across the street?

Mr. Harrison: Yeah. That's my bedroom, right where the dot is.

Mr. Alcaraz: Okay, because you said that they were, you made a statement that the noise would be next to your bedroom window.

Mr. Harrison: Could you put that dot back where you had a second ago, right. There's my bedroom window. So I look directly down on it. I have a three story and this is a single story.

Mr. Alcaraz: Okay.

Mr. Harrison: Actually has a little loft on it.

Mr. Alcaraz: Alright, thank you.

Mr. Harrison: Yep.

Mr. Weiner: I have a question.

Mr. Harrison: Yes, sir.

Mr. Weiner: If you had any issues across the street, across Cyprus, have you ever had any issues with it over there?

Mr. Harrison: I've had issues. I don't know who has the pointer. But if someone point at the house again where they just did, now move to the right, to the right across the street and the next house right behind that that's the short-term rental. And that's where we've had issues from that house which is three houses away. Also a conditional use permit was just granted to another house right there on Cypress which is not on the map because the property that's under construction there on the map is now short-term rental.

Mr. Weiner: Have you down call 311?

Mr. Harrison: No sir, hasn't been rented yet.

Mr. Weiner: I'm sorry.

Mr. Harrison: It's brand new and has not been rented yet.

Mr. Weiner: No, I mean any of those?

Mr. Harrison: No.

Mr. Weiner: Okay. All right. Thank you.

Mr. Harrison: Thanks.

Mr. Weiner: Mr. Bourdon.

Mr. Inman: Mr. Chairman, I had more for that gentleman.

Mr. Weiner: Oh I am sorry, do you have a question.

Mr. Inman: I had a question.

Mr. Weiner: I'm sorry. I'm sorry. I didn't see him. Sorry. Sorry.

Mr. Inman: Can you – you may be repeating something I don't know, what specific problems did you have with the other short term rentals close by?

Mr. Harrison: I walked my dog and we, our family walks and just the marks on the street from people burning, literally they bring their portable fires. And so, you know, they think they're coming to the beach, they bring a little fire pit, and they'll burn it in the driveway, whether it's on the website that you can't have it or not, they don't care. And the owners don't know, because they'll do this out on the sidewalk. I've seen people painting, like their bicycle, or some of their painting stuff. And the marks are there forever and also noise and parking.

Mr. Inman: What was specifically about parking, what was that?

Mr. Harrison: Parking on the street, just it, you know, prohibits movement on the street, the Cypress is fine, but 14th Street is very tight.

Mr. Inman: So where are these? You probably don't know whether the vehicles parking were people who were renting the house or whether they were guests, do you?

Mr. Harrison: You don't know. You don't know if they're just visiting the house or not. But I mean, you see him going into the houses, so into the rentals. And you see the tags from out of state, of course.

Mr. Inman: How long have those short term rentals been in?

Mr. Harrison: That one has been there since I've lived here, which is only a year and a half, sir.

Mr. Inman: Okay. Thank you.

Mr. Weiner: Any more questions. Thank you.

Mr. Harrison: Thank you.

Mr. Bourdon: Mr. Chairman, I appreciate the gentleman's passion, but to set the record straight, this little beach bungalow is not a mini hotel. And my client, Katie Denton spoke to the owners, owners of the two properties with the four unit set surround her not the tenant occupants of those units and I'm pretty certain that's what I stated in my presentation. Katie would be more than happy to speak to Mr. Harrison and show him what she does and make herself available if there are ever any problems with this, but this is not a mini hotel, this will not be a party venue and I think anybody looking at that house, looking at it online isn't going to say, Oh, well, there's a good place to have a, you know, a big party. It's far, far, far from it in my opinion. And,

you know, she's an excellent manager of these, has great experience in doing so, she's not absentee. So it won't be an issue. Mr. Harrison is residing in, you know, a tear down redevelop, you know, increased density scenario across the street, which is great, great for the city. I'm all for it. But if we're going to be able to maintain a little bit of the old character of Virginia Beach, this is one of those opportunities to see if that opportunity can work. And as you all know, these are for five years. And I'm certain if there are violations, it won't be renewed and it could be terminated. The City Council has the ability to pull these use permits. So I think this is a classic example of where, you know, the generalization, you know, just they're all bad. We all know that that's not the case. We know, absolutely 100% that is not the case and citing the circumstances that may exist on a couple of instances, those same circumstances can happen and do happen on properties that are not short-term rental and we all know that. So I don't think this is a gamble or roll the dice at all on this piece of property. I think everyone will be very pleased with the outcome. And you've got someone who is deeply rooted in this community who's gonna do this property justice that's the reason why we're, we're up here. I haven't been up here on short term rentals other than just a, you know, handful over the course of the existence of short term rentals, and most of those were redeveloping properties. But I think this is a fantastic circumstance where it's worth giving Ms. Denton an opportunity to demonstrate how to do this right and again to preserve this beautiful little cottage. I'll be happy to answer any questions.

Mr. Weiner: Questions.

Mr. Alcaraz: Mr. Bourdon you mentioned, there would be improvements, are those exterior improvements?

Mr. Bourdon: Yes.

Mr. Alcaraz: Okay.

Mr. Bourdon: Exactly. That's not going to tear it down or build anything new just, you know, renovate and upgrade the exterior appearance.

Mr. Alcaraz: Is the intent to keep the screen of the shrubs that are there?

Mr. Bourdon: Yes.

Mr. Alcaraz: Specifically on 14th Street?

Mr. Bourdon: Yes, if they need to be trimmed, but to keep them there.

Mr. Alcaraz: Manicured, but still kept.

Mr. Bourdon: Yes, absolutely that's the charm of the piece of property.

Mr. Alcaraz: Okay, thanks.

Mr. Bourdon: Thank you.

Mr. Weiner: Any more questions? Thank you. Any more speakers? We'll close it and open it up for discussion. Who wants to go first? Mr. Alcaraz? Someone else go first this time.

Mr. Alcaraz: Yeah, let me hear some comments. I'm on the fence. I know where I'm leaning to, but just want to hear what you guys have to say.

Mr. Coston: Well, I kind of never like to penalize someone at the beginning, before they've even started based on what we might believe might be a problem. So I'm gonna support it.

Mr. Weiner: Okay. Mr. Inman?



Mr. Inman: Yeah, I'm torn on this and I was even torn on that one before words back in the neighborhood. So it's a balancing act between, you know, the tranquility of a neighborhood, you know, and this is an ordinance that allows for short-term rental. Is this a good candidate for it? Probably so, for reasons that Mr. Bourdon noted in terms of it's kind of a unique piece of property, it's on a corner. Pretty well exposed, if there's problems, so on balance; I'd probably have to support it.

Mr. Weiner: Okay, anybody else? Jack Wall?

Mr. Wall: Just, you know, I like to be consistent, I mean how we, how we look at this, and I think that's important, you know, across, you know, whatever we do, you know, we've been denied two, looks like we've denied two, one on 14th, one on 13th, approximately same almost same distance from each other to this property. But we've also approved, or there's been approval of short term rentals in the adjacent corner. And fortunately, those are, that's the area that Mr. Harrison was complaining, you know, had, you know, identifiable any of the specific complaints about one on one corner, one on the other corner, actually three on the 14th and Cypress Avenue corner, and then this one on the other corner. I don't know it's a tossup for me with there's that are nearby, and then there's that they've been approved. And there's that are nearby that have been denied. So I'm still, I'm on the fence still.

Mr. Weiner: Mr. Horsley.

Mr. Horsley: I support it because this is kind of the old beach cuisine or whatever you want to call it. I mean, it looks like the old beach. And I think that's what some of the folks are looking for. And it's not somebody that's purchased piece of property and going and tear it down and try to increase the size, obviously get more bedrooms and have more people, I think somebody is just trying to provide a beach experience to people who may desire that type of experience. So as many of you know, I'm not a big fan of short-term rental but I mean, it meets all that criteria, so I would, I'm going to support the application.

Mr. Weiner: What was the use of the property? What is it now? Did anybody say that I mean how's it been used? Is it a rental? No, it's not a rental now because it hasn't on our thing here. Currently advertised, it's not advertised, it's never been known for rental, and it's still not registered.

Mr. Inman: Okay, now I'm not talking about a short-term rental, talking about rental.

Mr. Weiner: 30 day, like a year rental.

Mr. Inman: A six-month rental, a year rental.

Mr. Horsley: They just bought the piece of property.

Mr. Inman: What's been the prior use?

Mr. Bourdon: As I stated Mr. Inman, Ms. Denton has just bought the property within the last 60 days, it was a rental, it was not a short-term rental, but it has been a rental.

Mr. Inman: Okay, for how long?

Mr. Bourdon: Number of years, I don't know?

Mr. Inman: Do they know?

Mr. Bourdon: No, the previous owner had owned the property for a fair amount of time; I want to say close to 10 years. And it was a rental when Ms. Denton bought it.

Mr. Inman: Thank you.

Mr. Weiner: Mr. Wall.

Mr. Wall: The parking, make this one stand out a little bit more than others is that it does have, there it shows two spaces that are appropriate for this, I believe is two bedrooms, number of bedrooms three. So they need, they need three, three parking spaces, but it looks like there's opportunities even within them in the garage for additional space, and maybe a new possibility even greater, greater amount of parking right there and in the driveway. So it does have that benefit that they would have additional space for parking above and beyond what's required.

Mr. Weiner: Mr. Alcaraz.

Mr. Alcaraz: All right. Well, thank you. And I know most of y'all know how I feel about short term rentals. And the biggest concern I always have is, and this is there for those that are also applying is management. I weigh a lot on management. I don't know how we can tell if we're going to get management at a level that's going to keep it in harmony with the neighbors. But from what I just heard, she's experienced, I like the layout. I like the parking and I like the screening. It's been offered that some improvements are going to be done on the property. And I'm pretty much confident that this one might be less intrusive than what we've seen and heard of. So I'm going to make a recommendation for approval.

Mr. Weiner: All right, we have recommendation for approval. Do we have a second?

Mr. Horsley: Second.

Mr. Weiner: Recommendation by Mr. Alcaraz for approval, Mr. Horsley second.

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

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

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of six in favor and zero against agenda item number 29 has been recommended for approval. Our last item for the day is agenda item number 30 Andrew Lin, an application for a conditional use permit short-term rental on property located at 4441 Ocean View Avenue unit B in the Bayside District. And Mr. Chair we have the applicant online via WebEx.

|         | AYE 6 | NAY 0 | ABS 0 | ABSENT 5 |
|---------|-------|-------|-------|----------|
| Alcaraz | AYE   |       |       |          |

|         |     |  |  |        |
|---------|-----|--|--|--------|
| Barnes  |     |  |  | ABSENT |
| Coston  | AYE |  |  |        |
| Graham  |     |  |  | ABSENT |
| Horsley | AYE |  |  |        |
| Inman   | AYE |  |  |        |
| Klein   |     |  |  | ABSENT |
| Oliver  |     |  |  | ABSENT |
| Redmond |     |  |  | ABSENT |
| Wall    | AYE |  |  |        |
| Weiner  | AYE |  |  |        |

## CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 1316 Cypress 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. When parking option "Plan B," as illustrated in the *Site Layout & Parking Plan* section of this Staff report, is utilized for Short-Term Rental purposes, 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. While this Conditional Use Permit is active, parking passes issued for the subject dwelling unit(s) through the Residential Parking Permit Program (RPPP) shall be limited to two resident passes only. Guest and temporary passes through the RPPP shall not be permitted.
5. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
6. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).
7. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes. Physical response to the site of the Short Term Rental is not required.

8. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
  - a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and
  - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
  - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
9. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
10. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
11. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
12. Accessory structures shall not be used or occupied as Short Term Rentals.
13. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
14. The Short Term Rental shall have no more than one (1) rental contract during any consecutive seven (7) day period.
15. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
16. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
17. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom.
18. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors, shall be installed in each Short Term Rental.

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

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

**Item # 30**

**Andrew Lin [Applicant Lin Family Living Trust [Property Owner]  
Conditional Use Permit (Short Term Rental)  
4441 Ocean View Avenue Unit B**

**June 9, 2021**

**RECOMMENDED FOR DENIAL - HEARD**

Ms. Sandloop: By recorded vote of six in favor and zero against agenda item number 29 has been recommended for approval. Our last item for the day is agenda item number 30 Andrew Lin, an application for a conditional use permit short-term rental on property located at 4441 Ocean View Avenue unit B in the Bayside District. And Mr. Chair we have the applicant online via WebEx.

Mr. Weiner: Okay.

Ms. Sandloop: Andrew Lin if you would wait two to three seconds then state your name and please begin your comments.

Mr. Lin: Good afternoon, my name is Andrew Lin; I'm representing the property owner Lin Family Trust. We got a duplex and over under duplex three unit upstairs, three unit downstairs that we're applying for a short-term rental. We currently have a long-term tenant on a two-year lease for the upstairs unit. There are no plans to make that a short-term rental, it is only the downstairs unit that we are applying for this permit for at this time. That's all.

Mr. Weiner: I have a question for you sir. Are you living in the upstairs one and applying for the short-term rental downstairs?

Mr. Lin: Negative sir, we're actually, no we are not living in the upstairs unit.

Mr. Weiner: No, who lives in the upstairs part of the house? Can you hear me? Excuse me sir, who lives upstairs in the house now?



Mr. Lin: It is a two year; it's a two year lease with a tenant that we have a property manager that rents that out for us.

Mr. Weiner: So the person upstairs is going to be your property manager?

Mr. Lin: Negative sir, we have an offsite property manager and the upstairs unit is a tenant that I think just signed the lease maybe a couple of months ago. And it's a 24-month lease. She has nothing to do with the short-term rental.

Mr. Weiner: Thank you. Any other questions for the applicant? Jack?

Mr. Wall: Did we get it straight or is it straight? So downstairs is just there's one unit upstairs, and one unit downstairs. Is that correct?

Mr. Lin: Yep.

Mr. Wall: Okay. Just want to make sure. Okay, thank you.

Mr. Weiner: All right, thank you, sir. There are speakers?

Ms. Sandloop: Yes, sir. We have several speakers. Top Mr. Old to be followed by Joe Overfleet and then Danny Blevins.

Mr. Weiner: Welcome, ma'am.

Ms. Old: Good evening, gentlemen. My name is Tudjman Old. I have a two property on 4436 Ocean View Avenue, almost 25 years. I am against that people buying

property next to you renting for the short term or bed and breakfast. I don't think so it's fair. A lot of houses over there not far away from my condos almost million dollars or half a million dollars, you rent in those properties for \$1,000 a week or the \$500 a week. You know, what do you prove with that? I mean, I don't think so is a fair? I am against it.

Mr. Weiner: Okay, where do you – do you live on Ocean View Avenue also?

Ms. Old: No sir. I live in Cypress.

Mr. Weiner: Okay.

Ms. Old: But my condos on the Ocean View Avenue in Virginia Beach.

Mr. Weiner: Okay. Do you live in that condo on Ocean View Avenue?

Ms. Old: No, sir. I rent it. I rent it, a lady lives in there almost 15 years and she works in the school district. And then I have a nurse living there, you know, the operation room nurse almost three years.

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

Ms. Old: Thank you, sir.

Ms. Sandloop: Joe Overfelt and then Danny Blevins.

Mr. Weiner: Welcome, sir.

Mr. Overfelt: I live at.

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

Mr. Overfelt: My name is Joe Overfelt. I was lived in this Virginia Beach, Princess Anne County all my life, born and raised and bread in Chesapeake Beach. I live on Lee Avenue 4425 Lee, that's got seven houses on it that are over a million dollars. And what the problem we have with all of the Airbnbs is that the size of our street will not accommodate the new influx that Airbnbs period will create. Plus as one of them said a minute ago, you get people who like to party in these houses. We have Airbnb across the street from us right now that we will be fighting pretty soon, that had a party and had 50, 50 cars on Lee Avenue. Lee Avenue is not much bigger than where you're sitting sir and I don't think probably any of y'all live close to an Airbnb, to appreciate the problems that they have created, more than just street parking. I thank you for your time. I hope you see it our way. There is going to be more coming up, so you gonna have your hands full.

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

Mr. Overfelt: Please.

Mr. Wall: I understand you live on Lee Avenue but where in terms of this property, do you?

Mr. Overfelt: The property is across Pleasure House, not Pleasure House, Lookout Road.

Mr. Wall: So you live on the south side?

Mr. Overfelt: Yes, sir.

Mr. Wall: On the other side.

Mr. Overfelt: I live on Lake Joyce; if I had to make it more clear for you.

Mr. Wall: Yes, sir. Okay, thank you.

Mr. Overfelt: Thank you. Yes sir.

Mr. Weiner: Go Mr. Inman.

Mr. Inman: And it looks like from a map we have on our materials that there are two registered short term rentals. One might be across the street; you are almost across the street.

Mr. Overfelt: It is.

Mr. Inman: And another's on the corner of Lookout Road and Lee Avenue.

Mr. Overfelt: Yes sir.

Mr. Inman: And one of those you had problem with the?

Mr. Overfelt: Yes sir, a bad problem.

Mr. Inman: Okay. How long have they been, those two properties?

Mr. Overfelt: The one across the street from me, the gentleman died about a year and a half ago and his stepson took it over. And nice young man, but they don't care, they

rent it out, was listed in Airbnb as a party house. And that's when we had 50 cars and police, fire trucks or nothing could get down the street, and there in lies your problem, one of your problems and then Airbnb rentals are weekly rentals do not care if they tear up a house. And people are gonna learn that eventually, but it's going to take some help.

Mr. Inman: Thank you.

Mr. Overfelt: Thank you.

Mr. Weiner: Mr. Horsley.

Mr. Horsley: When you had that problem with the 50 cars, did you call the police?

Mr. Overfelt: Absolutely.

Mr. Horsley: Did you get any response on it?

Mr. Overfelt: Yeah, two cars rode down the street and kept going. And you could smell the dope and you could smell the liquor. I've built a million dollar house on Lee Avenue, not a braggadocios, but that's what it costs me.

Mr. Horsley: So that's what I'm trying to find out. Because we tell people when they have a problem to call the authorities and I want to make sure that when they call the authorities that they are getting some action is what I guess.

Mr. Overfelt: I don't think the police department with what's going on across this country right now have time to do a lot of that, they're worried about other things. I think it would be helpful to have a group setup to visit these properties. And I know you say that, was it 311, I haven't called them because we didn't even have one when I first saw it.

Mr. Horsley: Well that's good information for us to know because that's one thing we tell people if you have a problem, you know, you call 311. So we want to make sure that when they do have a problem, we need to be aware of that because we don't want to keep giving people information, it's not getting results. I guess the best way.

Mr. Overfelt: The 311 phone, is it active 24/7 or is it active just in the eight hours?

Mr. Weiner: 24/7.

Mr. Overfelt: 24/7 and will they answer the problems quickly?

Mr. Tajan: They're charged with trying to provide us the information so that we can go and inspect it as well as but if there is a life safety issue or concern like overcrowding, that's the one that you need to contact the police one.

Mr. Overfelt: 311?

Mr. Kemp: No, you need to contact the police if there's a concern for.

Mr. Overfelt: Well, I did.

Mr. Kemp: Okay.

Mr. Horsley: Thank you, sir.

Mr. Overfelt: Thank you. Any more questions?

Mr. Coston: I guess a point of clarification; does he need to contact both in order because you don't get the complaint from 911? You get the complaint from 311, right.

Mr. Tajan: We are currently in the process of making sure we get all the complaints whether they call 911 or 311. So whichever one he contacts, we'll get that information.

Mr. Coston: That's going to put a lot of burden on people, I will tell you that.

Mr. Tajan: We fully understand, but they were charged to trying to figure it out and so.

Mr. Weiner: Thank you, sir.

Mr. Overfelt: Well, I'm totally against itself. Thank you guys, appreciate it.

Mr. Weiner: Thank you.

Ms. Sandloop: Danny Blevins.

Mr. Weiner: Welcome sir.

Mr. Blevins: Yes, members of Planning Commission, my name is Danny Blevins. I reside at 4622 Lauderdale Avenue in Chesapeake Beach. I am a member of the Civic league. I'd like to say one thing, Joe, the number you call is not 311, it's 385311. It's very confusing.

Mr. Weiner: If you have a cell phone, you can just dial 311, it goes right straight.

Mr. Blevins: Is that right?

Mr. Weiner: Yes, sir.

Mr. Blevins: Okay.

Mr. Weiner: Well, I've done it. It works.

Mr. Blevins: Thanks for that clarification. I am opposed to the short-term rental conditional use permit application at 4441 Ocean View Avenue unit B for the following reasons. Bear with me. I need to read this to get through this in my format in three minutes, for the following reasons unverifiable, unenforceable and unworkable use permit conditions. Condition four requires a number of people participating in an event at the STR be limited to two times the number of bedrooms, the number of people present at an event within an STR cannot be verified. And if an event occurs that is an obvious violation of the condition, there's no enforcement action that can be taken. Condition five requires that the name and telephone number of responsible person associated with the STR be provided with an unspecified entity, person or agency, excuse me provided to an unspecified entity, person or agency, that entity person or agency is supposed to be able to contact the responsible party, so the responsible party can correct conditions within 30 minutes. This conditional use permit condition is not a solution, should a party with a large number of people occur via social media or text chain if I live near the STR and chaos breaks out next door or down the street who do I call to contact the responsible party and how effective will that responsible party be especially if the physical response to the STR is not required? This is a condition, this condition is unworkable. Condition 14 requires no outdoor amplified sound between 10 pm and 10 am. This condition is not enforceable. The police cannot enforce the noise ordinances that I think that has been thrown out in the past, judges have said you got to have decibel meters, you just can't enforce it. Condition 15 limits the number of people on the property between the hours of 11 pm and 7 am to two individuals per bedroom. This conditional use permit condition is not verifiable or enforceable. The staff reports that item two, the staff report states that parking requirements are met with the three parking spaces for unit B at the rear of the building and parking for unit A at the front of the building. Unit a requires...

Mr. Weiner: Sir thank you for your comments. Any questions for the speaker. Thank you.



Mr. Blevins: Unit A does not have parking is all off site, it does not have sufficient parking.

Mr. Weiner: Thank you.

Ms. Sandloop: Darrell Stubbs.

Mr. Weiner: Welcome, sir.

Mr. Stubbs: Good afternoon gentlemen. I am Darrell Stubbs, a very long-term resident of Chesapeake Beach some 33 years and I'm here representing the Chesapeake Beach Civic League to strongly oppose short term rentals in Chesapeake Beach. Dan Blevins presented some detailed objections to this particular short-term rental. I will present the Civic Leagues general position on our objections to short term rentals in our neighborhoods. These objections are outlined in a letter from current Civic League President, Mr. T. J. Morgan, dated May 20th, 2021. Members of the Commission have received a copy of this letter. Short term rentals or mini hotels as Mr. Morgan term them in his letter, present a situation where perfect strangers could come into our community on a regular basis and degrade much of the fabric of our neighborhood. The definition of neighborhood as a district especially one forming a community, within a city or town, neighborhoods makes our lives safer, happier and more fun. Folks in our neighborhood tend to have more peace of mind. They often share common values. Chic's Beach by this definition is a neighborhood where we know and lookout for our neighbors and have close associations. We participate in neighborhood activities, like Civic League organized family picnics, 5k runs, golf cart parades, and antique auto shows. Actually, we have an antique car show coming up on June 20th at the Chic's Beach Shopping Center. Also, we have a neighborhood watch that has helped our neighborhood become one of the safest crime free communities in the city. I remember one of our third precinct liaison police officers to the Civic League some years ago said the police officers new to the department were sent to Chic's Beach to get their feet wet since not much went on there. With the proliferation of short term rentals that may not be the case in the future, I believe Dan mentioned the shootout we had at an illegal short-term rental just a few blocks from where he and I live, is this an example of what the neighborhood could become? My extended family loves it here primarily for the sense of community and friendliness of the residents. It's a neighborhood. It's not a resort. It's not a tourist area. Please don't allow the fabric of our neighborhood to be diminished, oppose this application. Thank you for your attention.

Mr. Weiner: Thank you, sir. Any questions? No questions. Okay, thank you, sir.

Ms. Sandloop: Our last speakers, Carol Starbuck. No more speakers sir.

Mr. Weiner: Did the applicant wanted to come back, does the applicant has anything else to say, he is still online?

Ms. Sandloop: Yes, Mr. Lin is still online.

Mr. Weiner: Mr. Lin, do you have anything you'd like to add please?

Mr. Lin: Yes, I do have a few comments. I appreciate everybody's concerns about short-term rental. You know, I do want to, you know, I mentioned that we have spent close to over \$50,000 improving the property, improving the parking, crush and run non-permeable parking spaces, improved the parking spaces in the back so that the guests would actually stay in the back and not park in the front, the long-term tenant upstairs will park in the front, and we have no intention of ever short terming the upstairs unit, we have a very professional property management team that manages our short-term rental Tesseract Property Management, there's a very large sign at the very front of the building that had that shows the number to call them, you can see on the far left side on that picture on the left, they are actually very responsive. We do have cameras that monitor, you know, the parking spots, all the entrances, the back parking spots, so that we know who is and who is not coming. If there are unauthorized vehicles there, we actually will contact the local authorities to make sure that that you know only the authorized guests are there. We specifically asked for, you know, license plates make and model of cars and make sure no one is parking unauthorized there. And obviously with the cameras, we can easily monitor for noise and also to see if there's more guests than actually authorized. I think I addressed all the issues so the upstairs unit which is the long-term rental parks in the front and then the short-term rental units park their vehicles in the back. So we've tried to, you know, I mean it would have been great to have short-term rental both the upstairs and the downstairs but in respect to the community we felt that just renting out the downstairs would minimize the impact and actually leave a long-term tenant at our property there. So we are trying to respect the needs of the community and their requests. That's all.

Mr. Alcaraz: Is he still there? Is that your manager?

Mr. Lin: Sorry, I was muted. Thank you for taking me off, the property manager is a company called Tesseract Property Management Company. They manage a, I think they have well over 60 or 70 short term rentals throughout Norfolk, Virginia Beach. And they run a very professional service. If there are any issues at all, they will have somebody out there within 15 to 20 minutes to handle any leaks or any maintenance issues or any noise or guest issues.

Mr. Weiner: Any other questions? No questions, thank you, sir. No more speakers, right, we will close this and open it up for discussion. Who wants to go first, go ahead Don?

Mr. Horsley: I'll go first, you know, the conditional use permit was put in so the neighbors would get the opportunity to know what's taking place in the neighborhood. And the neighbors had spoken today and I, you know, I'm outside with the neighbors today, I'm not going to support this application.

Mr. Weiner: Anybody else? Go Jack.

Mr. Wall: You know, I agree with Don, I think that it is pretty concerted, you know, response to and, you know, I'd say fairly large, I wouldn't say, you know, super large, but there is quite a bit of opposition in the community for being against this application. So I'm going to, I'm going to oppose it as well.

Mr. Weiner: Okay. Anyone else? Can we get a motion? Mr. Inman?

Mr. Inman: But I have a comment, I mean, if you look at the map, there is a – we got a lot of short term rentals in this vicinity. And I'm gonna go with Don's comment about it's just, I don't know, just don't feel comfortable with this, this situation this particular property, parking situation, it seems a little odd, and I'm not sure that it'll be respected by renters. So I'm going to make a motion to deny it.

Mr. Horsley: I second.

Mr. Weiner: We have a motion for denial by Mr. Inman and second by Mr. Horsley.

Mr. Horsley: And I might make a comment, you know, and I said while ago, we tell people when they come if you have a problem, call 311 or whatever. And, you know, we go with – maybe we overloading the system that it can't handle all these calls, can't respond to all this stuff. I mean, so I think we going to have to, I don't know what councils gonna decide next week. I mean, that may fix the whole problem, but I just think that it's, you know, we can't continue to overload a system that's have in trouble now, the way I feel about it and these neighbors have spoken, and appeared, some of the people have spoken today. Said they didn't call. These people said they called and asked for help and didn't sound like they got a whole lot. So that's kind of part of reason I'm going this direction. I think they probably make a lot of the other criteria here, but I can't see overloading the system that appears to me maybe already overloaded so.

Mr. Weiner: Okay, thank you, ready for the vote.

Ms. Sandloop: Yes, motion is for denial. Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

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

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of six in favor and zero against agenda item number 30 has been recommended for denial.

|         | AYE 6 | NAY 0 | ABS 0 | ABSENT 5 |
|---------|-------|-------|-------|----------|
| Alcaraz | AYE   |       |       |          |
| Barnes  |       |       |       | ABSENT   |
| Coston  | AYE   |       |       |          |
| Graham  |       |       |       | ABSENT   |
| Horsley | AYE   |       |       |          |
| Inman   | AYE   |       |       |          |
| Klein   |       |       |       | ABSENT   |
| Oliver  |       |       |       | ABSENT   |
| Redmond |       |       |       | ABSENT   |
| Wall    | AYE   |       |       |          |
| Weiner  | AYE   |       |       |          |

## CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 4441 Ocean View Avenue, Unit B, and the Short Term Rental use shall only occur in the principal structure.

2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. 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 # 31**

**Krista L. Woodlock [Applicant & Property Owner]  
Conditional Use Permit (Short Term Rental)  
3709 Rockbridge Road**

**June 9, 2021**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Wall: Okay, thank you. That was the last item on 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 Planning Commission support the applications and there are no speakers signed up in opposition. These include agenda item number 28 Dan & Sara Bailey, agenda item number 31 Krista L. Woodlock, application number 37 Standard Community LLC, number 38 William Georghiou and number 39 Andrew Broyles. Those were the last items on the short-term rental consent agenda.

Mr. Weiner: Make a motion?

Mr. Wall: I move for approval of the following consent agenda items. Agenda item number 4 DHW joint venture.

Mr. Weiner: Just read the numbers.

Mr. Wall: Okay, just read the numbers. Number 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25 as well as the short-term rental applications number 28, 31, 37, 38, and 39.

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

Mr. Alcaraz: Second.

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



Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda items 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25, 28, 31, 37, 38, and 39 have been recommended for approval by consent.

Mr. Weiner: Thank you. Thank you for those who had items on the consent agenda and that will now be scheduled for City Council. Now, we will move forward to the regular agenda.

---

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

## CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 3709 Rockbridge Road and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. The garage space within the unit must remain a minimum of 9-feet by 18-feet, contain a minimum 8-foot wide vehicle entryway opening, and shall remain free of materials to ensure vehicular accessibility to the Short Term Rental tenants.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.

5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).
6. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes. Physical response to the site of the Short Term Rental is not required.
7. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
  - a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and
  - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
  - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
8. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
9. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
10. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
11. Accessory structures shall not be used or occupied as Short Term Rentals.
12. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
13. The Short Term Rental shall have no more than one (1) rental contract during any consecutive seven (7) day period.
14. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
15. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
16. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom.
17. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors, shall be installed in each Short Term Rental.

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

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

**Item # 32, 33, 34, 35 & 36**

**VTS Lynd Mayflower Owner, LLC [Applicant & Property Owner]  
Conditional Use Permit (Short Term Rental)  
205 34<sup>th</sup> Street, Units 1601, 1602, 1602, 1604 & 1605**

**June 9, 2021**

**DEFERRED INDEFINITELY**

Mr. Weiner: Thank you. Are there any other items to be deferred? Okay, the chair is aware of items, im just gonna go through this, items one for 30 days, item two for 30 days, item three for 30 days, item 10 for 30 days, item 12 for 30 days, item 23 for 30 days, and items 32 through 36 indefinite deferral. Can I have a motion? I'm sorry? Well, she already came in today; oh I am sorry, 22 for 30 days, 23 for 30 days. Okay.

Mr. Redmond: Mr. Chairman.

Mr. Weiner: Ms. Redmond.

Mr. Redmond: Mr. Chairman, pursuant to the state and local government conflict of interest act, I am making the following declaration. I am abstaining from the vote on deferring agenda item number 10. As I have a conflict on that application, which I will explain more fully when we actually hear it, I have a – have a letter on file with the city attorney's office.

Mr. Weiner: Thank you. Can I have a motion?

Mr. Inman: Mr. Chair.

Mr. Weiner: Oh, I am sorry, who's coming?

Mr. Inman: I need to make some disclosures of having talked to the city attorney about the matter that I should go ahead and do all these disclosures before we vote on anything. So pursuant to the Conflicts of Interest Act, let me first say that as to items that are being financed by Town Bank, which therefore number 13, 14, 20, 21 and 29. I serve on an Advisory Board for Town Bank, which does not consider loans and/or approve loans, and disclosing my membership in that Advisory Board, and I believe I can participate in – in the decisions here today fairly and objectively and in the public interest. That's number one. Next, I'm disclosing that as to items 20 and 21 Pembroke Square Associates, my law firm represents the developer of the property and some of its principles, but I do not represent anyone on this project. And therefore, since I have no financial interest in the matter, and I made this disclosure, I feel I can participate objectively and fairly in the public interest. Last but not least, as to items 15, 16, 17, 18 MP Shore LLC, I represent one of the developers of the property, Terry Peterson but I do not have anything to do with this particular project. And I have no financial interest in it, and I'm making this disclosure and feel that I can fairly and objectively decide, make the decision in the public interest.

Mr. Weiner: Thank you, Mr. Inman. Can I get a motion on the deferred items, please?

Mr. Wall: Mr. Chair, I make a motion that we defer agenda items number 1, 2, 3, 10, 12, 15 and 16, 17 and 18, 22 and 23 for 30 days, 30-day deferral.

Mr. Weiner: And 32 to 36 for indefinite.

Mr. Wall: I'm sorry.

Mr. Weiner: 32 to 36 for indefinite.

Mr. Wall: Oh, and 32 through 36 for an indefinite deferral. Thank you.

Mr. Weiner: I have a motion. Can I have a second?

Mr. Horsley: Second.

Mr. Weiner: Have a motion by Mr. Wall and second by Mr. Horsley, we are ready to vote.

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda items 1, 2, 3, 12, 15 and 16, 17 and 18, 22 and 23 have been deferred for 30 days. Agenda Items 32, 33, 34, 35 and 36 have been deferred indefinitely. And by a vote of six in favor zero against with one abstention agenda item number 10 has been deferred for 30 days.

Mr. Weiner: Great, thank you. Next we'll move on to consent agenda and vice chair Wall will take over.

---

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



**Item # 37**

**Standard Community, LLC [Applicant & Property Owner]  
Conditional Use Permit (Short Term Rental)  
427 Peregrine Street**

**June 9, 2021**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Wall: Okay, thank you. That was the last item on 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 Planning Commission support the applications and there are no speakers signed up in opposition. These include agenda item number 28 Dan & Sara Bailey, agenda item number 31 Krista L. Woodlock, application number 37 Standard Community LLC, number 38 William Georghiou and number 39 Andrew Broyles. Those were the last items on the short-term rental consent agenda.

Mr. Weiner: Make a motion?

Mr. Wall: I move for approval of the following consent agenda items. Agenda item number 4 DHW joint venture.

Mr. Weiner: Just read the numbers.

Mr. Wall: Okay, just read the numbers. Number 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25 as well as the short-term rental applications number 28, 31, 37, 38, and 39.

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

Mr. Alcaraz: Second.

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

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda items 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25, 28, 31, 37, 38, and 39 have been recommended for approval by consent.

Mr. Weiner: Thank you. Thank you for those who had items on the consent agenda and that will now be scheduled for City Council. Now, we will move forward to the regular agenda.

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

## CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 427 Peregrine Road and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. 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 # 38**

**William Georghious [Applicant & Property Owner]  
Conditional Use Permit (Short Term Rental)  
3608 E. Stratford Road**

**June 9, 2021**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Wall: Okay, thank you. That was the last item on 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 Planning Commission support the applications and there are no speakers signed up in opposition. These include agenda item number 28 Dan & Sara Bailey, agenda item number 31 Krista L. Woodlock, application number 37 Standard Community LLC, number 38 William Georghiou and number 39 Andrew Broyles. Those were the last items on the short-term rental consent agenda.

Mr. Weiner: Make a motion?

Mr. Wall: I move for approval of the following consent agenda items. Agenda item number 4 DHW joint venture.

Mr. Weiner: Just read the numbers.

Mr. Wall: Okay, just read the numbers. Number 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25 as well as the short-term rental applications number 28, 31, 37, 38, and 39.

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

Mr. Alcaraz: Second.

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

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda items 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25, 28, 31, 37, 38, and 39 have been recommended for approval by consent.

Mr. Weiner: Thank you. Thank you for those who had items on the consent agenda and that will now be scheduled for City Council. Now, we will move forward to the regular agenda.

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

## CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 3608 East Stratford Road, and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. The garage space within the unit must remain a minimum of 9-feet by 18-feet, contain a minimum 8-foot wide vehicle entryway opening, and shall remain free of materials to ensure vehicular accessibility to the Short Term Rental tenants.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the



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

5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).
6. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes. Physical response to the site of the Short Term Rental is not required.
7. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
  - a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and
  - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
  - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
8. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
9. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
10. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
11. Accessory structures shall not be used or occupied as Short Term Rentals.
12. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
13. The Short Term Rental shall have no more than one (1) rental contract during any consecutive seven (7) day period.
14. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
15. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
16. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom.

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

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

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

**Item # 39**

**Andrew Broyles [Applicant & Property Owner]  
Conditional Use Permit (Short Term Rental)  
3604 E. Stratford Road**

**June 9, 2021**

**RECOMMENDED FOR APPROVAL - CONSENT**

Mr. Wall: Okay, thank you. That was the last item on 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 Planning Commission support the applications and there are no speakers signed up in opposition. These include agenda item number 28 Dan & Sara Bailey, agenda item number 31 Krista L. Woodlock, application number 37 Standard Community LLC, number 38 William Georghiou and number 39 Andrew Broyles. Those were the last items on the short-term rental consent agenda.

Mr. Weiner: Make a motion?

Mr. Wall: I move for approval of the following consent agenda items. Agenda item number 4 DHW joint venture.

Mr. Weiner: Just read the numbers.

Mr. Wall: Okay, just read the numbers. Number 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25 as well as the short-term rental applications number 28, 31, 37, 38, and 39.

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

Mr. Alcaraz: Second.

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

Ms. Sandloop: Mr. Alcaraz.

Mr. Alcaraz: Aye.

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

Mr. Coston: Aye.

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

Mr. Horsley: Aye.

Ms. Sandloop: Mr. Inman.

Mr. Inman: Aye.

Ms. Sandloop: Ms. Klein is absent. Ms. Oliver is absent. Mr. Redmond.

Mr. Redmond: Aye.

Ms. Sandloop: Vice Chair Wall.

Mr. Wall: Aye.

Ms. Sandloop: Chairman Weiner.

Mr. Weiner: Aye.

Ms. Sandloop: By recorded vote of seven in favor and zero against agenda items 4, 5, 6, 7, 8, 9, 13, 19, 20, 21, 24, 25, 28, 31, 37, 38, and 39 have been recommended for approval by consent.

Mr. Weiner: Thank you. Thank you for those who had items on the consent agenda and that will now be scheduled for City Council. Now, we will move forward to the regular agenda.

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

**CONDITIONS**

1. The following conditions shall only apply to the dwelling unit addressed as 3604 East Stratford Road, and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City
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.*