

**Virginia Beach Planning Commission**  
**June 14, 2023, Public Hearing Verbatim**

Mr. Alcaraz: June 14th Planning Commission Public Hearing. My name is George Alcaraz. I'm the chairman of Virginia Beach Planning Commission. Commissioner Horsley and Commissioner Estaris will not be in attendance today. Before we get started, I would like to ask Commissioner Coston to lead us in prayer, followed by the pledge allegiance by Commissioner Parks. Everyone could stand please.

Mr. Coston: Eternal God, our Father, we thank you for this glorious day which you have made. We pray to God that as we come to deliberate and discuss the matters of business for this city, God, we ask that you would give us insight and wisdom and foresight, oh God that we may make the best decision for this city and his citizens. In Jesus name we pray, Amen.

Mr. Parks: [Group Pledge] "I pledge Allegiance, to the flag of the United States of America and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

Mr. Alcaraz: Thank you. Before we get started, if I could have our city attorney and then our commissioners, if you can just introduce yourself, just say whatever you'd like to, your occupation and what district you're in. Thank you.

Ms. Wilson: Okay. I'm Kay Wilson. I'm Deputy City Attorney for land use and I represent the Planning Commission.

Mr. Anderson: Hi, I am Mike Anderson in District three, Kempsville, and I'm in construction sales.

Mr. Coston: And my name is John Coston. I represent District nine and I'm retired.

Ms. Cuellar: My name is Holly Cuellar and I represent District eight, and I have a background in governmental affairs.

Mr. Alcaraz: My name is George Alcaraz. I'm in District five.

Ms. Byler: Hi, I am Kathryn Byler, district four, which is generally the Town Center Area. I'm a real estate broker and an attorney.

Mr. Plumlee: I'm Bryan Plumlee. I'm an attorney. I work in the Town Center Area and I live in District six. I've lived there for 25 years, and I represent District six.

Mr. Clemons: Good afternoon, I'm Michael Clemons. District two representative, and I'm a professor at Old Dominion University.

Mr. Parks: William Parks. I represent District 10 and I'm an architect in Chesapeake.

Ms. Alcock: Caitlin Alcock, Interim Planning Administrator. I'll go ahead and introduce the staff here today. To my left clerking, we have Madison Eichholz, and Shannon Hedrick. We have our director Kathy Warren, deputy director Carrie Bookholt. With our planning administration team, we have Hoa Dao, Marchelle Coleman, Michaela McKinney and Elizabeth Nowak. With zoning, we have our deputy zoning administrator Brandon Hackney and Garrett Hannigan. And then with IT, we have Tasha Martinez.

Mr. Alcaraz: Alright, thank you. The next I'd like to ask our clerk to describe the rules for business. Thank you.

Madam Clerk: Thank you, Mr. Chairman. The Virginia Beach Planning Commission takes pride in being fair and courteous to all parties and attendance. It is important that all involved understand how the commission normally conducts its meetings. It is equally important that everyone treat each other and the members of the commission with respect and civility. We request that cell phones be put on silent during this meeting. This is an abbreviated explanation of the rules. The complete set of rules is located in the front of the Planning Commission agenda. Following is the order of business for this public hearing. Withdrawals and deferrals, the chairman will ask if there are any requests to withdraw or defer an item on the agenda. Consideration of these requests will be made first. Consent agenda, the second order of business is the consideration of the consent agenda and which are those items that the Planning Commission believe are unopposed and have favorable staff recommendation. The regular agenda, the commission will then proceed with the remaining items on the agenda. When an agenda item has been called, we'll recognize the applicant or representative first. Following the applicant or the representative, speakers will be called next.

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

Mr. Alcaraz: All right. Thank you Madam Clerk. The next order of business is consideration for withdrawals. Are there any withdrawals on our applications today? None. Thank you. Are there any deferrals today on any applications? I see none, all right. Now at this time, I'll be passing over to our interim vice chair, Holly Cuellar. She'll handle the consent agenda.

Ms. Cuellar: Thank you very much. Today we have eight items on the consent agenda. These are applications that are recommended for approval by staff and the planning commission concurred, and there are no speakers currently signed up in opposition. We're gonna go ahead and start with items number one, two, and three and Kay Wilson, our City Attorney will be speaking on behalf of the city regarding the zoning ordinance changes.

Ms. Wilson: The first three agenda items are Ordinance Amendments required to be adopted because they were adopted by the General Assembly in 2023. They will take effect on July 1st, even though they will not be voted upon by City Council until July 11th. What they do is change the notifications of the public hearings for the city. Number one does changes for BZA, two and three do wetlands and coastal primary sand dunes. The changes that are being made are that we will have two consecutive publications as we do now, but they will be done on 14 days before the meeting and then seven days before the meeting. So we will move from Sunday publications of all of the notices to whatever day the meeting is held on. Yours will be done on a Wednesday. Wetlands and sand dunes will be done on a Monday. Wetlands and sand dunes also only have to advertise one time a week before, so they will have a Monday advertising and of course that will not be in the beacon, but it will be in the Virginia Pilot legal notices.

**Virginia Beach Planning Commission  
June 14, 2023, Public Meeting  
Agenda Item # 1**

**City of Virginia Beach**

**RECOMMENDED FOR APPROVAL – CONSENT**

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Ms. Cuellar: Thank you very much Ms. Wilson. Is there any opposition to these items being placed on the consent agenda? Hearing none. We'll move forward with the next item. Ms. Cuellar: Thank you very much. That was the last item for our consent agenda. The Planning Commission places the following applications on the consent agenda, items number one, two, three, four, five, seven, eight and nine.

Mr. Alcaraz: Thank you. Do I have a motion for these items to be on the consent agenda?

Ms. Cuellar: I move that to be placed on the consent agenda.

Mr. Alcaraz: All right. I have a motion by Ms. Cuellar. Do I have a second?

Mr. Plumlee: Second.

Mr. Alcaraz: Second by Mr. Plumlee.

Madam Clerk: The vote is open. By a vote of eight to zero items one, two, three, four, five, seven, eight and nine have been recommended for approval.

	AYE 8	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Anderson	AYE			
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris				X
Horsley				X
Parks	AYE			
Plumlee	AYE			

**Virginia Beach Planning Commission  
June 14, 2023, Public Meeting  
Agenda Item # 2**

**City of Virginia Beach**

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Mr. Alcaraz: All right. I have a motion by Ms. Cuellar. Do I have a second?

Mr. Plumlee: Second.

Mr. Alcaraz: Second by Mr. Plumlee.

Madam Clerk: The vote is open. By a vote of eight to zero items one, two, three, four, five, seven, eight and nine have been recommended for approval.

	AYE 8	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Anderson	AYE			
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris				X
Horsley				X
Parks	AYE			
Plumlee	AYE			

**Virginia Beach Planning Commission  
June 14, 2023, Public Meeting  
Agenda Item # 3**

**City of Virginia Beach**

**RECOMMENDED FOR APPROVAL – CONSENT**

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Mr. Alcaraz: Thank you. Do I have a motion for these items to be on the consent agenda?

Ms. Cuellar: I move that to be placed on the consent agenda.

Mr. Alcaraz: All right. I have a motion by Ms. Cuellar. Do I have a second?

Mr. Plumlee: Second.

Mr. Alcaraz: Second by Mr. Plumlee.



Madam Clerk: The vote is open. By a vote of eight to zero items one, two, three, four, five, seven, eight and nine have been recommended for approval.

	AYE 8	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Anderson	AYE			
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris				X
Horsley				X
Parks	AYE			
Plumlee	AYE			

**Virginia Beach Planning Commission**  
**June 14, 2023, Public Meeting**  
**Agenda Item # 4**

**Fitness Ventures, LLC** (Applicant)  
**Chimney Hill Center Virginia Beach, Va. Limited Partnership** (Property Owner)

**Conditional Use Permit** (Indoor Recreational Facility)

**RECOMMENDED FOR APPROVAL – CONSENT**

Ms. Cuellar: Thank you very much Ms. Wilson. Is there any opposition to these items being placed on the consent agenda? Hearing none. We'll move forward with the next item. Item number four on the agenda, Fitness Ventures. Is there a representative here today to speak on this item?

Mr. Alcaraz: Okay. Can we just move forward or should I wait until they are here to speak?

Ms. Wilson: That's up to the board, unless you have questions for them. We usually just go ahead, put them on the consent agenda.

Mr. Alcaraz: Okay. Thank you.

Ms. Cuellar: Okay. Is there any opposition to this item being placed on the consent agenda? Hearing none, I have asked Commissioner Parks to read the item into the record.

Mr. Parks: Thank you. The applicant proposes to operate a 52,000 square foot indoor recreational facility in a vacant unit of the Chimney Hill Shopping Center. The applicant is proposing a new paint and signage to match the branding standards. There is no known opposition and I recommend it for approval.

Ms. Cuellar: Thank you very much. That was the last item for our consent agenda. The Planning Commission places the following applications on the consent agenda, items number one, two, three, four, five, seven, eight and nine.

Mr. Alcaraz: Thank you. Do I have a motion for these items to be on the consent agenda?

Ms. Cuellar: I move that to be placed on the consent agenda.

Mr. Alcaraz: All right. I have a motion by Ms. Cuellar. Do I have a second?

Mr. Plumlee: Second.

Mr. Alcaraz: Second by Mr. Plumlee.

Madam Clerk: The vote is open. By a vote of eight to zero items one, two, three, four, five, seven, eight and nine have been recommended for approval.

	AYE 8	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Anderson	AYE			
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris				X
Horsley				X
Parks	AYE			
Plumlee	AYE			

## CONDITIONS

1. The exterior of the building shall be in substantial conformance with the appearance, size, color, and materials shown on the submitted elevations entitled "CRUNCH FITNESS – 799 CHIMNEY HILL SC, VIRGINIA BEACH, VA 23462, CONSTRUCTION DRAWINGS, OVERALL EXTERIOR ELEVATIONS", dated 11/17/2022, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
2. The applicant shall obtain all necessary permits and inspections from the Department of Planning & Community Development Permits and Inspections Division, the Health Department, and the Fire Department. The applicant shall obtain a Certificate of Occupancy from the Building Official's Office prior to commencing operation.
3. The maximum number of individuals within the facility shall not exceed the maximum number as required by applicable building codes, noted on the Certificate of Occupancy, and posted by the Fire Marshal.
4. All exterior building signage shall comply with the requirements of the City Zoning Ordinance, unless authorized by the Board of Zoning Appeals.

**Virginia Beach Planning Commission  
June 14, 2023, Public Meeting  
Agenda Item # 5**

**Sarah Long** (Applicant)  
**Bixmore GA Hilltop Plaza, LLC** (Property Owner)

**Conditional Use Permit** (Tattoo Parlor)

**RECOMMENDED FOR APPROVAL – CONSENT**

Ms. Cuellar: Thank you. The next item is number five, Sarah Long. Is there a representative here today? Welcome. Please state your name for the record.

Ms. Long: Sarah Long.

Ms. Cuellar: And are the conditions acceptable to you?

Ms. Long: Yes.

Ms. Cuellar: Thank you very much. You may be seated.

Ms. Long: Thanks.

Madam Clerk: Is there any opposition to this item being placed on the consent agenda? Hearing none, I have asked Commissioner Plumlee to read this item into the record.

Mr. Plumlee: This is a matter in District six at 523 Hilltop Plaza. The applicant is seeking to operate a tattoo parlor for permanent makeup to do microblading. They've accepted all the conditions and everyone indicated that during the informal that this is appropriate for consent. Thank you.

Madam Clerk: Thank you very much. That was the last item for our consent agenda. The Planning Commission places the following applications on the consent agenda, items number one, two, three, four, five, seven, eight and nine.

Mr. Alcaraz: Thank you. Do I have a motion for these items to be on the consent agenda?

Ms. Cuellar: I move that to be placed on the consent agenda.

Mr. Alcaraz: All right. I have a motion by Ms. Cuellar. Do I have a second?

Mr. Plumlee: Second.

Mr. Alcaraz: Second by Mr. Plumlee.

Madam Clerk: The vote is open. By a vote of eight to zero items one, two, three, four, five, seven, eight and nine have been recommended for approval.

	AYE 8	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Anderson	AYE			
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris				X
Horsley				X
Parks	AYE			
Plumlee	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 compliance with the provisions of Chapter 23-51 of the City Code.
2. This Conditional Use Permit for a Tattoo Parlor shall be limited to the application of permanent make-up. No other form of tattooing shall be permitted.
3. The actual application of permanent make-up shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
4. 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 signage installed on the exterior of the building or in any window, or on the doors. Window signage shall not be permitted. A separate sign permit shall be obtained from the Department of Planning & Community Development for the installation of any new signs.

**Virginia Beach Planning Commission  
June 14, 2023, Public Meeting  
Agenda Item # 6**

**Alan Bell** (Applicant & Property Owner)

**Conditional Use Permit** (Home Occupation- Retail Sales)

**RECOMMENDED FOR APPROVAL**

Madam Clerk:       Yep. The next item is agenda item number six for Alan Bell. It's a conditional use permit application for a home occupation retail sales at 2634 South Kings Road in District six.

Mr. Alcaraz: Please come forward, sir. Good afternoon, if you could just state your name.

Mr. Bell:       Sure. My name's Alan Bell.

Mr. Alcaraz: Okay. And if you can just give a little short summary of what you're doing. I think some of the commissioners might have some questions for you.

Mr. Bell:       Okay, sure. I've been running a consulting business since about 2018, prior to that I was doing some government contracting. I started with BAE Systems. I moved to another company called Systems Ingenuity. And starting in 2018, things started to grow fairly slowly, but then things sort of picked up speed and I moved into that full time. The nature of the consulting that I primarily do is based on things that I have experience and some expertise in, primarily systems engineering and also an aviation safety. Lately that's consisted almost exclusively of unmanned aircraft and the integration of those aircraft into our national airspace system. The support I'm doing is in that area for other companies, one called Mosaic ATM. There's another called Shield. It's an AI company, artificial intelligence company, another one called Concept Solutions. And ultimately, these companies are supporting other companies like Northrop Grumman, General Dynamics and ultimately the final customer winds up being folks like the Navy, the Army, and so on. The other thing that I do in the consulting world is I try to develop more business and probably the most difficult thing about a business like this is finding that next opportunity because they're generally for a limited amount of time. One of the other things that I've found myself doing recreationally is I compete as a competitive pistol shooter. I've done that for many years, starting in college and I've continued here in the area and I've had a fair amount of success. Because of that, people routinely come to me and ask me questions about my knowledge of firearms in general, especially when it comes to competitive shooting, but that also turns into other questions about firearms, like concealed carry questions, a typical or an example of a question I feel that recently was what caliber of firearms should my wife carry? And after talking about that for about an hour, we decided maybe it wasn't such a good idea for her to carry a firearm at all. And that's sort of the nature of, I think there's a business opportunity there because there are a lot of folks in this

community that are concerned about firearms. Some of them are concerned because they feel unsafe. They want to carry a firearm, others because they are concerned about the firearms themselves. And in either case, I think there's an opportunity to provide some training and education and if I can roll that into part of my business, especially in cases where it's in depth, if somebody really wants to take a deep dive into how to shoot a national match course in an NRA competition, that's something that would take some time depending on their previous experience and there, you know, their expertise with firearms. So I wish I could tell you I knew exactly who the clients were going to be and how many there are, but what I've found with all the other work that I've done is, it's sort of a cliché, but the best advertising is word of mouth and if I work with one person and they're happy, they feel like it was well time well spent, and they tell a friend. That friend oftentimes becomes the next customer and to that end, one of the opportunities to socialize with people who are interested in firearms is to go to gun shows. And at a gun show, you can set up a table, you can have any number of things that you can display and as people come by, if they're interested, you wind up in a conversation, maybe you can hand them a business card and perhaps that leads to some other opportunity. And so that's kind of a nutshell explanation of what I'm hoping to do, really take the existing consulting business and expand that to include another area, which would be anything that has to do with firearms.

Mr. Alcaraz: All right, thank you. I'm gonna go ahead and ask the commissioners, some of them had some questions. Mr. Plumlee.

Mr. Plumlee: Good afternoon. How are you today?

Mr. Bell: Great, thank you.

Mr. Plumlee: So have you been in the consulting business in the field of firearms for a while?

Mr. Bell: Not professionally. It's only been recreationally and through sort of water cooler conversations as people have found out, hey, this is someone who owns some firearms. As I mentioned, the success I've had in competitive shooting has gotten me some attention and people will come to me and ask me very specific questions. What kind of sites do you use? What kind of trigger pull do you use? You know, very, very detailed questions at times.

Mr. Plumlee: And for this consulting work, are you required to have any federal or state permits?

Mr. Bell: You need to have a federal firearms license in order to be able to sell firearms, even to ship them that's required and need to send it to another person who has a federal firearms license. So if I were to consult with someone and they were to want to purchase a firearm, typically I would just refer them to someone else, maybe a distributor or even just a local retailer. But if it happened to be a firearm that I owned and they wanted to purchase that, then I would need that license. A more likely

scenario is, as I mentioned at a gun show, if I were gonna be selling a firearm there, again, having a firearm, a federal firearms license, understanding the paperwork that needs to be done, the background checks and all that, that's the only one that I'm aware of that I would need in addition to just the conditional use permit.

Mr. Plumlee: So you don't have currently any federal or state permits.

Mr. Bell: That's correct.

Mr. Plumlee: Okay. And are there any other agencies other than the ones you've mentioned that regulate the consulting side, not the selling or shipping, I understand that's different, but the consulting side?

Mr. Bell: Not that I'm aware of, no.

Mr. Plumlee: Okay. And it's indicated you've accepted all the conditions that are part of this. Is that accurate?

Mr. Bell: Yes, it is.

Mr. Plumlee: I appreciate the fact that you've gone through the formal process, filed an application with the city, and brought this forward. I do appreciate that. Are your neighbors generally aware of the nature of the consulting work that would be done at your home?

Mr. Bell: Yes. So in dealing with the staff, they provided me with a list of people who are adjacent to my property. Each one of them was sent a letter and prior to that going out, I went and personally visited each one of them. I brought them a copy of my application. In one case, I even had a chance to tour someone else's gun collection.

Mr. Plumlee: Okay.

Mr. Bell: But I did have a chance to talk with all of those people as well as a few other neighbors in the neighborhood. And that first round was generally very supportive, just yesterday I had an email from another person who was really opposed to anything that has to do with firearms in any way. But after talking with her even she said she had no objections. So I think it's fair to say that everyone that has been exposed to this, I've got the bright orange sign in my yard.

Mr. Plumlee: Okay, right.

Mr. Bell: No one has voiced any opposition and quite a few have offered to support the initiative if it were needed.



Mr. Plumlee: Well, I've not received any direct communication from anybody objecting to it. I just wanted to make sure you seem like a person of good character. I just wanted to be able to speak to you and looking to know you a little bit.

Mr. Bell: Sure.

Mr. Plumlee: Just because of the nature of it, but this is a permit that goes you under, excuse me, the conditional use permit is one that follows the property and not necessarily the person you're aware of that.

Mr. Bell: Until you just said that, I was not aware of that. But I plan to be there for as long as I'm still around.

Mr. Plumlee: Okay. Thank you for your time.

Mr. Bell: Sure.

Mr. Alcaraz: All right. Is there any other question? Ms. Byler.

Ms. Byler: Good afternoon, Kathryn Byler. Thanks for coming today. So I don't know much of anything about firearms and my understanding of what you are asking us to do, I don't need to understand firearms. I only need to understand that you intend to have retail operations in a residential area. So I had a couple of questions about that. You placed a huge emphasis just now on training. Is that one-on-one or is that classroom setting, or how does that training take place and where would it take place?

Mr. Bell: So it would almost always be a one-on-one type of arrangement, possibly a two-on-one if for example, it might be like a husband and wife who are both interested at the same time. But those will be done exclusively through a virtual meeting application, Teams, Zoom, and WebEx, something like that. One of the things I'm concerned about is people knowing that there are firearms at my property. I feel like that invites a break in, and even though there are steps in place to sort of prevent those firearms from being stolen, nobody really wants that exposure. So I don't ever intend to have anyone know my physical address and certainly not have anyone come to my property as a business or a client.

Ms. Byler: So that's interesting. So I'm just curious on your webpage, as you're promoting your services and other things, do you not put your address?

Mr. Bell: For this particular portion of it, I don't even maintain a webpage or any other type of arrangement like that. As I mentioned earlier, the word of mouth has been the most powerful asset that I have, and I generally rely on that for all of the business development that I do.

Ms. Byler: So you mentioned that you keep firearms on your property.

Mr. Bell: Yes.

Ms. Byler: And I'm sure you do it in a safe, secure way that's approved by the feds and everyone else. I don't doubt that but after this conditional use permit is issued, if in fact it is, will that increase your inventory? And I'm concerned about, I'm just curious, how do you receive the guns or the firearms? Do they come through the post or do people bring them to you? Do you buy from private sellers? Are there going to be trucks pulling up? How does that happen?

Mr. Bell: No. So the focus of what I'm trying to do, it really doesn't involve the buying and selling of firearms that may be part of it, but it's a very small part. What I'm really selling is the training and the education and sharing the knowledge that I have with other people who are willing to pay for that. I'm not planning to, although on my signage says retail sales, that's really not the focus of what I'm doing. I do have a rather extensive gun collection, at least I think it is, but all of those firearms are stored in a safe out of sight, and I don't plan to increase that collection significantly unless there's just something I want to own personally. There's a chance that I might sell some of the things that I'm, you know, some of the firearms that I'm not using. But again that's really no different than what I would do today. The only difference being that to sell it today, I might go to a gun shop and sell it there or sell it on consignment, something like that. If I also get a federal firearms license, I'll be able to sell that and ship it directly, through something like an online service. For example, there's one called Gun Broker, which is very popular. So I could advertise a firearm there, if somebody wants to buy it, I could sell it to another FFL somewhere in the country, and then they could pick it up, for example, at their local gun shop.

Ms. Byler: So, am I correct in thinking then that you don't have people coming to your property physically to either show you a gun that you might buy or to look at your inventory in order to acquire it?

Mr. Bell: That's correct. I don't anticipate having anyone ever come to my property as part of this business. I would say, there's a chance if I have a close friend, someone who already knows me, and knows where I live, then of course that might be a little bit different. But for just a typical business client, I would not disclose my location or have them come to my property.

Ms. Byler: So you already have a number of businesses that do consulting, but you've applied for this conditional use permit for this new expansion, if you will of your consulting business. And now I guess I'm concerned or surprised why a conditional use permit is needed for this branch if you're already conducting similar businesses?

Mr. Bell: I wish I could answer that and had I known the extent of the process to get to this point where I am at today, I might've opted out early on.

Ms. Byler: Right. I am sure.

Mr. Bell: But I'm already pretty far down this road, one of the direct connections is with the Federal Firearms License. I applied for that in parallel and when you fill out that application, one of the things you have to put on it is your address and when that application was reviewed, they said, you're not zoned for this, so you need to get a conditional use permit in order for us to give you this one. So there's sort of a dependency between the two permits or licenses and I think that's really the best answer I could give you because had that not been there, I may very well have been able to fold this under my existing consulting service without ever bothering you.

Ms. Byler: Well, you're certainly not bothering us. This is what we volunteered for, but thank you for being patient and explaining to me.

Mr. Bell: Sure, my pleasure.

Mr. Alcaraz: Thank you. Are there any other questions? Ms. Cuellar?

Ms. Cuellar: Yes.

Mr. Alcaraz: Okay.

Ms. Cuellar: Hi, I just wanted to, this ties along with what Commissioner Byler was saying is that you have though applied for the FFL license and that would give you the opportunity to tangibly sell a firearm, is that correct?

Mr. Bell: Yes.

Ms. Cuellar: Which is not your focus at this time, but should this business grow and then that would give you that opportunity and then the condition, though, of course, in this application is such that that would all be virtual or like through a third party with someone else who would have an FFL license.

Mr. Bell: Yes. Once I have the FFL, If this business were to take off, this is something, you know, the systems engineering work that I do in the aviation safety, it pays well, but it's not the most interesting work in the world and as I get closer to retirement age, I've thought that maybe owning a gun store at someplace might be something I'd be interested in doing as a retirement activity. It's something I really enjoy doing, and if you can combine the work with the pleasure, it's a little bit easier to tolerate, but at the moment, the way you described, it's exactly the way I anticipate for say the next 10 years or so.

Ms. Cuellar: Thank you very much.

Mr. Bell: Sure.

Mr. Alcaraz: Mr. Plumlee.

Mr. Plumlee: I just wanted to say if anybody was watching the hearing then probably not a soul out there is ever gonna watch this hearing, but I, the condition that you agreed to is there will be no exchange of firearms nor will it be customers on site as all sales and services will be conducted virtually.

Mr. Bell: Yes.

Mr. Plumlee: So that is a condition of this permit just to state that you acknowledge that you understand that.

Mr. Bell: Yep, absolutely.

Mr. Plumlee: Thank you.

Mr. Alcaraz: Alright, thank you. Is there any other questions? All right. There's no, just stand there for a second. So, I guess formality just gonna ask, is there any other speakers, Madam Clerk? None?

Madam Clerk: None.

Mr. Alcaraz: Okay. So there's no rebut. So you may be seated and we're gonna go ahead and vote.

Mr. Bell: All right. Thank you.

Mr. Alcaraz: Thank you. Is there any additional, Mr. Coston, did you wanna say something?

Mr. Coston: No. I'm gonna support it.

Mr. Alcaraz: Okay. You're gonna support it. Does anybody else wants? We're good. All right Mr. Coston.

Mr. Coston: I move that we approve this application.

Mr. Alcaraz: Right, I have a motion by Mr. Coston. I need a second.

Ms. Cuellar: Second.

Mr. Alcaraz: Second by Ms. Cuellar.

Madam Clerk: The vote is now open. Commissioner Byler and Commissioner Clemons, waiting on your votes, thank you. By vote of eight to zero, item six has been recommended for approval.

	AYE 8	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			

Anderson	AYE			
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris				X
Horsley				X
Parks	AYE			
Plumlee	AYE			

## CONDITIONS

1. Any firearm or firearm parts kept on the property shall be stored in a locked, secured vault or similar container. The applicant shall contact the Police Department's Crime Prevention Office to arrange for a meeting at the property for the purpose of conducting a security assessment within one (1) month of the granting of this Conditional Use Permit. A report shall be written by the Police Department, a copy provided to the applicant, the Planning Department, and a copy retained by the Police Department.
2. The applicant shall obtain and maintain a Federal Firearms License (FFL) through the Bureau of Alcohol, Tobacco, Firearm and Explosives (ATF) in order to conduct business.
3. All small arms ammunition, primers, smokeless propellants, and black powder propellants stored or awaiting transfer at the residence shall comply with Section 3306 of the Virginia Statewide Fire Prevention Code and NFPA 495.
4. There shall be no sign identifying the businesses on the exterior of any building on the property or within the yard of the property.
5. Delivery of firearms to the property shall be received on the applicant's property only, secured by the applicant's signature.
6. In accordance with Section 234 (d) of the City Zoning Ordinance, the use shall not create noise, dust, vibration, smell, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than would normally be expected in the neighborhood under normal circumstances wherein no home occupation exists.
7. No more than twenty (20) percent of the floor area of the dwelling unit shall be used in conduct of the activity.
8. There shall be only one (1) employee associated with this home-based business.



**Virginia Beach Planning Commission  
June 14, 2023, Public Meeting  
Agenda Item # 7**

**Diane D. Kitts** (Applicant & Property Owner)

**Conditional Use Permit** (Short Term Rental)

**RECOMMENDED FOR APPROVAL – CONSENT**

Ms. Cuellar: Thank you very much. Our next item is item number seven, Diane Kitts. Is there a representative here today, Ms. Kitts? Okay. Is there any opposition to this item being placed on the consent agenda? Hearing none, I've asked Commissioner Alcaraz to read this item into the record.

Mr. Alcaraz: My apologies. I was not planned to do this. Hold on, let me do it. What item was it seven? Yeah, yeah, sorry, we got this, if I can find it. Item number seven for Diane Kitts is a use permit for a short term rental at 303 Atlantic Avenue, unit 1405. The conditions have been accepted and were recommended for consent.

Ms Cuellar: Thank you very much. That was the last item for our consent agenda. The Planning Commission places the following applications on the consent agenda, items number one, two, three, four, five, seven, eight and nine.

Mr. Alcaraz: Thank you. Do I have a motion for these items to be on the consent agenda?

Ms. Cuellar: I move that to be placed on the consent agenda.

Mr. Alcaraz: All right. I have a motion by Ms. Cuellar. Do I have a second?

Mr. Plumlee: Second.

Mr. Alcaraz: Second by Mr. Plumlee.

Madam Clerk: The vote is open. By a vote of eight to zero items one, two, three, four, five, seven, eight and nine have been recommended for approval.

	AYE 8	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Anderson	AYE			
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris				X
Horsley				X
Parks	AYE			

Plumlee	AYE			

## CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 303 Atlantic Avenue, Unit 1405 and the Short Term Rental use shall only occur in the principal structure.
2. An annual Short Term Rental Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short Term Rental purposes.
3. The dwelling unit shall comply with all required Fire and Building code requirements.
4. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
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 Department of Planning and Community Development; however, the 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.
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 and to be physical present at the Short Term Rental within one (1) hour.
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 Department of Planning and Community Development 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 Permit; and



- b) Copies of the Commissioner of the 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 the 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 that each Short Term Rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a short term rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street.
- 14. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
- 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, which number shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).
- 18. The property owner, or their representative, shall provide to the Department of Planning and Community Development permission to inspect the Short Term Rental property annually. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in affect at the of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one smoke alarm

installed on every floor of the structure and in the areas adjacent to all sleeping rooms, and when activated, be audible in all sleeping rooms, and 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order.

19. Properties managed by Short Term Rental Companies certified by the Department of Planning and Community Development shall only be required to be inspected every three years. The inspection for compliance with the requirements above shall be performed by the short term rental management company and be documented on a form prescribed by the Department of Planning and Community Development and shall be provided during the yearly permitting process.

Properties may be inspected annually for compliance with the requirements above by certified Short Term Rental Management Companies or Certified Home Inspectors. The compliance inspection shall be documented on a form prescribed by the Department of Planning and Community Development and shall be provided during the yearly permit process.

20. A structural safety inspection report shall be provided to the city every three (3) years indicating all exterior stairways, decks, porches, and balconies have been inspected by a licensed design professional qualified to perform such inspection (engineer or architect) and are safe for use. The report must indicate the maximum number of occupants permitted on each level of these structures and placards indicating the maximum number of occupants of all exterior stairways, decks, porches, and balconies must be posted on each level of these structures.

**Virginia Beach Planning Commission  
June 14, 2023, Public Meeting  
Agenda Item # 8**

**Jim Lutz** (Applicant)  
**Melvin Eaton** (Property Owner)

**Conditional Use Permit** (Short Term Rental)

**RECOMMENDED FOR APPROVAL – CONSENT**

Ms. Cuellar: Thank you very much. Our next item is item number eight Jim Lutz. Is there a representative here today to speak on behalf of this agenda item? Okay. Is there any opposition to this item being placed on the consent agenda? Having none, we've asked Commissioner Alcaraz to read this into the record.

Mr. Alcaraz: All right, thank you again. This application Jim Lutz for short term rental at 917 Pacific Avenue Unit D, all conditions are accepted and we ask for this to be on the consent agenda.

Ms. Cuellar: Thank you very much. That was the last item for our consent agenda. The Planning Commission places the following applications on the consent agenda, items number one, two, three, four, five, seven, eight and nine.

Mr. Alcaraz: Thank you. Do I have a motion for these items to be on the consent agenda?

Ms. Cuellar: I move that to be placed on the consent agenda.

Mr. Alcaraz: All right. I have a motion by Ms. Cuellar. Do I have a second?

Mr. Plumlee: Second.

Mr. Alcaraz: Second by Mr. Plumlee.

Madam Clerk: The vote is open. By a vote of eight to zero items one, two, three, four, five, seven, eight and nine have been recommended for approval.

	AYE 8	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Anderson	AYE			
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris				X
Horsley				X
Parks	AYE			

Plumlee	AYE			

## CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 917 Pacific Ave, Unit D and the Short Term Rental use shall only occur in the principal structure.
2. An annual Short Term Rental Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.
3. The dwelling unit shall comply with all required Fire and Building code requirements.
4. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
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 Department of Planning and Community Development; however, the 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.
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 and to be physical present at the Short Term Rental within one (1) hour.
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 Department of Planning and Community Development 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 Permit; and
  - b) Copies of the Commissioner of the 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 the 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 that each Short Term Rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a short term rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street.
- 14. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
- 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, which number shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).
- 18. The property owner, or their representative, shall provide to the Department of Planning and Community Development permission to inspect the Short Term Rental property annually. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in affect at the of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one smoke alarm installed on every floor of the structure and in the areas adjacent to all sleeping rooms, and when

activated, be audible in all sleeping rooms, and 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order.

Properties managed by Short Term Rental Companies certified by the Department of Planning and Community Development shall only be required to be inspected every three years. The inspection for compliance with the requirements above shall be performed by the short term rental management company and be documented on a form prescribed by the Department of Planning and Community Development and shall be provided during the yearly permitting process.

Properties may be inspected annually for compliance with the requirements above by certified Short Term Rental Management Companies or Certified Home Inspectors. The compliance inspection shall be documented on a form prescribed by the Department of Planning and Community Development and shall be provided during the yearly permit process.

19. A structural safety inspection report shall be provided to the city every three (3) years indicating all exterior stairways, decks, porches, and balconies have been inspected by a licensed design professional qualified to perform such inspection (engineer or architect) and are safe for use. The report must indicate the maximum number of occupants permitted on each level of these structures and placards indicating the maximum number of occupants of all exterior stairways, decks, porches, and balconies must be posted on each level of these structures.

**Virginia Beach Planning Commission  
June 14, 2023, Public Meeting  
Agenda Item # 9**

**James & Lori Jones** (Applicants & Property Owners)

**Conditional Use Permit** (Short Term Rental)

**RECOMMENDED FOR APPROVAL – CONSENT**

Ms. Cuellar: Thank you. Agenda item number nine, James and Lori Jones, is there a representative here today to speak on behalf of this? Welcome, and please state your name for the record.

Mr. Jones: James Jones.

Ms. Cuellar: Thank you. And are the conditions acceptable to you?

Mr. Jones: They are.

Ms. Cuellar: Thank you very much. You may be seated. Is there any opposition to this item being placed on the consent agenda? Hearing none, I've asked Commissioner Plumlee to read this item into the record.

Mr. Alcaraz: This is an application again in my district at 1722 Baltic Avenue for conditional use permit for short term rental under the normal conditions placed upon that use. The applicant has accepted all conditions and the commission has indicated that there has been no objection made and it's therefore suitable for the consent agenda.

Ms. Cuellar: Thank you very much. That was the last item for our consent agenda. The Planning Commission places the following applications on the consent agenda, items number one, two, three, four, five, seven, eight and nine.

Mr. Alcaraz: Thank you. Do I have a motion for these items to be on the consent agenda?

Ms. Cuellar: I move that to be placed on the consent agenda.

Mr. Alcaraz: All right. I have a motion by Ms. Cuellar. Do I have a second?

Mr. Plumlee: Second.

Mr. Alcaraz: Second by Mr. Plumlee.

Madam Clerk: The vote is open. By a vote of eight to zero items one, two, three, four, five, seven, eight and nine have been recommended for approval.

	AYE 8	NAY 0	ABS 0	ABSENT 2
Alcaraz	AYE			
Anderson	AYE			
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris				X
Horsley				X
Parks	AYE			
Plumlee	AYE			

## CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 1722 Baltic Avenue and the Short Term Rental use shall only occur in the principal structure.
2. The applicant/owner shall secure and maintain an additional leased parking space for the duration of the Short Term Rental use. The applicant shall provide proof of lease prior to the operation of the Short Term Rental use and at the renewal and/or expiration of each lease term subject to the review and approval of the Zoning Administrator.
3. The dwelling unit shall comply with all required Fire and Building code requirements.
4. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
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 Department of Planning and Community Development; however, the 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.
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 Department of Planning and Community Development 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 Permit; and
  - b) Copies of the Commissioner of the 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 the 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 that each Short Term Rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a short term rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street.
14. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
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, which number

shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).

18. The property owner, or their representative, shall provide to the Department of Planning and Community Development permission to inspect the Short Term Rental property annually. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in effect at the of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one smoke alarm installed on every floor of the structure and in the areas adjacent to all sleeping rooms, and when activated, be audible in all sleeping rooms, and 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order.

Properties managed by Short Term Rental Companies certified by the Department of Planning and Community Development shall only be required to be inspected every three years. The inspection for compliance with the requirements above shall be performed by the short term rental management company and be documented on a form prescribed by the Department of Planning and Community Development and shall be provided during the yearly permitting process.

Properties may be inspected annually for compliance with the requirements above by certified Short Term Rental Management Companies or Certified Home Inspectors. The compliance inspection shall be documented on a form prescribed by the Department of Planning and Community Development and shall be provided during the yearly permit process.

19. A structural safety inspection report shall be provided to the city every three (3) years indicating all exterior stairways, decks, porches, and balconies have been inspected by a licensed design professional qualified to perform such inspection (engineer or architect) and are safe for use. The report must indicate the maximum number of occupants permitted on each level of these structures and placards indicating the maximum number of occupants of all exterior stairways, decks, porches, and balconies must be posted on each level of these structures.