

**Virginia Beach Planning Commission**  
**May 10, 2023, Public Hearing Verbatim**

Mr. Alcaraz: Call the order of the planning Commission May 10th Public Hearing. My name is George Alcaraz. I'm the chairman, Commissioner Anderson and Plumlee will not be in attendance today. Before we get started, I have asked Commissioner Coston to lead us in prayer, followed by the pledge allegiance by Mr. Horsley. Please stand.

Mr. Coston: Eternal Father, we thank you for this glorious day which you have made. We thank you, God for all of the blessings that you have bestowed upon us. God, as we come to conduct business on behalf of the city, God, we ask that you would bless us with your wisdom and your knowledge and your understanding that we might be better servants to those who we've been assigned to serve. We ask these blessings in your name and for your sake, Amen.

Mr. Horsley: Please join me in the pledge. [Group Pledge] "I pledge Allegiance, 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, Don. I'd like to just start, maybe we just have everyone just introduce themselves and starting with Kay over there, our city attorney.

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

Ms. Estaris: Hi, I'm Naomi Estaris. I'm from Kempsville and I represent district one.

Mr. Coston: My name is John Coston and I represent district nine.

Mr. Horsley: My name is Don Horsley. I'm in At-Large representative and I'm farmer in Blackwater section of Virginia Beach.

Mr. Alcaraz: George Alcaraz, district five,

Ms. Cuellar: Holly Cuellar, district eight.

Ms. Byler: Hi, I'm Kathryn Byler, district four, and I'm a new appointee. So today is my first day. It's a pleasure to be here.

Mr. Clemons: I'm Michael Clemons, district two, employee at Old Dominion University.

Mr. Parks: I'm William Parks. I'm an architect and represent district 10, thanks.

Ms. Alcock: I am Kaitlen Alcock, interim planning administrator for the planning department, and I'll briefly introduce staff to my left clerking today we have Madison Eichholz and Shannon Hedrick. At the table, we have our zoning administrator, Hannah Sabo, Deputy Director Kathy Warren, Hoa Dao with our planning administration team, Marchelle Coleman. We have Elizabeth Virtez with our IT team and then out in the audience we have Hank Morrison, our comprehensive planning manager. Planners, Elizabeth Nowak, Michaela McKinney, and Reacher Belcock. We have our interim deputy Director, Carrie Bookholt, as well as for zoning Brandon Hackney, Garrett Hannigan, and Pam Wythem.

Mr. Alcaraz: Thank you, Kaitlen. I appreciate that. Before we get started and please excuse, but we do have a couple of individuals here that we need to recognize. So it will take about 10-15 minutes for us to do this before we get into the agenda, and I apologize to the applicants and the guests here. So on behalf of the planning commission and staff, it's our honor to recognize the former Commissioners who are present today for their years of service City Commission and the City of Virginia Beach. Altogether, they've nearly contributed almost half a century of collective service over the course, you like that? Over the course of the years, they've earned bragging rights for surviving public hearings on WebEx during pandemic, attending joint meetings with City Council that were late into the evenings a couple of times 1:00 AM, endless forums and meetings and short-term rentals, and have met with citizens all over the city in places to include the convention center, the Old City Hall, recreation centers, and now our new municipal center. They're mindsets of maps on our beloved city. Our city is stronger because of the engagement of the leadership of these who served on these boards, committees, commissions, and task forces and diversity of thought always allows to meet new challenges. Having said that, I'd like to pass on to, Holly, did I skip something here? Don, if you can come forward and Caitlin, come forward, what we're gonna do is call the commissioners up. We're gonna say few words, if we don't get it right; you may correct us and at the podium, we gonna take a picture, then we're gonna do a group picture. Okay. All right, so Holly, go ahead.

Ms. Cuellar: Okay. We have two former commissioners who are not here today, but I'm just gonna recognize their names, which is Mr. David Bradley and Barry Frankenfield. So hopefully there'll be another opportunity for them to join us and we can recognize them for our service. So I'd ask that please Dee Oliver come forward.

Mr. Alcaraz: This is the 50 years.

Ms. Cuellar: Commissioner Oliver joined the commission in 2014. She served continuously until February of 2023. She's brought a diverse skillset from her experience as a wife, mother, author, and businesswoman to the commission and served as a former chair. Her actions clearly defined the term community organizer and activist, and never once has she backed down from a fight. I look forward to seeing where her passion leads her next as service is in her blood. Thank you very much Dee.

Ms. Oliver: Thank you.

Mr. Alcaraz: Thank you. Do you have anything to say?

Ms. Cuellar: Okay. Next, if we could please have David Redmond join us at the front. Commissioner Redmond arrived on the scene in April of 2016 and served until February of 2023. His jovial spirit and sense of humor lightened up our meetings and his strategic focus on real estate development proved a valuable asset to the commission. David maintained a pro-business; eliminate the obstacles approach during his tenure. He was also an excellent master of ceremonies for his willingness to introduce members of the commission each month. Thank you for your service.

Mr. Alcaraz: Go ahead.

Ms. Cuellar: Jack Wall, if you please come forward. Commissioner Wall is the past Chair of the Commission and served from January 2015 to February 2023. Being an engineer is a unique skillset and Jack brought his full toolbox to the commission. We have a special gift for Jack as former Chair, and we know that engineers like tools and this ceremonial gavel will serve him in his future endeavors. Thank you, Jack, for your service and leadership to the Planning Commission.

Mr. Alcaraz: Thanks Jack.

Ms. Cuellar: And last but not least of course is David Weiner.

Mr. Alcaraz: That's another 50 years right there and going.

Ms. Cuellar: Commissioner Wiener is a standout volunteer who served nine years on the Planning commission from 2014 to 2023. He and Dee Oliver joined and exited the Planning Commission together. One thing that isn't spoken of very often is that when appointed to a Commission, the unexpected gift is the gift of friendship with your colleagues. David's leadership as a former Chair and advocate for a well-run meeting and passion for the development and preservation of his district were evident at every meeting, his institutional knowledge will be missed. Thank you for your service.

Mr. Alcaraz: Thank you Dave. If you can all come forward, everybody stand up. We're gonna get a picture. Stand up. Just stand up. All right guys, thank you. In closing, I'd like to thank all you members from past and present who gave your time for the city. Thank you so much.

Mr. Horlsey : I've been, I've served with these, you had my experience with these, and you're well over a hundred years, I think. But these people have served with me for many years. I don't know, David Weiner and Dave Redmond have served with me and Dee, I don't, I don't know, at least 14, 15 years, I'm sure in the past and I've found them to be very fair people, very knowledgeable people, willing to listen and before they made decisions and, it's really, it was really a pleasure for me to serve with these folks. I've been on planning commission many years, but when my main thing coming from planning commission was friends that I accumulated over the years. So appreciate all your, thank you.

Mr. Alcaraz: Thank you again. All right, applicants and guests, thank you for letting us to do that. At this time, I'd like to have the clerk describe the rules and order please.

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. The following is the order of business for this public meeting, 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, which are those items that the Planning Commission believes are unopposed and which have favorable staff recommendation. Regular agenda, the commission will then proceed with the remaining items on the agenda. When an agenda item has been called, we will recognize the applicant or the representative first following the applicant or the representative and in-person speakers will be called next, and then the speakers participating via WebEx. 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 the Civic League or Homeowners Association, in which case they will have 10 minutes. If a speaker does not respond, or if a technical issue occurs which renders the comments unintelligible, we will move on to the next speaker or the next order of business. Please note that the actions taken by the commission today are in the form of a recommendation to the Virginia Beach City Council. The final decision to approve or disapprove an application will be made by the City Council. The commission thanks you for your attendance, and we hope that your experience here today leaves you feeling that you have been heard and treated fairly. Thank you.

---

Ms. Alcaraz: Thank you, Madam Clerk. The next order of business is consideration and for formality withdrawals. Are there any withdrawals? Okay again, are there any deferrals? I see none. Vice chair, I turn it over to you for consent.

Mr. Horsley: Thank you, Mr. Chairman. Today, we have nine items on our consent agenda. Item number one is the City of Virginia Beach in ordinance to amend the section 102 of the City Zoning Ordinance. I'll ask Hannah if she would come forth and read that.

Ms. Sabo: I believe Brandon Hackney will be reading this item.

Mr. Horsley: Okay.

Mr. Hackney: Good afternoon, Chairman and Commissioners. So item one is an ordinance to amend section 102 of the City Zoning Ordinance, establishing

**Virginia Beach Planning Commission  
May 10, 2023, Public Meeting  
Agenda Item # 1**

**City of Virginia Beach (Applicant)**

**Ordinance Amendment**

**RECOMMENDED FOR APPROVAL – CONSENT**

Mr. Horsley: Thank you, Mr. Chairman. Today, we have nine items on our consent agenda. Item number one is the City of Virginia Beach in ordinance to amend the section 102 of the City Zoning Ordinance. I'll ask Hannah if she would come forth and read that.

Ms. Sabo: I believe Brandon Hackney will be reading this item.

Mr. Horsley: Okay.

Mr. Hackney: Good afternoon, Chairman and Commissioners. So item one is an ordinance to amend section 102 of the City Zoning Ordinance, establishing the Pembroke SGA Overlay District Western Campus, and an ordinance to add Title 24 to the City Zoning Ordinance to add the Pembroke SGA Overlay District Western Campus. So the Western Campus Overlay District is one of six urban districts within the Pembroke SGA, plan the strategic growth area plan. This ordinance provides the option for any property owner to opt in to the overlay, which allows for uses and development standards that may not be allowed within the underlying zoning districts. So this ordinance is an opt-in, which would allow for any property owner to continue to develop in accordance with its underlying zoning districts and standards. So the purpose of this overlay district is to enhance the economic vitality and walkable character of the Pembroke SGA. Some of the proposed uses that are not allowed in those underlying zoning districts are multi-family, small business, such as retail and office, restaurants, craft breweries and multi-use developments. It should be noted that the parcels that do not wish to opt into the overlay will continue to be regulated by their underlying zoning districts.

Mr. Horsley: Thank you Ms. Cuellar. So Mr. Chairman, the consent agenda consisting of item number one, number three, number four, number five, number six, seven, eight, nine, and 11 moved, they be approved on the consent agenda.

Mr. Alcaraz: Thank you, Vice Chair. Do I have a second?

Mr. Coston: Second.

Mr. Alcaraz: Second by Mr. Coston.

Madam Clerk: The vote is now open. By vote of eight to zero items one, three, four, five, six, seven, eight, nine and 11 have been recommended for approval.

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

**Virginia Beach Planning Commission  
May 10, 2023, Public Meeting  
Agenda Item # 2**

**City of Virginia Beach (Applicant)**

**Ordinance Amendment**

**RECOMMENDED FOR APPROVAL**

Madam Clerk: Agenda item two, the City of Virginia Beach. An ordinance to amend section 202 of the City Zoning Ordinance pertaining to flood zone height requirements. Eddie Bourdon wants to speak on this item.

Mr. Bourdon: I'm sorry, this was pulled from consent. I just had a comment. I'm totally in favor of what is proposed today, but from looking at things historically, I think it's important and I hope the planning commission may take this up. The city staff recommended at least a decade ago that the Freeboard, which is a city controlled determination be increased to three feet in all flood zones, and then since then, and there was no height change at that time, and because there was no height change provision in the, with that, it was put back down to two feet versus three because the builders and developers and everybody else, you know, didn't think it was equitable to go a whole full three feet. Now with this change and with the HGLs which we didn't have before, we've got a very complex regulatory system that's easy to make mistakes because the HGL elevation trumps the Freeboard in certain of the sub catchment areas under our floodplain, not our floodplain, our stormwater ordinance. So my point here is that, all the flood hazard zones should, in my view, have a three foot Freeboard rather than have it, you know, mix and match because you already have the unpredictability of the HGL elevation. So we're just, we are adding complication after complication. This isn't adding complication. This is actually a part of simplifying the process and I would hope that we can look at putting a three foot Freeboard in all of the flood zones rather than a two in some and a three in another. Thank you.

Mr. Alcaraz: Thank you. Mr. Bourdon. If I may ask either, does administrator or the or legal advice, what's your comment on that?

Ms. Sabo: I will say that Council through the last few years has made a number of changes to the flood plan requirements and that this amendment does not change what the Freeboard requirements are for any of the districts. It's



simply as Eddie said, makes it simpler to comply with those requirements and then makes it so the zoning ordinance is in line with those flood plan requirements.

Mr. Alcaraz: So making it three foot wouldn't benefit across the board?

Ms. Sabo: That would definitely be something that staff could consider changing, the Freeboard requirements across the city. My understanding is there was a lot of discussion during the last change to the flood zone requirements between the development community and then staff and balancing, you know, the needs for flood mitigation as well as the development desires. So that's where the current Freeboard requirements came from.

Mr. Alcaraz: Ms. Wilson, may I ask you please?

Ms. Wilson: Yes, I completely agree with Ms. Hannah. I feel like this revision is something that brings a little more fairness in, if you were building to, you had to have three feet of Freeboard say, than you could only go up two feet. So you lost a foot, but we're trying to make it more evenly applicable and fairer and so I think in order to change the Freeboard requirements, what we really need to do is go back and look at the flood plan ordinance holistically and that'll take us a while but that's something we can do immediately.

Mr. Alcaraz: Okay. Thank you. All right. Are there any questions or comments Commissioners? None. Do I have a motion?

Mr. Horsley: Mr. Chairman, I make a motion that we approve the item number two.

Mr. Alcaraz: All right. I have a motion by Mr. Horsley.

Mr. Parks: Second.

Mr. Alcaraz: Second by Mr. Parks.

Madam Clerk: The vote is open. By a vote of eight to zero, the item has been recommended for approval.

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

**Virginia Beach Planning Commission  
May 10, 2023, Public Meeting  
Agenda Item # 3**

**City of Virginia Beach (Applicant)**

**Ordinance Amendment**

**RECOMMENDED FOR APPROVAL – CONSENT**

Mr. Horsley: Thank you. The next item on our consent agenda is item number three, the City of Virginia Beach Resolution to amend the city of Virginia Beach Comprehensive Plan by incorporating Commercial Area Pattern Book, and the Flood Resiliency Toolkit. Hank Morrison will read that.

Mr. Morrison: Good afternoon commissioners. All right, so this request is to amend the reference handbook of the Comprehensive Plan by incorporating two documents, the Flood Resiliency Toolkit and the Commercial Area Pattern Books into the documents adopted by reference. The Flood Resiliency Toolkit is a document that provides guidance and best practices for residents to improve resilience to flooding in their homes and within their communities. The Toolkit provides a range of recommendations based on the amount of time and money that property owners would need to invest. So this could range from something as simple as storing valuables above the base flood elevation at their home to incorporating things like rain gardens in their property, all the way up to elevating your home out of the base flood elevation. Can you go to the next slide, please? The Commercial Area Pattern Book provides a step-by-step guide for phased redevelopment of existing commercial areas within the suburban area of the city. It aims to make the redevelopment process more predictable for both developers as well as members of the community. And it's really intended to be a conversation starter between communities, developers and planning staff in the early stages of redevelopment. This project began back in February of 2022, so staff worked with a consultant, work program, architects. We worked very closely with the community to understand what the residents vision was for this particular area of the city. We held six different public meetings and presented to multiple Civic Leagues and City Boards and Commissions like the Bayfront Advisory Commission, Active Transportation Advisory Committee and the Virginia Beach Vision Group. Staff has tried to engage pretty continuously with the community throughout this project. So we included, we had presentations to the Princess Anne Plaza Civic League last month as well as at the Bayfront Advisory

Commission meeting in April. So, and at their last meeting, the Bayfront Advisory Commission voted to support this request. So staff is gonna recommend approval of this ordinance as it's attempting to improve the quality of life for residents by increasing resilience to flooding, in other extreme weather events and also assisting with the redevelopment of aging commercial centers while maintaining the compatibility with the existing residential communities that they adjoin. So thank you very much.

Mr. Horsley: Thank you. Now, I neglected doing that on the first of what is any opposition to this amendment, hearing none. Next item is item number four, Commonwealth Auto Group. Is there applicant here?

Mr. Horsley: Thank you Ms. Cuellar. So Mr. Chairman, the consent agenda consisting of item number one, number three, number four, number five, number six, seven, eight, nine, and 11 moved, they be approved on the consent agenda.

Mr. Alcaraz: Thank you, Vice Chair. Do I have a second?

Mr. Coston: Second.

Mr. Alcaraz: Second by Mr. Coston.

Madam Clerk: The vote is now open. By vote of eight to zero items one, three, four, five, six, seven, eight, nine and 11 have been recommended for approval.

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

**Virginia Beach Planning Commission  
May 10, 2023, Public Meeting  
Agenda Item # 4**

**Commonwealth Auto Group, Inc** (Applicant)  
**Bayside Properties, LLC** (Property Owner)

**Modification of Conditions** (Motor Vehicle Sales & Rentals)

**RECOMMENDED FOR APPROVAL – CONSENT**

Mr. Horsley: Thank you. Now, I neglected doing that on the first of what is any opposition to this amendment, hearing none. Next item is item number four, Commonwealth Auto Group. Is there applicant here?

Mr. Reese: Yes, sir.

Mr. Horsley: Come forward please. Is the, are the conditions acceptable?

Mr. Reese: Yes sir.

Mr. Horsley: Thank you.

Mr. Reese: Thank you.

Mr. Horsley: You should, I'm sorry sir. Come back and state your name for us, state your name for us.

Mr. Reese: Chris Reese.

Mr. Horsley: All right, thank you.

Mr. Reese: Thank you.

Mr. Horsley: All right. Is there any opposition? We ask John Coston if he would read this into the record.

Mr. Coston: The applicant is requesting to modify the conditions of a conditional use permit for motor vehicle sales and rentals approved by the City Council on July 6, 2021 in order to construct a 1,950 square foot storage building at the rear of the 37,730 square foot B-2 community business owned parcel. Previous approval required the site to be constructed in substantial conformance with the 2021 approved conceptual plan. Since the proposed

1,950 square foot storage building was not shown on that plan, a modification of conditions application is required.

Mr. Horsley: Thank you Ms. Cuellar. So Mr. Chairman, the consent agenda consisting of item number one, number three, number four, number five, number six, seven, eight, nine, and 11 moved, they be approved on the consent agenda.

Mr. Alcaraz: Thank you, Vice Chair. Do I have a second?

Mr. Coston: Second.

Mr. Alcaraz: Second by Mr. Coston.

Madam Clerk: The vote is now open. By vote of eight to zero items one, three, four, five, six, seven, eight, nine and 11 have been recommended for approval.

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

## CONDITIONS

1. All conditions attached to the previous Conditional Use Permit granted on July 6, 2021, are hereby deleted, and superseded by the following conditions.
2. 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 3/01/2023, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
3. The exterior of the building shall be in substantial conformance with the appearance, size, color, and materials shown on the submitted elevations entitled "Storage Building for Commonwealth Auto Group", dated 3/01/2023, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.

4. All the curbing, bollards, and surfaces on the site where the painting is chipping or is otherwise in obvious despair shall be repainted and maintained while the use is active.
5. The total number of vehicles displayed for sale shall be limited to 38.
6. All landscaping shall be maintained on-site in accordance with the approved Landscape Plan including the landscaping located within the right-of-way.
7. All signage on the site shall meet the requirements of the Zoning Ordinance. A separate sign permit shall be obtained from the Department of Planning & Community Development for the installation of any new signage.
8. The vehicle prep area shown on the Conceptual Site Plan, identified in Condition 1, shall not be used to display vehicles for sale at any time.
9. 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.
10. There shall be no storage of tires, merchandise, or debris of any kind outside of the building.
11. No outside storage of vehicles in a state of obvious disrepair shall be permitted on the site.
12. There shall be no auto repair or service on the site.
13. There shall be no outside audio speakers for any purpose.
14. 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. 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.

15. 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.



**Virginia Beach Planning Commission  
May 10, 2023, Public Meeting  
Agenda Item # 5**

**Whitt G. Sessoms, III & Teresa E. Sessoms** (Applicants & Property Owners)

**Change in Nonconformity** (Expansion to Principal Dwelling)

**RECOMMENDED FOR APPROVAL – CONSENT**

Mr. Horsley: Thank you, Mr. Coston. The next item on consent Agenda is item number five, Whitt G. Sessoms, III and Teresa E. Sessoms change in nonconformity.

Mr. Bourdon: Thank you, Mr. Vice Chair for the record, Eddie Bourdon, Virginia Beach Attorney representing Mr. and Mrs. Sessoms. We greatly appreciate being on the consent agenda. I want to thank Elizabeth for her diligent hard work on this application. All five conditions as recommended are acceptable to my clients.

Mr. Horsley: Thank you.

Mr. Bourdon: Thank you.

Mr. Horsley: Is there any opposition? Hearing none. We've asked Commissioner Cuellar to read this.

Ms. Cuellar: Thank you. The applicant is requesting a change in nonconformity in order to expand an existing dwelling on a nonconforming lot. The applicant plans to construct a second story edition atop in existing one story section of the house. The project will also expand the kitchen at the rear of the house by moving an exterior wall and will install a covered porch pergola over the entrance to the rear unit. The subject property 109 43rd Street is located in Cavalier Shores. The applicant has agreed to all the conditions. There are multiple letters of support, no letters of opposition, and both staff is recommending for approval and the planning commission recommends for the consent agenda.

Mr. Horsley: Thank you Ms. Cuellar. So Mr. Chairman, the consent agenda consisting of item number one, number three, number four, number five, number six, seven, eight, nine, and 11 moved, they be approved on the consent agenda.

Mr. Alcaraz: Thank you, Vice Chair. Do I have a second?

Mr. Coston: Second.

Mr. Alcaraz: Second by Mr. Coston.

Madam Clerk: The vote is now open. By vote of eight to zero items one, three, four, five, six, seven, eight, nine and 11 have been recommended for approval.

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

## CONDITIONS

1. Except as modified by any condition below, or as necessary to meet City Development Ordinances and Standards, the Site shall be developed substantially in accordance with the concept site layout entitled "Physical Survey Lot 17 Cavalier Shores," prepared by Gallup Surveyors and Engineers and is on file in the Department of Planning and Community Development.
2. Except as modified by any condition below, or as necessary to meet City Development Ordinances and Standards, the Site shall be developed substantially in accordance with the concept renderings exhibited to Planning Commission and City Council and are on file in the Department of Planning and Community Development.
3. The maximum number of dwelling units on the subject Site shall not exceed two (2).
4. The minimum front yard setback shall be 17 feet. The minimum side yard setbacks shall be 4.5 feet in the east side yard and 5 feet in the west side yard.
5. Any variation to the proposed building materials as described in the Staff Report dated May 10, 2023 may be considered subject to the review and approval of the Director of Planning and Community Development.

**Virginia Beach Planning Commission  
May 10, 2023, Public Meeting  
Agenda Item # 6**

**Alacrity, LLC** (Applicant)

**Old Brandon First Colonial Associates, LLC** (Property Owner)

**Conditional Use Permit** (Body Piercing Establishment)

**RECOMMENDED FOR APPROVAL – CONSENT**

Mr. Horsley: Thank you. Next item is item number six, Alacrity LLC, Old Brandon First Colonial Associates, conditional use permit for body piercing.

Ms. Blunt: Good afternoon commissioners. I'm Sandra Blunt representing Alacrity LLC.

Mr. Horsley: Are the conditions acceptable?

Ms. Blunt: Absolutely.

Mr. Horsley: Thank you.

Ms. Blunt: Thank you, sir.

Mr. Horsley: Is there any opposition to this application? Hearing none. We've asked Commissioner Parks if he would read this into the record.

Mr. Parks: Thank you, sir. The applicant is requesting a conditional use permit for body piercing establishment to expand the types of services currently offered by their business studio Good Vibes, which operates a traditional tattoo parlor within the Hilltop Plaza Shopping Center. The conditional use permit was approved by City Council on September 9th, 2015. The piercing booth will be completely private and out of view of both patrons and the suite and the outdoors. No changes to the exterior of the building or any new signage is proposed.

Mr. Horsley: Thank you Ms. Cuellar. So Mr. Chairman, the consent agenda consisting of item number one, number three, number four, number five, number six, seven, eight, nine, and 11 moved, they be approved on the consent agenda.

Mr. Alcaraz: Thank you, Vice Chair. Do I have a second?

Mr. Coston: Second.

Mr. Alcaraz: Second by Mr. Coston.

Madam Clerk: The vote is now open. By vote of eight to zero items one, three, four, five, six, seven, eight, nine and 11 have been recommended for approval.

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

## CONDITIONS

1. A business license for the Body Piercing Establishment shall not be issued to the applicant without the approval of the Health Department for consistency with the provisions of Chapter 23 of the City Code.
2. The actual body piercing 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. Window signage shall not be permitted. Any freestanding signage shall be monument style, no higher than eight feet, with a brick base to match the building. A separate sign permit shall be obtained from the Planning Department for the installation of any new signs.

**Virginia Beach Planning Commission  
May 10, 2023, Public Meeting  
Agenda Item # 7**

**Nancy G. Braithwaite** (Applicant & Property Owner)

**Conditional Use Permit** (Bulk Storage Yard)

**RECOMMENDED FOR APPROVAL – CONSENT**

Mr. Horsley: Thank you Mr. Parks. The next item is item number seven, Nancy Braithwaite, conditional use permit for bulk storage. Mr. Bourdon.

Mr. Bourdon: Again thank you, Mr. Vice Chair. Chairman Alcaraz, members of Commission for the record Eddie Bourdon, Virginia Beach Attorney representing Mrs. Braithwaite, we appreciate this application being on the consent agenda. All eight conditions are acceptable, and we appreciate the waiver on the landscaping. This facility will not be able to be visible by anybody other than Ms. Braithwaite as long as the existing vegetation remains. Thank you very much.

Mr. Horsley: Thank you. Is there any opposition? Hearing none. We have asked Commissioner Coston if he would read this.

Mr. Coston: The applicant is requesting a conditional use permit to operate a bulk storage yard on a 4.7-acre portion of a 53-acre parcel zoned I-I light industrial. The bulk storage yard will be used as a temporary storage for recreational vehicles, RVs, boats, trailers, and other motor vehicles. Applicant plans to provide 152 parking stalls for vehicles. Various size of stalls will be provided and will range from 35 feet to 50 feet in length. Stalls will be pulled through; it's been recommended for approval, and we've therefore put it on the consent agenda.

Mr. Horsley: Thank you Ms. Cuellar. So, Mr. Chairman, the consent agenda consisting of item number one, number three, number four, number five, number six, seven, eight, nine, and 11 moved, they be approved on the consent agenda.

Mr. Alcaraz: Thank you, Vice Chair. Do I have a second?

Mr. Coston: Second.

Mr. Alcaraz: Second by Mr. Coston.

Madam Clerk: The vote is now open. By vote of eight to zero items one, three, four, five, six, seven, eight, nine and 11 have been recommended for approval.

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

## CONDITIONS

1. The site shall be developed in substantial conformance with the submitted conceptual site plan entitled “Conceptual Exhibit—Part of Property of Nancy F. Braithwaite”, prepared by Gallup Surveyors & Engineers and dated Feb. 2023 and that has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning & Community Development.
2. Motor vehicles to be stored in the Bulk Storage Yard shall be in operable condition.
3. No repair of motor vehicles is permitted within the Bulk Storage Yard with this approval.
4. The Bulk Storage Yard shall be enclosed with a minimum six-foot tall opaque fence on all sides of the yard. Category VI plantings along the fence are not required. This is a deviation from Section 228(a) of the Zoning Ordinance.
5. In the event that the existing mature trees along the west end of the Bulk Storage Yard are removed or in the event that existing vegetation along the south boundary of the Bulk Storage Yard is removed, minimum Category VI landscaping shall be installed to screen the Bulk Storage Yard from Oceana Boulevard and the southern adjacent property.
6. The proposed landscaping along the front of the site shall adhere to the City of Virginia Beach Landscaping Guide for street frontage landscaping
7. An approved water supply capable of supplying the required fire flow for fire protection shall be provided on site, the location of which shall be confirmed during site plan review prior to the release of the site plan.

8. An approved fire apparatus access road shall be located on site, the design and location of which shall be confirmed during site plan review prior to release of the site plan.

**Virginia Beach Planning Commission  
May 10, 2023, Public Meeting  
Agenda Item # 8**

**Gigglemug Market, LLC (Applicant)  
St. Francis Episcopal Church (Property Owner)**

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

**RECOMMENDED FOR APPROVAL – CONSENT**

Mr. Horsley: Thank you. Next item is item number eight, Gigglemug Market, LLC; St. Francis Episcopal Church is an applicant, conditional use permit for an open-air market.

Ms. Boyd: Hi, I'm Karen Boyd. I represent Gigglemug Market. The conditions are acceptable.

Mr. Horsley: All right, thank you. Is there any opposition, hearing none. This application is for an open-air market in parking lot at the church. This has kindly gotten to be a big thing now, providing people the opportunity to get fresh produce and fresh other foods, crafts and whatever. It brings people together. It's gonna be done two Saturdays, the first and third Saturday from April through November, hours are from 11 to 2. Staff has said that they would be willing to move the later hours if they so desire to 4. So we thought this was a good application, so we put it on the consent agenda, hearing no opposition. Thank you.

Mr. Horsley: Thank you Ms. Cuellar. So Mr. Chairman, the consent agenda consisting of item number one, number three, number four, number five, number six, seven, eight, nine, and 11 moved, they be approved on the consent agenda.

Mr. Alcaraz: Thank you, Vice Chair. Do I have a second?

Mr. Coston: Second.

Mr. Alcaraz: Second by Mr. Coston.

Madam Clerk: The vote is now open. By vote of eight to zero items one, three, four, five, six, seven, eight, nine and 11 have been recommended for approval.



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

## CONDITIONS

1. The activities held on the site, including the location of vendors and food trucks, shall be located as depicted on the submitted layout plans that have been exhibited to the Virginia Beach City Council and are on file in the Department of Planning & Community Development.
2. The Open-Air Market shall be limited to the sale of local art, crafts, homemade items, locally grown produce, locally prepared food products, and food trucks.
3. All parking must be on site.
4. The Open-Air Market shall be limited to one-day events, twice a month for eight months between the hours of 9:00 a.m. to 4:00 p.m.
5. Amplified music associated with the Open-Air Market shall be limited to the hours of 11:00 a.m. and 2:00 p.m.
6. No less than one trash receptacle per 1,000 square feet of sales area shall be provided. All trash receptacles shall be emptied regularly so as not to overflow, and litter and debris shall not be allowed to accumulate.
7. Prior to each Open-Air Market event, the applicant shall contact all appropriate City agencies as required including: Fire Marshal Bureau, Police Department, Commissioner of Revenue, Zoning Department and Health Department.
8. Merchandise, stalls, or other materials shall not be stored outdoors while the use is not open for business.

**Virginia Beach Planning Commission  
May 10, 2023, Public Meeting  
Agenda Item # 9**

**Kelly Pepper** (Applicant)  
**Kelly & David Pepper** (Property Owner)

**Conditional Use Permit** (Family Day-Care Home)

**RECOMMENDED FOR APPROVAL – CONSENT**

Mr. Horsley: Next item is item number nine, Kelly Pepper.

Madam Clerk: She is via WebEx. She is via WebEx, the applicant.

Ms. Pepper: Kelly Pepper and I'm here representing home daycare.

Mr. Horsley: Are the conditions acceptable?

Ms. Pepper: Yes.

Mr. Horsley: Is there any opposition to this application? Hearing none. Commissioner Coston.

Mr. Coston: Applicant currently operates a family daycare home with less than four children in her 20,050 square foot home, the Ocean Lake Subdivision, Monday through Friday from the hours of 6:30 AM to 5:00 PM. As required by the zoning ordinance, applicant seeks this conditional use permit to increase the maximum number of children to eight. We've seen fit to put this item on the agenda, on the consent agenda as well.

Mr. Horsley: Thank you Ms. Cuellar. So Mr. Chairman, the consent agenda consisting of item number one, number three, number four, number five, number six, seven, eight, nine, and 11 moved, they be approved on the consent agenda.

Mr. Alcaraz: Thank you, Vice Chair. Do I have a second?

Mr. Coston: Second.

Mr. Alcaraz: Second by Mr. Coston.

Madam Clerk: The vote is now open. By vote of eight to zero items one, three, four, five, six, seven, eight, nine and 11 have been recommended for approval.

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

## CONDITIONS

1. The Family Day-Care Home shall only operate as an accessory use to the single-family residence.
2. The Family Day-Care Home shall be limited to a total of twelve (12) children, excluding the provider's own children and those who reside in the home.
3. The Family Day-Care Home shall have no more than one (1) additional employee/volunteer, who does not reside in the home, or on the premises at any time.
4. The arrival and departure times shall be staggered to avoid vehicular congestion.
5. There shall be only one Home Occupation, the Family Care-Day Home, operating on the property associated with this Conditional Use Permit.
6. Any sign identifying the home occupation shall be non-illuminated, not more than (1) square foot in area and mounted flat against the residence.
7. The applicant shall maintain a license with the Commonwealth of Virginia for childcare. ~~Failure to maintain a Family Day-Care Home license will result in revocation of the Family Day-Care Home Conditional Use Permit.~~
8. When the Family Day-Care Home is not open for business, all play equipment associated with the daycare shall be located within the enclosed play area or enclosed privacy fence, as depicted on the Site Layout Plan.

9. The fence enclosing the outdoor play area shall remain and be maintained for the duration of the Conditional Use Permit.
10. All access to the rear yard shall be secured with a childproof lock.
11. The applicant shall obtain all necessary permits and inspections from the City of Virginia Beach. Prior to operation, the applicant shall obtain a Certificate of Occupancy from the Building Official's Office for use of the house as a Family Day-Care Home.

**Virginia Beach Planning Commission  
May 10, 2023, Public Meeting  
Agenda Item # 10**

**Thomas A. Brown** (Applicant & Property Owner)

**Subdivision Variance** (Section 4.4(b) & (d) of the Subdivision Regulations)

**RECOMMENDED FOR APPROVAL**

Mr. Alcaraz: All right. Thank you. What's our next item here? Number 10. Thomas Brown.

Madam Clerk: Yeah, agenda item number 10, Thomas A. Brown is an application for a subdivision variance section 4.4(b) and (d) of the subdivision regulations at 2888 Indian River Road. The parcel north of 2888 Indian River Road and two parcels on the east of A 15 foot wide private lane north of Indian River Road in Council district two.

Mr. Alcaraz: Go ahead. Just state your name.

Mr. Bourdon: I've got a handout that's a large plan that shows the what's before you today and also the plan that shows on a larger 11/17 that shows the ultimate development of these what are, what will actually be with the three parcels that are already before council that were before council and indefinitely deferred while we figured the title stuff out on this, which has taken, this application has taken quite a while because the title issues with regard to the two parcels on the, the east side of the private road. There were some complicated things that had to be, we had to go way back and everybody, staff were all in agreement that what's before us today or before you today are four parcels of land. All of which can have a resident constructed on them and served by private road. So the variance that's requested is the same access only to be far improved as what exists today, but it'll be a better road in all respects. So we've got, as Aubrey did an excellent job in the pre-briefing of explaining this. I'm not gonna go in all the details that, that's the first time I've ever written a three page narrative on a subdivision variance to explain the title stuff and I'm not gonna get into all that. But, so we've got, before you have four parcels upon which a house can be built on each one of them and this proposal is to reconfigure those parcels so that you have a much better pattern of development. The road, the private road will remain a private road, but there will be an additional dedication to increase its width from 15 feet to 25 feet per the conditions and as offered by Mr.

Brown who's here today, that road will be improved to state fire prevention code standards. There will be a turnaround at the end of it that meets the City Ordinance requirements, very importantly, city sewer will be extended from Candle Pine Lane up this private road to serve all of the proposed dwellings, the four that are before you today. We have the density overall doesn't increase a bit. The density is just under one unit per two acres for the entire seven parcels that are in existence today, and that will be reconfigured four that are before you today, three that have already been recommended for approval and are before Council and this will go to Council together. The folks who live in the villages west neck abutting this property, their density over the entire development is two units per acre. Again, this is one per every two acres or just under, and the lots are obviously very small because they're clustered with the golf course that hopefully will come back one of these days. What we are doing is all the area at the very top north that's surrounded by property, owned by the City of Virginia Beach to both the east and the north, we're putting, agree to put a restriction on that property that'll be preserved as it is natural wooded area, enforceable by the city. We have no concerns if the Villages West Neck Homeowner Association wants to take some, you know, lead and making sure that that's stays the case moving forward, but that we'll, we're putting it in the deed restrictions and so that exists the same is true. We're talking about doing a 20 foot, retaining a 20 foot tree buffer on these properties adjacent to the existing homes in the Villages West Neck and that also applies to the three lots that are already before Council that are being reconfigured, that are closer to Indian River Road, that'll be serviced by this road. This road will have a shared maintenance agreement that all seven eventual houses to be built on, it will have to be responsible, will be solely responsible for its maintenance. Candle Pine Lane is similarly a private road, all this property was zoned agriculture unrestricted until 1968 and basically my characterization of that is zoning with no restrictions is really not zoning, and that's how this, you know, situation came to exist. Mr. Brown is doing what I think everyone a big service by having this property developed, you know, the way it should be developed, and most importantly to those who may be concerned about stormwater, the density of this property and the amount of trees, it certainly won't produce the stormwater. The lack of density won't produce the amount of stormwater that the surrounding existing developments have. The last condition, which we are not asking to be removed, but I just will point out the running of the models for this property wouldn't be required if we developed the lot as or the parcels as they currently are and Mr. Brown is agreeable to the condition,

but just want me to put on the record that if it, because some of these models that they've never been run before experienced with this, they have errors in them. We've cleaned up a lot of that. The development community has sacrificed a lot of money in helping the city in that regard in some other sub catchment areas but this development doesn't have the ability to have to do 10 or 12 runs of the model. So we're not saying take it out, but I'm just putting that out there. If the modeling, you know, causes it to have to be run multiple times, that it may just go back to being developed as it is because it just won't be economically feasible to do all these other improvements and run the model time after time, after time. But we appreciate the staff's recommendation, hope that you all see the benefit of this as it's the best way for these properties to be developed and happy to answer any questions you may have.

Mr. Alcaraz: All right. Any questions? All right, Mr. Bourdon, we'll have you give you a chance to rebut once we hear from some other speakers.

Mr. Bourdon: Thank you, all right.

Mr. Alcaraz: Go ahead.

Madam Clerk: The first speaker is Albert Daley, followed by Keith Lynch.

Mr. Alcaraz: Sir, you can just state your name.

Mr. Daley: I am Albert Daley. Good afternoon everyone. On a personal level, I'll be deeply saddened by the removal of nature for the construction project submitted for approval. The present condition of the surrounding land is a main reason for purchasing the property and purchasing the property in 2012. Hopefully the lots that are proposed will be big enough to minimize the natural impact and initially it did not seem probable that any construction would take place anytime soon as there was a proposed roadway that was far back on the list of improvements. The major concern for myself and I think for most of my neighbors, is the drainage. Although I'm at the high end of Charisma Court, I had to spend over \$7,000 to improve drainage, which included four drains and installing flower beds to try to soak up the water. The backyard was so wet, no grass would grow, and all we had was mud, as I consider myself the lucky one on the street in that regard. Although I still have some wet and muddy areas in my back and my side yards. I would just ask to please take into consideration the drainage

problem with the removal of trees and the building up of the land for construction before approving this project. As you know, the area in question at this time is very swampy with little or no access. It's very concerning to think about more water runoff coming the way of the residents in our community. In addition to the above, some questions I have are who will monitor the condition of the proposed natural area to end of Charisma Court for any tree problems such as down to rotten trees that may become a problem. Also, who will be responsible to make sure this stays a natural area, free of any clearing or any building, and who will maintain and monitor their proposed roadway into the construction site. Also, the traffic on Indian River Road is pretty dangerous with the narrow condition of the road and are there any plans to widen this road, especially with the current increase in developments? Lastly, if this plan has approved and proceeds forward, what if we still have flooding along the backyards of the property owners along Charisma Court and other affected homeowners? And I'd just like to thank everybody for this opportunity to voice my opinion and appreciate it, and everyone has a great day.

Mr. Alcaraz: Mr. Daley, where do you live?

Mr. Daley: Number 43 is my lot.

Mr. Alcaraz: Okay. Is there any questions for Mr. Daley? Thank you, sir.

Mr. Daley: Thank you very much. Appreciate it.

Mr. Horsley: I have one.

Mr. Alcaraz: Oh, sure. Mr. Horsley. Hold on sir.

Mr. Horsley: Sir, did you say that water runs off of this property onto your property? Is that what you said?

Mr. Daley: Well, we just wanna make sure that it doesn't happen.

Mr. Horsley: Okay.

Mr. Daley: Everything is wet right now and we just don't want it to become worse by removal of trees and building up of construction sites for homes and, you



know, they usually raise those up so everything's gonna run off of there. So we're concerned.

Mr. Horsley: Okay. Thank you.

Mr. Daley: Is that it?

Mr. Alcaraz: Thank you, sir.

Mr. Daley: Thank you very much. Appreciate it.

Madam Clerk: Keith Lynch, followed by Thomas Carini.

Mr. Alcaraz: How you doing Mr. Lynch? Just state your name.

Mr. Carini: Good afternoon everybody. Thomas Carini. C-A-R-I-N-I. I basically wanna say these few things. I think possibly to retain the water to have access water pond in the back and will the road be entering? Well, will the road be entering? I see the planning now, so I kind of understand that a little more. Indian River Road needs to be updated. There are quite a few accidents and it's flooding. How will the utilities be brought in to the homes, sewers, electric, gas, and water. That's very important and we were looking for a 40-foot setback from our back, I am lot number 44. Some examples of flooding, boat creek, the golf course and the rec center is built right on a stream, Asheville Park, you have all kinds of flooding. Bernard Street of Seaboard ever since I built the school that street floods and Indian River Road floods on any heavy rain, I don't how they're gonna make a 90 degree turn into this road and thank you for listening to me. It's important that Indian River Road be fixed first, I think. Thank you.

Mr. Alcaraz: Mr. Carini any questions? Thank you. Did you call Mr. Lynch?

Madam Clerk: Yes, recalling Keith Lynch.

Mr. Alcaraz: Afternoon, you can just state your name for the record.

Mr. Lynch: God afternoon. My name is Keith Lynch. I'm from lot 45 of the group here before you today. Before starting, I'd like to make one request of you folks and I know because I understand as a former public servant, this is a very important job but I would respectfully request that you take a time while

you're here, sometime during your hours of work, take a ride down the road one mile and ride through the West Neck Community and see what has taken place there because of what developers promised, developers planned, the city supported, the city zoned, and too often builders we're left with the residue. They buy it, they build it. They bade us into it. We had a wonderful community, the centerpiece of our community is terrible. The emotional and devastation for people 70s and 80s years old has been tremendous. So I want to thank you for your work, but encourage you, please take a ride and see the pride, 90% of that community is own or occupied. The people were made promises, promises weren't kept, and it really has had a debilitating effect on beyond what you can imagine unless you live there. My thoughts are primary. There's a nexus to this and that, of course is a density. I live next door to Tommy. I cut our grass today. My grass between, there's still standing water between my house and his house. So with that, I've got some bullet points I'd like to share with you. There are seven homes that are greatly affected now by the current proposal, and I do respect property values. I've been involved in these situations. Water mitigations of great concern of all, you know that. Water density was increased and the density was increased by adding the golf course. It's also interested to note that all the land that was moved, all the modifications made to make the contours of a golf course, all four retention pines in the West Neck Community are on the golf course. There is none. The current people that we're fighting with who've threatened to arrest us for going on the property have let put steel walls behind the property for people who have complained, have threatened us with their deep pockets and so forth, and continue to do so. My latest information is coming up, our homeowner association that they have now made accusations, at least innuendo. Then maybe we started the fire in the six foot weeds since...

Mr. Alcaraz: Mr. Lynch can we just focus on this agenda item now?

Mr. Lynch: Yeah, we can.

Mr. Alcaraz: Okay, thank you.

Mr. Lynch: The increased density is a direct contradiction to the city's comprehensive plan. In October after Matthew, it resulted in a flood protection provided for the city. A bond referendum was passed. The proposed 20-foot buffer when water mitigation would be a major concern and entirely inadequate. The development of the round property would definitely decrease the ability

to land of sore water, increase impervious services, including structures, hardscape, required access roads, driveways, sidewalks, and other amenities such as pools, tennis courts, or out buildings. Additionally, there's 175 yards of woods you can't seize through right now behind our house. Additionally, the undoubted removal of deciduous trees, which can absorb 11,000 gallons of water per tree would provide -- would be extremely harmful. Our zip code receives 47 inches of rain a year, 623 gallons per inch for every thousand square feet of hardscape and impervious surfaces. There's a runoff of 29,000 gallons of water. Based on these figures, a 20-foot buffer is totally inadequate. Our house is 31 feet from our property line, which would mean we could be 51 feet from a structure on this property, you can, you have to ride there to see the smallness of our lots, the current vegetation a natural buffer of 70 feet protecting the vegetation would greatly benefit the water mitigation and provide us with a natural area that we paid for, all these lots were prime lots. Folks, this is a very important decision and for all of us.

Mr. Alcaraz: I'm gonna have to interrupt you.

Mr. Lynch: If you have any questions, I'll be happy to answer, thank you.

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

Mr. Lynch: Thank you.

Mr. Alcaraz: Next speaker.

Madam Clerk: That's all the speakers.

Mr. Alcaraz: All right, Mr. Bourdon, if you'd like to come forward and...

Mr. Bourdon: The first thing I wanna, wanna say is Mr. Lynch's concerns, I agree with him a thousand percent. As far as what has happened to the golf course at West Neck, it is an abomination and I could not agree with him. I think he's hit that part of this spot on, but that's a different matter and hopefully.

Mr. Lynch: Is it possible to turn your mic, I can't hear you and you're talking about me.

Mr. Bourdon: Okay.

Mr. Alcaraz: He is actually complimenting you.

Mr. Bourdon: I am agreeing with you what your big point is and I completely empathize and sympathize as I'm certain all members of the commission do as well. So it's that's not falling on deaf ears. I can assure you of that, but the stormwater issue, when that development took place, we didn't have stormwater regulations we have today, and we didn't have the modeling that we have today. This property is not creating the problems that they are experiencing because it's completely natural at this point. It's, if anything, I do believe, I can't swear to it, but I do believe when this is all said and done, their circumstance will be improved from a drainage standpoint, it certainly won't be hindered in any way by this development. The 20-foot buffer is a visual buffer. The stormwater management will be something that'll be, you know, dealt with through this site plan, approval process that is condition number eight, that water, that will be, what water will be coming off of this, you know, very one unit per, almost two acres of land development will be handled on site and there will be no water that will be discharged from this site onto their properties. But again, I get that, but, you know, we have a, and the bond refer and everything else, the city's spending so much money to make sure that we don't create stormwater problems in the future and that's the protection here. Developing the property as it is with seven, in this case, four lots would not require that. So the reality of it is, is it, it can only be beneficial or neutral. It cannot be worse, and it won't be worse in any way and the other issue is not something that Mr. Brown can do anything about, but I do believe, there's hope that that situation may come to a positive conclusion. But patience will be the key word. The road that'll be built, as I said earlier will meet the safety requirements, this is not creating additional development units at all, just making them better for everyone involved and that's why your staff has recommended approval. The conditions, as I've said, are acceptable and I'll be happy to answer any questions you may have.

Mr. Alcaraz: Thank you, Mr. Bourdon. Any questions? So, Mr. Bourdon, I'll ask, so right now there are four lots, there are four lots, correct right now?

Mr. Bourdon: There are four pieces of property now upon which a house can be constructed on.

Mr. Alcaraz: And what is the width of that, I guess? Is it a dirt road, paved road going back?

Mr. Bourdon: The width is 15 feet, 15, one and five.

Mr. Alcaraz: And you're gonna make it what?

Mr. Bourdon: 25.

Mr. Alcaraz: With a turnaround or a cul-de-sac?

Mr. Bourdon: With a hammerhead at the end, paved to handle all the heavy fire equipment, the width of the pavement, et cetera, the depth of the pavement and all, and the utilities being primarily city sewer will come in from the south, from Candle Pine. And if y'all haven't been down driven Candle Pine, and I think it's Riddick Lane, the quality of the homes there, the quality of the homes here will be equal or likely better, but those are very, very nice homes. They will not be inexpensive homes at all and the people who will build them and live in them will be able to afford to maintain the road because it'll be, you know, built, you know, brand new and so it's not, not something that's gonna be an issue until years down the road. And HOA will be mandatory, they'll have to pay into it for the maintenance of the road in the future.

Mr. Alcaraz: Is there any, it was brought up, is there any plans for a turn lane or anything at Indian River, improvements?

Mr. Bourdon: We don't have, we don't have any property that's on Indian River Road on the east side of Indian River, on the east side of where this road intersects with it. So there, I don't believe that there is in, because Indian River Road in a lot of spots, it's only 30 feet wide as far as right of way. I don't believe there's right of way there today. I believe the city though does own the, they may not own the one property directly adjacent to the east, northeast corner, but further and may be even adjacent, but the next one over they own, it's, there's no house there. It's what Aubrey was referring to in the informal that where the city had bought a couple of lots out there that could have been built on using some of the state money from ACUS or its money that we got to reduce density based on some, I won't get it. I don't wanna misstate how it works, but they, the city owns the properties along the Indian River Road, but I don't know that they own the one directly adjacent. If they do, then there's certainly the opportunity to do that.

Mr. Alcaraz: And this is gonna be a private road, not public?

Mr. Bourdon: Yeah private road, yes.

Mr. Alcaraz: Okay. All right. Any other questions, Mr. Horsley?

Mr. Horsley: No, I've just got a couple. I don't have other questions for Mr. Bourdon. I just got a couple of comments to make. I am very aware of some of the problems that the people in West Neck have been having but this is entirely a different situation. Hopefully something can be done to rectify the problems at West Neck, because that's I think I was probably on planning commission when that was approved originally. I remember when it was farm land and before it was developed and it was approved and it developed and it was, it flourished at that time. But that's not this application. This application is a big improvement over what could be done there and the dense is not going to change and with the stormwater management program that we have in play now, I don't think you people have got to worry about any water running off of this property onto your property. Whether your water can run on them or not, I don't imagine that's gonna happen, but their property will be taken care of through the stormwater ordinance. So I really think this is an improvement for this property and I would support this application.

Mr. Alcaraz: All right. Thank you, Mr. Horsley. Is there any other comments Commissioners? None, can I have a motion?

Mr. Horsley: I make a motion, the application be approved.

Mr. Alcaraz: Motion by Mr. Horsley. I need a second.

Mr. Coston: Second.

Mr. Alcaraz: Second by Mr. Coston.

Madam Clerk: The vote is now open. Mr. Clemons? By a vote of eight to zero, the item has been recommended for approval.

Mr. Alcaraz: All right. Thank you. All right. Next item.

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

## CONDITIONS

1. The applicant/owner shall submit a resubdivision plat to the City of Virginia Beach, subject to the review and approval of the Department of Planning & Community Development prior to recordation, which shall be in substantial conformance to the submitted plat exhibit entitled "Exhibit Showing Proposed Resubdivision of Property of Thomas A. Brown Known As 2888 Indian River Road and J.C. Davis Parcel 2 AC. +/- and West Neck 4.77 Acres and West Neck Parcel" and dated March 15, 2023, and prepared by Hayden Frye and Associates, Inc. Land Surveyors (the "Exhibit"), a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning & Community Development.
2. The applicant/owner shall be required to create the private right-of-way and widen the 15' Private Road serving these parcels to 25' in width and record a Declaration of Private Ingress/Egress and Maintenance Easement along with the dedication of a Public Utility Easement with the Resubdivision Plat, creating the expanded 25' wide private right-of-way from Indian River Road to the subject parcels. The Declaration of Easement shall be submitted to and reviewed by the City of Virginia Beach as part of the Resubdivision Review Process.
3. A turn-around or hammerhead at the terminus of the Private Road shall be constructed in accordance with City standards prior to the sale of the first parcel.
4. The Private Road shall be improved by the applicant with a hard surfaced road that conforms to the Virginia Statewide Fire Prevention Code for fire apparatus access. The road surface must be a minimum of 20' wide and able to support 82,000 pounds of vehicle loading and be an all-weather surface. Fire apparatus must be able to reach the most exterior wall from an approved surfaced roadway which is within 150 feet. The Declaration of Easement shall mandate that Parcels 4, 5, 6, and 7 shall be responsible, along with the applicant's three (3) other parcels using the Private Road for access, which shall also be subject to the Declaration of Easement and for the pro rata share of the costs of maintaining the Private Road.

5. The applicant/owner will retain, and if necessary, supplement, a 20' treed Buffer Preservation Easement on proposed Parcels 4 and 5 along their shared boundary lines with The Villages of West Neck subdivision. This Buffer Preservation Easement shall be depicted on the Resubdivision Plat, which along with the Easement Agreement shall be submitted to and reviewed by the City of Virginia Beach as part of the Resubdivision review process.
6. The applicant/owner shall be responsible for extending City sanitary sewer service to each parcel and prior to development, each parcel shall connect to City sanitary sewer service in a manner subject to approval by the City of Virginia Beach Department of Public Utilities.
7. A Natural Area Preservation Easement shall be established and depicted on the Resubdivision Plat for the 35,732 square foot area located on the northeastern most portion of Parcel 5 substantially as depicted on the "Exhibit".
8. The four (4) lots and any other lots that are accessing from the proposed private lane shall be submitted as a comprehensive (multi-lot) site plan to address any proposed infrastructure including stormwater management and public utilities.



**Virginia Beach Planning Commission  
May 10, 2023, Public Meeting  
Agenda Item # 11**

**Caroline, LLC** (Applicant & Property Owner)

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

**RECOMMENDED FOR APPROVAL – CONSENT**

Mr. Horsley: Thank you. The next item is item number 11, Caroline LLC, conditional use permit short term rental. Is the applicant here? Applicant's not here, so we assume the conditions are acceptable. Is there any opposition? We asked commissioner Cuellar to read this.

Ms. Cuellar: The applicant is requesting a conditional use permit for a short term rental. The property is located in the Ocean Front Resort District. There is no opposition, and the applicant agrees to the condition. Staff recommends the application for approval having met all the requirements, and the planning commission recommends the application for the consent agenda.

Mr. Horsley: Thank you Ms. Cuellar. So Mr. Chairman, the consent agenda consisting of item number one, number three, number four, number five, number six, seven, eight, nine, and 11 moved, they be approved on the consent agenda.

Mr. Alcaraz: Thank you, Vice Chair. Do I have a second?

Mr. Coston: Second.

Mr. Alcaraz: Second by Mr. Coston.

Madam Clerk: The vote is now open. By vote of eight to zero items one, three, four, five, six, seven, eight, nine and 11 have been recommended for approval.

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

Parks	AYE			
Plumlee				X

## CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 303 Atlantic Avenue, Unit 605 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**  
**May 10, 2023, Public Meeting**  
**Agenda Item # 12**

**Nicholas Luliano** (Applicant & Property Owner)

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

**RECOMMENDED FOR APPROVAL**

Madam Clerk: Agenda item 12, Nicholas Luliano, is an application for a conditional use permit for a short term rental at 505 20th and a 1/2 Street in Council district six.

Mr. Alcaraz: Please come forward and state your name.

Mr. Luliano: Hi, I'm Nicholas Luliano.

Mr. Alcaraz: And you're the owner.

Mr. Luliano: Oh, sorry, thought you were asking me, I said my last name. I get that all the time. Yeah, so the property owner at 505 20 and a 1/2 Street.

Mr. Alcaraz: All right, go ahead.

Mr. Luliano: All the conditions are acceptable.

Mr. Alcaraz: Okay. Is there any questions? None. All right. I think we have some opposition, so we're gonna hear them. We're gonna give you a chance to come back.

Mr. Luliano: Okay, thank you.

Mr. Alcaraz: Thank you. First speaker.

Madam Clerk: Calling Sandy Dietrich, followed by Sarah Welch.

Mr. Alcaraz: Hello, if you can just state your name and your address.

Ms. Dietrich: Sandra Dietrich, 518 20 and a 1/2 Street.

Mr. Alcaraz: Okay.

Ms. Dietrich: The house, the two structures that are duplex, it's actually a four-plex that are requesting are down the street from us. They have very tight parking almost no green space, only one of the units has green space in front. None in back because they're, it's a four unit complex, 20 and a 1/2 Street has no street parking. There is, it's an alley. So there is no off street parking. It's very, very tight street. So it's difficult for two cars to pass. So that's one of our concerns, but our main concern is having lived there for five years is when parties and, it gets out of control. There's more than the allotted number of house guests permitted, and we had an incident a couple of years ago where there were over a hundred people in one of the units next door to us, and the police came, tried to empty the house of the, all the extra guests and the police told us there was no recourse. Their hands were tied and at a recent, at a recent Beach Resort Civic Meeting, we had someone up, sergeant from the second precinct who again confirmed that the police hands are tied. So when there's a large party or something going on, unless a crime is committed, they have no recourse. As a neighbor, we have no recourse other than to call the police, maybe they can empty the house, but that is it. The other concern is that we found out that the planning commission has never revoked a conditional use permit. So as neighbors in the neighborhood, we have no recourse. We're permanent residents, but we have no one. The police hands are tied. The Planning Commission is issuing all these conditional use permits, but as permanent residents, we just don't have a recourse and if you call the number on the signs that are now required for short term rentals, it goes to a voicemail and then you get no call back. Also, if you don't know the owner, how do you get in touch if there is a problem? And now the house behind us, that owner has moved to Texas. So if there were issues, we can, we have his email, but what do we do? Again, there's no recourse. So we just feel that as permanent residents who want to live in a nice neighborhood close to the beach, we're as residents, we're not being heard. It's more like you're treating the neighborhoods as a tourist destination as opposed to the permanent residents that we just have no recourse. So I feel that the Planning Commission should take a look at maybe placing some kind of density cap per block so that a block does not have all short term rentals, that there is a balance between permanent residents and short term rentals. So I just asked for your consideration in this like I say, the street is very narrow, we are in alley, we'd like to remain a neighborhood as more where you get to know your neighbors rather than people checking in and checking out and checking in and checking out.

Mr. Alcaraz: All right, Ms. Dietrich, I'm gonna ask if there are any questions for her before she sits. I have a couple of questions anyway. The incident was that a short term rental, a licensed one that was next door to you?

Ms. Dietrich: I'm not sure that they were licensed at the time. We also have a, I will add one more other thing we have.

Mr. Alcaraz: Well, I just wanna specifically the hundred person party was that licensed?

Ms. Dietrich: I'm not, I'm not sure if they had,

Mr. Alcaraz: I'm just trying to see what, you know, jurisdiction the planning staff has.

Ms. Dietrich: But there were a hundred people. There were 10 police cars, and the police said there was nothing they could do.

Mr. Alcaraz: Well, the staff's here, I'm sure they're taking this in and they'll see what they can do. I'm not sure, as long as I've been here, I don't know if we've ever revoked STR, but I mean, I don't know. I don't think we have.

Ms. Dietrich: That's what I'm saying. You haven't, so.

Mr. Alcaraz: Because it's still new and they're going through the process. Where is your house compared to this one?

Ms. Dietrich: We're on the opposite side of the street about 1, 2, 3, 4.

Mr. Alcaraz: So you're on 21st then?

Ms. Dietrich: I'm on 20 and a 1/2.

Mr. Alcaraz: This is 20th and a 1/2, right? But you're on the other side of the street.

Ms. Dietrich: Right.

Mr. Alcaraz: So, okay.

Ms. Dietrich: We're on the opposite side of the street.

Mr. Alcaraz: So 518. So you're closer like Town Bank.

Ms. Dietrich: I'm sorry.

Mr. Alcaraz: You're closer to Town Bank that way, not West, I'm trying to get your bearings where you're at.

Ms. Dietrich: I'm just across the.

Mr. Alcaraz: This is 505 and you're 518.

Ms. Dietrich: I'm 518. I'm only about five doors up on the opposite side.

Mr. Alcaraz: Okay. Is there any other questions, Mr. Coston?

Mr. Coston: I just had a comment. I believe the staff added people who could respond to these types of complaints. Is that not so?

Ms. Sabo: For staff, absolutely responds to when we get violations, unfortunately we don't work 24 hours a day, so if there is a complaint that comes in after hours that would go to police, they would be the ones who respond to that. If police respond, we have a good relationship with the police. If they respond to a short term rental, we are notified so that we can make note of that, and take the proper violation action if necessary for that short term rental, but we do respond to that.

Mr. Coston: So that's something that's been added since a few years ago so that they can track if there's an issue at a short term rental so that you can get that complaint in, that would then cause the revoking of a short term rental at some point.

Ms. Dietrich: Well, in response to that, we have at 526 20 1/2 Street, he does not have a conditional use permit and he's still running an illegitimate short term rental. So, and we've made complaints and I'll look into that property. So again, that's our concern. Thank you for your time.

Mr. Alcaraz: Thank you.

Madam Clerk: Sarah Welch.



Ms. Welch: Good afternoon, thank you for your time. My name's Sarah Welch and I reside at 522 20 and a 1/2 Street. I'm right down the street from the proposed rentals four or five houses down. I stand in opposition of these short term rentals for the rationale that the street's already active, very active in my opinion with the short term rentals at 518, 525, and the unpermitted one at 524, which is directly next to my property. There are 35 houses between Mediterranean and Baltic because that's where we're at and on the, between the north side of 20th, the South side of 20 and a 1/2 and 21st street. So that's where the 35 houses are. With the current number of short term rentals, we've had situations of loud tenants, parking issues, lawns unkempt, I've submitted photos in the past to the short term rental community. Every time there's a renter in our illegal home that's right next to mine. We also have had one at that Sandy mentioned at 516 where the owners tried short term renting and it blew up, and they quickly stopped doing it, regularly especially through the hundred days of summer that we all love between Memorial Day and Labor Day, there are parking issues or actually travel issues when you're trying to get in and out of Mediterranean and Baltic, when people are moving in and out. There are not many parking spots typically for these houses and so when people are moving in, they have a tendency to park where they can and then park behind those cars while they're moving in and moving out. Again on this alleyway, you're trying to go get groceries on a Saturday, I work full-time. You're trying to go get groceries on a Saturday and, you know, you struggle getting out onto the street. So I just think that with these additional short-term rentals, the parking issues are gonna increase. I had a situation where I had a renter come to my property, ring my doorbell, ask me if they could pay me to park in my driveway while they were renting the house next door. We continuously have folks who live on 21st Street, but their driveways are on 20 and a 1/2. The renter's park in their driveways, and then they try to get out and they have to go to the house and ask the renters to move their car so they can get out their driveway. I moved to Virginia Beach in 2019, and I purposefully bought in this area because it was residential and not full of investor real estate. I drove from Sam Bridge to North Beach to look for locations and I liked this area and Old Beach. So what I wanna do as I can see my time's running out, but I wanna ask you all to truly consider a density cap. Sandy and I have talked a lot about it. I think a 5 to 10% density cap is a very reasonable thing for this Commission to think about. The other thing that I wanna remind all of you is that once a short term rental address is identified as short term rental, it is a short term rental at that address. It can change owners multiple times and it remains a short term rental and so

I just wanna make sure that you think about that as you make your decisions. I respectfully request you take my feedback into consideration and I thank you in advance for your time.

Mr. Alcaraz: Hold on. Any questions? None. Okay. Next speaker. Thank you.

Madam Clerk: That's all the speakers for this item.

Mr. Alcaraz: That is. All right, sir if you can come up front, can you address any concerns that you just heard for us please?

Mr. Luliano: Yep absolutely. I do appreciate the concerns, you know, brought on by Sandra and Sarah. I'm happy to give you my phone number and stay in constant communication, you know, I'm speaking on behalf of myself and Jamie George, who's next up on the agenda. We're the property owners at 505 and 507 20 and a 1/2 Street. We've been neighbors for almost six years and we're the original owners of the current property construction in 2017. We still live there and plan to remain property owners for their foreseeable future. These houses will always hold a special place in our hearts as we both started and have begun to raise our families there. We love the community as you do walks to the farmer's market, local businesses, the boardwalk, et cetera. But we are both looking to begin our next chapter as our families grow, we are looking to relocate within Virginia Beach, and when we do, we feel that operating our properties is short term rentals, it's what's best for our family's futures. But we still plan to stay active within our local vibe district community as property owners. As shown on the agenda, the surrounding area has dozens of short-term rentals operating with a conditional use permit, and likely many more to come with the construction now underway at Atlantic Park. The properties are within the Oceanfront Resort, short term Overlay District and also many other properties on our street and near us, operate as longer term rentals with 6 to 12 month leases. We plan to contract with Sojourn Property Management to manage our properties and rental contracts, Nicole Pace; the Chief Operating Officer of Sojourn is in attendance today. They market themselves as high end rentals and thus we plan to charge premium. This alone will help dictate our clientele as it sounds like that's a bit of a concern. In all perspective, renters will go through a fraud and background check, and we have the ability to approve or deny renters. Our preferences are rent to traveling families and traveling professionals. After all, tourism is a key economic driver in Virginia Beach. We do not intend to be any sort of

detriment to the community. We plan to invest in it and help it continue to thrive, you know, and to directly address some of those concerns, you know, we do have our own parking here. I can understand higher up on more West on 20 and a 1/2 Street, where some of those houses are compact and its shared parking where that can be difficult. But we have clearly defined parking spaces and we'll have clearly defined parking spaces for each of our units, two off street parking spaces per unit and we've also contracted with a local business to have a third off street parking space in order to meet the city requirement of three off street parking spaces per bedroom. You know, we haven't had an issue living on the property for almost six years. I understand it can get tight on the street sometimes, but you know, we do have that off street parking available again, I am happy to provide our number to our neighbors. We want to be neighborly throughout this process and we are gonna continue to be involved property owners and keep up with the property and all that. Thank you.

Mr. Alcaraz: Hold on, any questions?

Ms. Cuellar: I have a question.

Mr. Alcaraz: Sure, Ms. Cuellar.

Ms. Cuellar: You had mentioned in your comments that you have a property manager who's gonna be managing the short term rental.

Mr. Luliano: Yes.

Ms. Cuellar: And have you had the opportunity, do they have a plan in place, if you will? Should there be a complaint for the property?

Mr. Luliano: Yeah, can I invite her up to speak?

Mr. Alcaraz: Oh, that's up to Ms. Cuellar.

Ms. Cuellar: Sure.

Ms. Pace: Hi, Nicole Pace. I'm from Sojourn. We are a local real estate brokerage and property management company. We started in DC in 2019 and moved down, opened in Virginia in 2020, opened our brokerage in 2022 in Virginia Beach. We manage about 300 properties from New Jersey to North

Carolina. We're very, very experienced property managers. We hire local on the ground hospitality managers. We have lots of great rapport in Norfolk with our neighbors and there, we have our signs up with our phone numbers on them, so would not be opposed to that being one of the plans, but we do make sure that everybody in the neighborhood knows to call us. We have somebody that can respond in every neighborhood that we operate in within 20 minutes. We also contract with a local security company. So if we were to have any problems, we understand that the police can't do anything but the property manager can come and revoke a stay because once you give the property at short term rental license, these people are transient and not residential. So we can come in, change the codes, we operate, all of our codes are remote controlled. So at any point we can revoke access and in this area, I don't know if I've, anyone else in Virginia Beach is doing this, but I do know in Norfolk and North Carolina, we're the only company backed by Lloyds of London. So we have a third party security system like screening system that Nick brought up. So if you book with us on any platform, anywhere, the first thing you have to do is verify your identity. Your identity has to match your credit card. Your credit card has to match the reservation. It's big circle. No codes are released. No addresses are released. Nothing is released until we make sure that all of those pieces come together and because of that, we have almost no problems at all in six states. So yeah, we went through the COVID and the crazy of all the renters and we take a lot of pride in operating legal, safe, short term rentals that cater to professionals and families.

Ms. Cuellar: Thank you very much.

Mr. Alcaraz: So, hold on, let me ask you, just a scenario. I'm just curious. So let's say it happens, I just wanna know, what happens if there's a hundred people in the house? What do you do?

Ms. Pace: Well, we would call our security company and then we would revoke access, right? We would go in, we'd start clearing it out. I'm not saying it would be a perfect scenario, right? We would hope to partner with local law enforcement to help us. But I think the difference is if the property owner or the property manager is there with the police and says like, this is trespassing. These people are not allowed to be on this property. The codes are revoked, everybody's got to go. But I will tell you like we have noise monitors and cameras in every single unit. I also don't wanna get up at one o'clock in the morning to clear 100 people out. But I personally, I

own the company and I personally monitor what's going on in this region at night. So once those noise monitors start going off and those cameras like pick up too much, like front door opening and closing too often, we're already on it. We're there when the first 12 people get there right. We're not showing up two hours later when the cars are lined up down the street and the situation is completely out of control.

Mr. Alcaraz: Sure. Is there a fine?

Ms. Pace: We do put a \$500 fine for like smoking and noise in our thing. It's not always enforceable on all the platforms, but it's very much.

Mr. Alcaraz: I know it's different for every manager.

Ms. Pace: Yeah, but the thing is with Super Hog, which is our identity program, that's the Lloyds of London program, you're forced to buy a damage waiver and you're forced to put your credit card on file. So once you do that, you're much less likely to go in and destroy someone's home because you now are like legally responsible. Where if you book on AirBnb, you could just show up and AirBnb covers you like they have an insurance policy. But with us, we don't care what platform you're booked on, you have to buy this insurance policy and that you have to sign something saying like, you're not going to intentionally cause any damage, right. We understand if like an accident happens, but so it really is like probably the best to turn out there.

Mr. Alcaraz: All right, thank you.

Ms. Pace: You're welcome.

Mr. Alcaraz: Any questions? I have one for the owner. The parking space, the way it's shown, is there actually eight parking spaces there?

Mr. Luliano: Yes. The entire property is four units. So there are two that face 20 and a 1/2 street as you see there and then there's two other units that are gonna continue to operate as private residences that face 20th Street. They both as we are technically a condominium, they both signed off on our application for the conditional use permit, so there is eight spaces and it's two off street parking spaces per unit, which was the city requirement when the property was built.

Mr. Alcaraz: Understand, now I understand, okay. So the parking for the front units are in the back too, okay. That's all I had. Any other questions? All right, thank you.

Mr. Luliano: Thank you.

Mr. Alcaraz: We'll go into discussion if there is any, anybody. I'll start, if you guys wanna jump in. I know this is in the OR district. The OR district has that element of rental properties. I know one of the speakers stated that she looked and I guess did her due diligence and seeing if she wanted live there, but. I drove around there too, and I know the area and there's like one story duplexes all in that area. So there is a rental identity in there, and I guess it's just, it's improving and I see this, I think there was a duplex where this four-plex was right, and now they're in a OR district, however I hear, I hear the residents and it all comes down to management. Then that's where, sorry to say that we need help from the planning department's staffing, so I know we're understaff and these odd hours where these things are happening. It's a control issue that we can't get to. It puts us in a bad situation because we have to sit here and vote yes or no. It's an OR district, but then these other units that are illegal or poor management are the ones that are making it hard for us to vote. So that's my comment. I'm kind of, I need to hear from you guys. See where you guys want to go on this.

Mr. Horsley: I don't think I can help you or not any, but I'm, you know, I'm very sympathetic to the lady that spoke earlier, but like I say, it's in the OR district and I guess it's, you know, we can make all the rules in the world, but it's really hard to enforce a lot of them, if the police can't get it done, you know, it's a bad situation. So it was interesting to hear from the management, the young lady that spoke that manages property, it seems like they've got their act together and maybe, but I think staff has heard what the lady spoke about. I think they're going to try to do something to rectify those situations with the police department and whatever and, because that's planning staff, they're not policemen, I mean, but they do the best they can. Like I say, we could use a few more when we can get that approved, but, so I don't know whether that I'm in favor of the application. I guess it's in the right district for it, and George lives down that way and he says it's in the rental district. So I guess that's kind of what that property is but, I do have the sympathy for the people who live there that are full-time residents. This is one of the things, back when we first started talking about short term rentals years ago; I said that to get into communities where people live. But we tried to rectify

that by establishing the OR districts and just happened to end up being in one. So I guess deep down, you know, never been a big fan of short term rentals, but, you know, I have to abide by the ordinance and according to what ordinance is, I guess this one should fit into this area. So, I don't know if that helped too much tonight, George, but that's kind of way I feel, I guess I would have to support it.

Mr. Alcaraz: All right, Mr. Coston, go ahead.

Mr. Coston: I think I saw staff taking an address down, the one that y'all mentioned that was operating illegally. So that's going to be addressed and like they said, it's in the OR district and I don't even know if we're going to have say so in the future, but I'd move that we.

Mr. Alcaraz: Thank you, Mr. Coston, Ms. Cuellar.

Ms. Cuellar: Thank you Mr. Chairman. I think there's a lot of risk involved when it comes to short term rental, both from the property owner and for the renter and I was reassured today looking at the applicant, hearing from the applicant and the steps that he's taking to be the best neighbor possible when it comes to a short term rental. So I wanna thank the management company for providing that as I were living down on 20th and 1/2 Street. I would be reassured by that. I'm also very empathetic to the residents who are here today, but given the diversity in housing that it offers to our city, I would be grateful to for the planning commission to give, do the best that we're able to when it comes to the complaints and the management. I know it is difficult, but as we continue this dialogue to be the best neighbors that we could be to each other, I just wanna thank the applicant and the management company, so I will support this application.

Mr. Alcaraz: Okay. Anybody else? Mr. Clemons.

Mr. Clemons: Yes. Thank you Mr. Chairman. I just have a couple of comments. I'm very empathetic to the neighbor's situation. I would point out that I think this is a great opportunity to try to build improved relationship and responses with the police department in that particular area and perhaps with respect to all short term rental communities, there's gotta be some way forward in terms of, you know, maintaining, you know, peaceful living environment for the people who live here, as well as allowing those who do come to visit our city to be able to enjoy it. Thank you very much.

Mr. Alcaraz: All right. Thank you. Well, I think Mr. Horsley you said, what I was thinking is, and I really appreciate the presentation with the management because it all comes down to management that's what it's all about and I'd really like if maybe planning department can get either a resume or something when they do the application on who that management firm is to help us and not just a, sorry to say because I've heard some of 'em have been the house cleaners over there and are they responsive or, you know, if they're a distant owner who they have to represent 'em over there. But I think that's our number one problem is management that they need to be responsive. I appreciate the plan you gave us and, I'm gonna support it if someone can make a motion.

Mr. Horsley: I make a motion. We approve the application based on the facts that were provided by the applicant and his management company.

Mr. Alcaraz: All right. I got a motion from Mr. Horsley.

Ms. Cuellar: Second.

Mr. Alcaraz: Second by Ms. Cuellar.

Madam Clerk: The vote is open. By a vote of eight to zero, the item has been recommended for approval.

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

## CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 505 20th ½ Street and the Short Term Rental use shall only occur in the principal structure.



2. An annual (yearly) STR 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. A third (3rd) parking space, at a location subject to approval by the Zoning Administrator, shall be available for use by the Short Term Rental occupants at all times.
6. For properties located within the boundaries of the Residential Parking Permit Program (RPPP), while the Short Term Rental use is active, parking passes issued for the subject dwelling unit(s) through the RPPP shall be limited to two (2) resident passes only. Guest and temporary passes through the RPPP shall not be permitted.
7. 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.
8. 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.
9. 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.
10. 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 Permit; 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.
- 11. 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.
- 12. 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.
- 13. 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.
- 14. Accessory structures shall not be used or occupied as Short Term Rentals.
- 15. 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.
- 16. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
- 17. 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.
- 18. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
- 19. 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).
- 20. The property owner, or their representative, shall provide to the City Planning Department 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 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 Planning Department 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 Planning Department and shall be provided during the yearly permit process.

21. 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  
May 10, 2023, Public Meeting  
Agenda Item # 13**

**Jamie George** (Applicant & Property Owner)

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

**RECOMMENDED FOR APPROVAL**

Ms. Alcaraz: All right. Thank you. Next and I guess last item.

Madam Clerk: Agenda item number 13, Jamie George is an application for a conditional use permit, a short term rental at 507 20th and 1/2 Street in Council district six.

Mr. Alcaraz: State your name please.

Ms. George: Jamie George.

Mr. Alcaraz: And state your application.

Ms. George: Excuse me.

Mr. Alcaraz: You can go ahead and state your application or any information you need us to know.

Ms. George: Oh yeah. I mean, so I'm just sort of in the same boat as Nick, as he said. We live right next door to each other. So I'm the property at 507 and I do, I mean, I completely understand the resident's concern, you know, we live there and deal with the same traffic and all the same things. But I mean, I just wanna reassure them that, I mean, we're doing this, as he said to sort of transition out of this area to raise our children in more of like a neighborhood with a larger yard, but possibly with the hopes of returning to these homes. So, I mean, I think that's why we invested in Nicole and Sojourner to manage these properties for us because, you know, we don't want to burn bridges and we want them to be managed and run efficiently just for, you know, the extent of our property and possibly going back.

Mr. Alcaraz: So do you live there now?

Ms. George: I do.

Mr. Alcaraz: So do you know the people that came forward and had concerns?

Ms. George: I mean, I recognized them sort of just from the street, but don't know them personally. No.

Mr. Alcaraz: All right. I just knew if you, okay.

Ms. George: Yes.

Mr. Alcaraz: Any questions for her? None. Yes.

Ms. Byler: I was impressed that Mr. Luliano your next door neighbor offered his cell number to the neighbors and said that he would personally stand behind all of the residents and I wondered if you shared his feeling.

Ms. George: Of course, 1000%. I mean, as I said, there may be a time when in years to come once my daughter is older, that I'd like to return to this property. I mean, I love the neighborhood. I love the house so I mean, I want to be there to be neighborly and make things as easy for everyone that lives there permanently.

Ms. Byler: Okay. Thank you.

Ms. George: I definitely would share that.

Mr. Alcaraz: All right. Thank you. All right. Next speaker.

Madam Clerk: We have the same speaker Sandy Dietrich, followed by Sarah Welch if they have any more comments, I suppose.

Mr. Alcaraz: Would you like to come forward and is there anything that you wanna bring up that you might wanna say? No. You're more than welcome, miss your chance.

Ms. Dietrich: I love this for a minute.

Mr. Alcaraz: I know.

Ms. Dietrich: Sorry.

Mr. Alcaraz: We're sorry too.

Ms. Dietrich: I appreciate the comments of providing phone numbers and contact information. I'll say that the other owners have said they would do that and one has done that, so I just wanna make sure that this commission knows that a lot of times, the owners will say they'll do that and then they don't. So I just wanna make sure that people understood that.

Mr. Alcaraz: Sure. I think staff took that down and I'm sure they'll take the address on the one that was done being done illegally.

Ms. Dietrich: And the only other comment I wanna make on the one that's not, that's being done illegally is I'm in constant contact with Ms. Channing Tatum or Channing Tuttle and she gets probably photographs from me at least on a weekly basis of the renters in the house illegally.

Mr. Alcaraz: Are you getting a response?

Ms. Dietrich: Well, I continuously hear that and I believe it's the truth. I'm not denigrating by any means, but they say it takes a lot to build a case to remove someone from doing something illegally and if it's that hard to build a case from someone who's doing it illegally, I can't imagine what it would be like to try to revoke one and when I contacted about what the process was for revocation, no one could explain that process to me because they've never done it, so just wanted to share that.

Mr. Alcaraz: Thank you.

Ms. Dietrich: Thank you.

Mr. Alcaraz: Okay. Would you like to come forward and say anything, or are you okay? Okay. All right. So we're closed, guys open for discussion or I'll entertain a motion. Anybody?

Ms. Cuellar: I'm gonna hope that with the management of these two rentals that this would be a best practice in moving forward in the short term rental area. So I'm gonna support the application.

Mr. Alcaraz: All right. We got a motion from Ms. Cuellar? Do I have a second?

Mr. Horsley: Second.

Mr. Alcaraz: Second by Mr. Horsley.

Madam Clerk: The vote is open. By a vote of eight to zero, this item has been recommended for approval.

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

## CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 507 20th ½ Street and the Short Term Rental use shall only occur in the principal structure.
2. An annual (yearly) STR 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. A third (3rd) parking space, at a location subject to approval by the Zoning Administrator, shall be available for use by the Short Term Rental occupants at all times.
6. For properties located within the boundaries of the Residential Parking Permit Program (RPPP), while the Short Term Rental use is active, parking passes issued for the subject dwelling unit(s) through the RPPP shall be limited to two (2) resident passes only. Guest and temporary passes through the RPPP shall not be permitted.
7. 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.

8. 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.
9. 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.
10. 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 Permit; 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.
11. 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.
12. 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.
13. 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.
14. Accessory structures shall not be used or occupied as Short Term Rentals.
15. 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.



16. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
17. 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.
18. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
19. 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).
20. The property owner, or their representative, shall provide to the City Planning Department 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 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 Planning Department 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 Planning Department and shall be provided during the yearly permit process.

21. 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.