Virginia Beach Planning Commission February 11, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Intro & Minutes Approval

Discussion

Mr. Coston: Welcome. I would like to call to order the February 11th, 2026 Planning Commission Public Hearing. My name is John Coston. I'm the chair of the Virginia Beach Planning Commission. Before we get started, we've asked Commissioner Plumlee to lead us in the pledge of Allegiance. Please stand.

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

Mr. Coston: At this time, we will introduce the planning commissioners, beginning with our city attorney, followed by the planning administrator, Ms. Kaitlyn Alcock, who will introduce members of staff.

Ms. Royster: Diamond Royster, Assistant City Attorney.

Mr. Mauch: Michael Mauch, I have the pleasure of serving the city as the at-large representative.

Mr. Camp: Walter Camp, representing District 1, Kempsville.

Mr. Cromwell: John Cromwell, District 2, Pungo and Blackwater.

Mr. Anderson: Hi, good afternoon. Mike Anderson, District 3.

Ms. Byler: Kathryn Byler. I have the distinct pleasure of representing District 4, which is Virginia Beach, Town Center, Burton Station, and all the way up to the Norfolk border.

Mr. Coston: John Coston, District 9.

Ms. Cuellar: Holly Cuellar, District 8.

Ms. Schoonover: Katherine Schoonover, District 5.

Mr. Plumlee: Brian Plumlee, I represent District 6, which is from the CTAC up to the north end of Virginia Beach.

Ms. Hippen: Susan Hippen, District 7, Centerville, Tallwood, Salem, and Happy Seahawks Wednesday.

Ms. Moorjani: Neena Moorjani, District 10, the Green Run area.

Ms. Alcock: Kaitlen Alcock, Planning Administrator. Clerking to my left, we have Breotnie Harrison and Grace Smith. In the audience, we have Planning Director Kathy Warren, Deputy Director Carrie Bookholt, Zoning Administrator Hannah Sabo. With our planning administration team, we have Marchelle Coleman, Alexis Bailey, and Kristin Bauer. Other planning staff in attendance, Aubrey Trebilcock, Kara McLane, and Laine Harrington.

Mr. Coston: Thank you very much. Madam Clerk, can you please describe the rules and order of business for today's meeting?

Clerk: Thank you, Chair Coston. The Virginia Beach Planning Commission takes pride in being fair and courteous to all parties in attendance. It is important that all involved understand how the commission normally conducts its meetings. It is equally important that everyone treat each other and the members of the commission with respect and civility. We request that cell phones be put on silent during this meeting. This is an abbreviated explanation of the rules. The complete set of rules is located in the front of the Planning Commission agenda. Following is the order of business for this public hearing.

Withdrawals and deferrals. The chairperson 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 believe 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, 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 per item, unless they are solely representing a large group, such as a civic league or homeowners association, in which case, they will have 10 minutes per item. 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 City Council. The commission thanks you for your attendance, and we hope that your experience here today leaves you feeling that you have been heard and treated fairly. Thank you.

Mr. Coston: Thank you, Madam Clerk.

(The following dialogue reflects the discussion to approve the minutes as a part of the consent agenda in its entirety, which may not have directly followed the above discussion in this document)

Mr. Coston: The next order of our business today is the consent agenda. I'm going to turn that over to a vice chair to run that portion of the meeting.

Ms. Byler: Thank you, Chair Coston. Today, we have eight items on the consent agenda. These are applications that are recommended for approval by staff, and the Planning Commission concurred, and there are no speakers signed up in opposition. The first item for consideration today are several sets of planning commission minutes, and I've asked Commissioner Camp to read these items into the record.

Mr. Camp: Thank you, Madam Vice Chair. For the consent agenda today, there are three sets of minutes of meetings of the Planning Commission, consisting of the January 14th informal hearings, the January 14th, 2026 formal hearings, and the minutes of the February 5th, 2026 site visit, the latter of which is subject to abstentions by Vice Chair Byler, Commissioners Hippen, Mauch, and Plumlee, for the reason that those four members of our commission were not present at the site visit.

Ms. Byler: Thank you, Commissioner Camp.

(The following dialogue reflects the discussion to approve the minutes as a part of the consent agenda in its entirety, which may not have directly followed the above discussion in this document)

Ms. Byler: Thank you, Commissioner Plumlee. Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda. Agenda Item 1, 4, 10, 13, 15, 16, 17, and 18, plus the records of the minutes.

Mr. Coston: Thank you. Do I have a motion to approve by consent, as read by the vice chair?

Mr. Plumlee: Moved by consent.

Mr. Hippen: Second.

Mr. Coston: It has been moved by Commissioner Plumlee and seconded by Commissioner Hippen that these items be accepted. Is there anyone abstaining on any of the items on this consent agenda??

Mr. Plumlee: Excuse me, I am abstaining with the number of commissioners on the visit in February. Otherwise, I've got no abstention from any application.

Ms. Hippen: And I am abstaining from the site visit in February.

Ms. Byler: Yep, the same.

Mr. Coston: Thank you, same. So we've had the motions made first and seconded. Madam Clerk, we're ready for the vote.

Clerk: The vote is open. By a recorded vote of 11 to 0, with all aforementioned abstentions, all aforementioned minutes, and items 1, 4, 10, 13, 15, 16, 17, and 18 have been recommended for approval by consent.

Mr. Coston: Thank you. If you had an application that was on the consent agenda, your request will now be scheduled for an upcoming city council meeting. Staff will contact you about the date. For those applicants on the consent agenda, thank you for your participation, and you may remain in the meeting either virtually or in person, but you are free to leave.

Vote Tally

Commission Member	AYE 11	NAY 0	ABS 0	ABSENT 0
Camp	X			
Cromwell	X			
Anderson	X			
Byler (Vice Chair) *As noted above, Vice Chair Byler abstained from the February 5, 2026, site visit minutes.	X			
Schoonover	X			
Plumlee *As noted above, Commissioner Plumlee abstained from the February 5, 2026, site visit minutes.	X			
Hippen *As noted above, Commissioner Hippen abstained from the February 5, 2026, site visit minutes.	X			
Cuellar	X			
Coston (Chair)	X			
Moorjani	X			
Mauch *As noted above, Commissioner Mauch abstained from the February 5, 2026, site visit minutes.	X			

Virginia Beach Planning Commission February 11, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Vote to Rearrange Agenda

Discussion

Mr. Coston: Thank you, Madam Clerk. Before we move to our agenda, the chair would like to hear a motion to rearrange agenda.

Ms. Hippen: I move that we move agenda items two and three to the end of our agenda.

Mr. Coston: Do I have a second?

Mr. Plumlee: Second.

Mr. Coston: It's been moved by Commissioner Hippen and seconded by Commissioner Plumlee that we move items two and three to the end of the agenda. You ready for the vote?

Clerk: The vote is open. By a vote of 11 to 0, the motion to move items two and three to the end of the agenda has been approved.

Vote Tally

Commission Member	AYE 11	NAY 0	ABS 0	ABSENT 0
Camp	X			
Cromwell	X			
Anderson	X			
Byler (Vice Chair)	X			
Schoonover	X			
Plumlee	X			
Hippen	X			
Cuellar	X			
Coston (Chair)	X			
Moorjani	X			
Mauch	X			

Virginia Beach Planning Commission February 11, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #1 Julia Ellen Keller Revocable Living Trust
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next item on our agenda is item one. Is there a representative here? On behalf of the Keller Revocable Trust?

Mr. Bourdon: Thank you, Ms. Byler, Mr. Chairman, members of Commission, Eddie Bourdon, Virginia Attorney, represent Ms. Keller on this application. The four conditions, as recommended by staff, are acceptable to us. And I wanted to mention Mr. Camp raised - Commissioner Camp raised - the issue of East-west alleys in Croatan. And as a resident of Croatan and one of Ms. Keller's neighbors, I don't think we have any East-West alleys in Croatan. We do have one private dedicated to the Pacific League access to the ocean front. The rest of them are actual streets that go to the ocean front. But thank you very much. Appreciate being on the consent agenda.

Ms. Byler: Thank you. Are the conditions acceptable, attorney? I'm sorry. Perhaps you did.

Mr. Bourdon: Yes, they're all acceptable.

Ms. Byler: Okay. Thank you. Appreciate it, Mr. Bourdon. You may be seated. Is there any opposition to this item being placed on the consent agenda? Hearing none, I have asked Commissioner Schoonover to read this into the record.

Ms. Schoonover: The applicant, Julia Ellen Keller, Revocable Living trust, is requesting a partial street closure at 62 Surfside Avenue. The applicant has obtained a quick claim deed from the owner at 617 Vanderbilt Avenue, which borders this section of the land. This is a reasonable request and seeing no opposition and therefore has been placed in the consent agenda.

Ms. Byler: Thank you.

(The following dialogue reflects the discussion to approve the minutes as a part of the consent agenda in its entirety, which may not have directly followed the above discussion in this document)

Ms. Byler: Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda. Agenda Item 1, 4, 10, 13, 15, 16, 17, and 18, plus the records of the minutes.

Mr. Coston: Thank you. Do I have a motion to approve by consent, as read by the vice chair?

Mr. Plumlee: Moved by consent.

Mr. Hippen: Second.

Mr. Coston: It has been moved by Commissioner Plumlee and seconded by Commissioner Hippen that these items be accepted. Is there anyone abstaining on any of the items on this consent agenda??

Mr. Plumlee: Excuse me, I am abstaining with the number of commissioners on the visit in February. Otherwise, I've got no abstention from any application.

Ms. Hippen: And I am abstaining from the site visit in February.

Ms. Byler: Yep, the same.

Mr. Coston: Thank you, same. So we've had the motions made first and seconded. Madam Clerk, we're ready for the vote.

Clerk: The vote is open. By a recorded vote of 11 to 0, with all aforementioned abstentions, all aforementioned minutes, and items 1, 4, 10, 13, 15, 16, 17, and 18 have been recommended for approval by consent.

Mr. Coston: Thank you. If you had an application that was on the consent agenda, your request will now be scheduled for an upcoming city council meeting. Staff will contact you about the date. For those applicants on the consent agenda, thank you for your participation, and you may remain in the meeting either virtually or in person, but you are free to leave.

Vote Tally

Commission Member	AYE 11	NAY 0	ABS 0	ABSENT 0
Camp	X			
Cromwell	X			
Anderson	X			
Byler (Vice Chair)	X			
Schoonover	X			
Plumlee	X			
Hippen	X			
Cuellar	X			
Coston (Chair)	X			
Moorjani	X			
Mauch	X			

Conditions

1. The City Attorney's Office shall make the final determination regarding ownership of the underlying fee. The purchase price to be paid to the City shall be determined according to the "Policy Regarding Purchase of City's Interest in Streets Pursuant to Street Closures," approved by City Council.

2. The applicant shall resubdivide the property and vacate internal lot lines to incorporate the closed area into the adjoining lot. The resubdivision plat must be submitted and approved for recordation prior to the final street closure approval. Said plat shall include the dedication of a 15-foot public drainage easement over the closed portion of the alley to the City of Virginia Beach, subject to the approval of the Department of Public Works, and the City Attorney's Office, which easement shall include a right of reasonable ingress and egress.

3. The applicant shall verify that no private utilities exist within the right-of-way proposed for the closures. If private utilities do exist, easements satisfactory to the utility company, must be provided and shall be recorded after the final resubdivision plat is recorded with the Clerk of Circuit Court.

4. Closure of the right-of-way shall be contingent upon compliance with the above stated conditions within 730 days of approval by City Council. If the conditions noted above are not accomplished and the final plat is not approved for recordation within one year of the City Council vote to close the rights-of-way this approval shall be considered null and void.

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

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

Virginia Beach Planning Commission February 11, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Items #2 & 3 Harrison and Lear, Inc.
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Clerk: Our final items are items 2 and 3, Harrison and Lear, Inc.

Ms. Byler: Mr. Chair, I regret that I need to abstain from this vote for reasons that are stated and on record with the City attorney and a letter.

Mr. Coston: Thank you.

Mr. Pocta: Thank you, Chair Coston, Vice Chair Byler, members of the Planning Commission. Good afternoon, and thank you for your time. My name is Chris Pocta. I'm a land use and zoning attorney with the Wolcott Rivers Gates. I'm here on behalf of the applicant, Harrison and Lear, and I'm also here with other members of our team. Jonathan Skinner is the president of Harrison and Lear. Audrey Leishman is going to speak to the golf course component. Will Surge from WPL, the landscape architects, and Matt Mader from VHB on stormwater and traffic. It's a phenomenal team I'm glad to be a part of. I want to thank Marchelle Coleman, the city attorneys, the staff, and the residents.

Despite coming to a different conclusion than we would have hoped, they worked incredibly hard on this application and in dialogue with us for over, I think it's been almost four years now, working on a submission for this property. And then also thank you to the residents, residents of Indian River Plantation, West Neck, but also surrounding communities in the city of Virginia Beach. To put it simply, we are here to present a solution to a problem that has plagued a Virginia Beach neighborhood, in fact, two neighborhoods, for over six years.

In 2019, the golf course of the Villages at West Neck, also known as Signature at West Neck, closed. More than 200 acres of land became closed, private, overgrown land that no resident could access or enjoy. For six years, this community has waited for a solution, and today we are presenting one. Harrison and Lear, the applicant, has been in the business for more than 60 years with a track record of high quality developments across Hampton roads. And we assembled a team of engineers, attorneys, and other land use professionals, and then committed to listening.

Not once, but over four years now, listening, dialoguing, discussing. The numbers: a committee of community members that met 10 times over three years, eight hosted meetings attended by more than 560 surrounding homeowners, direct outreach to approximately 1,200 households, and six village-level sessions designed for smaller, more collaborative sessions, ongoing resident engagement and dialogue. This process produced real changes. Our original plan, if you recall, was Signature Meadows. Filed that back in 2024, but it didn't include golf, if you recall. When residents told us overwhelmingly that they wanted some form of golf back, we pulled back the application before this body's consideration. We absorbed the cost and delay because the

community told us a better compromise was possible. That led us to discuss with Mark and Audrey Leishman.

And Audrey Leishman's here today, and ultimately, the plan before you this evening. This project is the product of compromise and collaboration, shaped by the community it's designed to serve. I want to spend a moment on Mark and Audrey Leishman. Mark, who's not here tonight, he's golfing. He's a six-time PGA Tour winner and current live golf professional. His design partner on this course will be Ian Baker-Finch, an internationally recognized golf course designer. Their operations partner, Mike Bennett of Commonwealth Golf Asset Management, a proven professional course operator. These are world class credentials. Mrs. Leishman, who is here, is dedicated to her community and founded and runs a local nonprofit. She and Mark are raising their family in this community and have been since 2015. To them, this is not a business transaction.

The golf course property is quite literally in their backyard. This is about investing in their community and bringing back an amenity that defined their neighborhood. They're putting their own time, their own effort, and their own money into this project. They've agreed, is my understanding, to a 50-year lease with two 15-year renewal options, 80 years of commitment to the community. We're proud to call them partners, and we believe this community could not ask for better stewards of its most important amenity. The project. Let me give you an overview of what we're actually proposing, because I think the details matter. The site, as you know, is 203 acres, approximately.

While the overall land use plan for West Neck and the Preserve is proposed to be at 40% open space, more than 87% of this property remains open space: golf, preservation, and recreation. Only about nine% of this subject property is being used for new homes. First, we're restoring a championship quality nine-hole golf course, indoor and outdoor practice facilities, and fully operational clubhouse. This is a real, funded, professionally managed golf operation. The clubhouse will once again be a place where neighbors can gather, share a meal, and enjoy the community they chose to live in. We've heard many residents say about just how much they miss that.

Second, we're creating large-scale reforestation areas with native species. We're preserving forested wetlands and woodland canopy. We're building a comprehensive trail network that connects every village in the community. We're creating managed meadows, community gardens, and vegetated buffers. WPL has done a masterful job with this part of the proposal. And their representative, Mr. Surge, is here to answer any questions on that point. Third, at the direction and under the guidance of VHB, we're making important stormwater infrastructure improvements. As the staff report confirmed, we're adding approximately three acres of additional detention and retention capacity.

Staff noted that the city's DSC office reviewed the strategy and confirms it successfully complies with the stormwater regulations. The stormwater upgrades, though, they're not just a project benefit. It's a community benefit and a citywide priority. Fourth, we're funding a traffic signal at the West Neck Road and Signature Drive, entirely at the developer's expense, before the first certificate of occupancy can be issued. No cost sharing with the city or expense to the taxpayer.

And yes, we have a residential component. If you recall, in the last iteration, I believe it was 159 homes with this proposal. That is reduced to 143. The component that makes all of the rest of this feasible, 143 homes all age restricted to residents 55 and older.

One resident described this to me as, It sounds like essentially a new village within West Neck, designed to the same high-quality standard, serving the same demographic, and fitting within the community fabric. These homes have not been randomly placed. Our team has spent countless hours, years actually, designing this plan so that the least amount of homes would be directly affected as possible by the new construction. More than 95% of the current West Neck residents will not have construction directly adjacent to their properties. Those who are adjacent will have substantial buffers, a minimum of 50 feet of natural screening and layered landscaping, no new cut-through streets into any existing neighborhood, and the staff confirmed that the architecture is fully compliant with the transition area design guidelines. High quality materials, rural transitional design, no vinyl siding, and what staff called harmonious integration with the surroundings. I wish those were my words.

The plan was designed so that every single resident in the community will benefit from the return of golf, the trails, the accessible open space, stormwater improvements, increased property values that come with a healthy and thriving neighborhood, and the restored pride of place that this community deserves the Comprehensive plan. Staff did a thorough job evaluating this project against the transition area design guidelines, and we appreciate their work. But the comprehensive plan is more than just two design guidelines. It contains adopted policy directives, and this project advances an extraordinary number of them. First, senior housing.

The adopted comp plan directs the city to allow and encourage housing for seniors to meet their needs. And the draft 2040 comp plan, as I understand it, that you're working on, specifically identifies an objective to accommodate the future senior housing demand. This project delivers 143 age-restricted homes purpose-built for aging in place, and staff confirmed that the school impact is minimal to non-existent. Stormwater and flood mitigation, the project delivers three acres of new capacity and 19 acres of native reforestation. This is the adopted plan's natural mitigation strategy, implemented at zero public cost. Neighborhood stability, the adopted comp plan warns that the demise of neighborhoods is quickened when they're in the vicinity of abandoned, aging properties.

It also states that underperforming properties are prime locations for adaptive reuse that could improve the quality of surrounding area, help absorb the housing demand, and increase the tax base. This is a rather unique property in the transition area in the sense that it is infill. Whereas many other places in the transition area are not like that. But that's the description of this project, converting a six-year community liability into a maintained, accessible and usable asset. The project also advances policies on environmental stewardship, strategically planned networks of natural lands, with clustering natural buffers and minimizing impervious cover. With housing on just nine% of the site. It fulfils a directive that all open space be connected by trails. On the preserved development side, multi-use trail.

On the golf course side, again, golf cart paths. The draft 2040 priority policies direct staff to identify opportunities during private development to review how to protect and connect natural

lands and open spaces. As you know, this entire property is disconnected at the moment. It's inaccessible, it's not usable, and it's disconnected. It will once again be connected. This advances the design principle to design with nature as well. Staff's recommendation. Staff recommended denial on two grounds, density and open space percentage. And I respectfully disagree with that conclusion. But before I address each a critical distinction, number one, the transition area design guidelines are just that, guidelines. That doesn't mean they're not important. They're significant, but they are not rules, nor law, nor ordinance. Previous transition area staff reports stated that the transition area design guidelines are guidance, not law, an important distinction.

The Planning Commission has confirmed in several instances that density is just one factor and that benefits may outweigh the deviation. But I want to be clear, this project supports the guidelines. We designed this project to honor them. The staff states that in many ways, this project aligns with the recommendations in the guidelines and found our design consistent with the emphasis on blending with natural landscape and a harmonious integration with the surrounding environment. Keep in mind, no project has ever met every single one of the guidelines based on my research. I'd be glad to be proven wrong on this point. And the Heritage Park staff report.

The staff wrote, no project will ever fully meet the provisions of the comprehensive plan for the transition area. A couple of examples: Victoria Park, 39% open space. Sherwood Lakes, 2.2 units per acre. Princess Anne Village, 2.4 and then 2.5 units per acre. Cordell's Estates, which was in the transition area at the time it was approved. It's an important point. Everyone was approved because benefits outweigh, in these cases, deviations. Density. The staff reports that 2.79 units per acre community-wide. That's the proposal. The West Neck community was approved in 1999 at a density of 2.52 and was built out at 2.42. Something that was missed I find to be an important point in the informal today. Is that the department, the director of planning at the time, Bob Scott, in the staff report says the development potential was actually 1,082 units, and with our proposal we come under that, I believe at 1,079. But the actual increase, it's 0.37 units per acre, 0.27 units increased from what was approved. That's 27 one-hundredths of an acre. City Council has approved other projects in the transition area that exceed one-to-one and fail to meet the 50% open space. For that reason, this project does not set a precedent.

But also because every other neighborhood in the transition area, with one exception in that city-owned property at the golf course at Heron Ridge, every other transition area neighborhood owns its own open space. That makes this project, this property, unique and not precedent setting. But what this proposal delivers, like other projects in the transition area that exceeded the one-to-one, are the benefits. Restored golf course, tenfold increase in accessible open space, 19 acres of reforestation, stormwater improvements, all at zero public cost. Open space. The guideline calls for 50%. We don't dispute that.

We provide 40.1%, but the existing 45% is dominated by 175 acres of closed golf course that no resident can access. Only 3.79% is actually usable. Why is that significant? Because the design guidelines say there should be a balance of active and passive, and put markers, essential characteristics on it as usable, accessible, and visible. Right now, that property, that area does not meet that definition. And so, therefore, it's at 3.79% open space. The guidelines provide for that. But by that standard, this is a transformative improvement, 4% to 40%. And without this project,

the amount of accessible, visible, usable space, open space, remains at less than 4%, a staggering deviation from the guidelines.

What's the intent of the guidelines? I think that's really important as you weigh your decision here. Infrastructure and agriculture. Those two things have always been woven, from 1979 through the present of transition area design, guidelines, priorities, and policy. Why do we even have the one-to-one unit per acre? Much of it had to do, yes, with traffic equivalents, like you discussed earlier, but health. What do you mean by that? Septic, you needed at least an acre of land to have a septic system there. We are not proposing to rezone any active agricultural farmland. And those neighborhoods in the transition area, since that one-to-one unit per acre, based on that health consideration, have been built out.

The infrastructure is now here. And agriculture, that's the other tenant of the design guidelines. This is the first application that I can recall in the transition area of a neighborhood like this to not rezone it from agriculture. It's already rezoned from agriculture back in 1999. Commissioners, let me step back from the technical and speak to the practical reality. Since 2019, this property has been embroiled in controversy. It's torn a community apart. I think we see it here today. Neighbors who used to share a round of golf or a meal at the clubhouse now find themselves on opposite sides of a fight. Lawsuits back and forth, overgrowth, deterioration. This project provides a real, funded, professionally backed solution. It restores an amenity that defined this neighborhood.

It transforms more than 200 acres of blighted and inaccessible land into maintained, accessible open space. It builds trails that connect villages. It delivers 143 senior homes that the city needs. All of this at zero public cost. And I want to be direct with you. It's my understanding there is no backup plan. There's no alternative. If this application is denied, it's my understanding that this land would remain closed, private, and deteriorating, as it has been. There's no other proposal that I'm aware of on the table. This may represent the last viable opportunity for a long-term solution. So, this ask, we request that you recognize the significance of the open space, despite the slight deviation in density. And the fact that these significant benefits, just like those other projects that exceeded one-to-one or didn't meet 50% open space, justify making a decision as a planning commission to recommend approval of this application. And before I realize I have about one minute left.

Over the course of the last couple of weeks, there have been some requests from residents and from discussions with the city and City Attorney's Office for any additional protections that might be possible. On the front end of the golf course and the back end of the golf course. So in discussions with my client, I've got the authority to volunteer, which I think would happen from you all, in your recommendation, if you make one between Planning Commission and City Council, the following two. That in the event the golf course contemplated in the application ceases operation, if that exceeds a year of cessation, the grantor agrees to negotiate in good faith with the proper authorities of the city of Virginia Beach to enter into an open space agreement or easement as contemplated by the Virginia Code, stating that no homes will be built on this property and a landscape maintenance plan will be proffered.

The second one. No certificate of occupancy will be issued for the Preserve housing development until construction of the golf course commences and they've received the issuance of a land disturbance permit for the golf course. So with that, I'll yield the rest of my five seconds. And I understand there will be questions later. Our team is available to answer any of those questions. And thank you again for your consideration.

Mr. Coston: Commissioner Mauch.

Mr. Mauch: Yeah, I have some questions about the overall. This is a very and Chris, you might want to answer these, but. It's a very complex piece of property. We have an established golf course community without a golf course, and now we're taking the inside of a community and trying to create a new community, is the idea with a nine-hole golf course. And so what is the breakdown of the land that is going to be developed and the land that's going to be retained by the current ownership?

Mr. Pocta: Yeah, so I think an exhibit was circulated. If it hasn't yet, okay, great, because I know this question was asked in the informal. So the applicant, who's Jonathan Skinner, Harrison and Lear, he's got a contract for the purchase of the property that's going to be rezoned PD-H2, which is essentially the new development. Mr. Skinner, please correct me if I'm wrong on any of this, which is essentially going to be rezoned PD-H2. Everything else that's to remain P-1 and the golf course component of this, you can almost see it like, on the left-hand side of your exhibit, not the exhibit that's up here, but on the left-hand side of your exhibit is the PD-H2 development, if you will, and then on the right side is the golf course, the proposed golf course. And on the right side, that is going to be leased and operated as a golf course by the Leishmans.

Mr. Mauch: Okay.

Mr. Pocta: I don't know what the breakdown of acreage is offhand, but I can get that to you.

Mr. Mauch: No, that's okay. I think what is going to be a part of the HOA use, and what is going to be retained by the ownership, that's not going to be a part of it?

Mr. Pocta: Sure. I'm going to ask, actually, Mr. Skinner to come up and address that. Not only because he's the applicant, but because he regularly establishes HOAs.

Mr. Skinner: Good afternoon, Chairperson Coston and Chairperson Byler and fellow planning commissioners. If I could, ask the staff to bring up the lot lines and zoning overlay map. Page 24 of the staff report. Oh, that is helpful. Thank you, Marchelle. So to answer your question, Commissioner Mauch, the PD-H2 zoned areas, excluding the small parcel on the left hand side, which is labeled PD-H1 to P-1, that would be the areas comprised by the development in HOA.

Mr. Mauch: So that would be the pink area or orange?

Mr. Skinner: Yes. The pinkish orange, excluding that small piece on the left. Salmon, yes.

Mr. Mauch: And how much acreage does that comprise of?

Mr. Skinner: Let me just check this exhibit one moment.

Mr. Mauch: I think I see 75.08.

Mr. Skinner: It's about 64 acres that's comprised in our part, and then the PD-H1 to P-1 section that I mentioned a moment ago is 12.2 acres. But that is not part of the development or HOA, so it's approximately 63.

Mr. Mauch: Okay, so 63, and that's what's going to be for use for all HOAs in that?

Mr. Skinner: That is where the housing and the majority of the walking trails will occur. The green area, that's a bit like an elbow near the top of it, is a preservation area. That also will involve walking trails and reforestation as part of the proposal.

Mr. Mauch: Okay, so that will be a part of the active and passive recreation?

Mr. Skinner: Correct.

Mr. Mauch: And then the buffer zones, I mean the buffer, I believe that there was a minimum of 50 feet. Is what Mr. Skinner? Are those going to be a part of the active and passive, or are there going to be lot lines that just go to the water, then to the water itself?

Mr. Skinner: The buffer areas will in many areas actually have walking trails in them. And those will be part of the HOA's responsibility to maintain that.

Mr. Mauch: Okay, and then what is the portion of the unretained tracks?

Mr. Skinner: Primarily the green and the blue. The owner retained the majority of the green area to the right. Bottom is going to be the golf course, the nine hole championship course, with the practice area. The elbow that I mentioned to the upper left is going to be preservation, walking trails and reforestation.

Mr. Mauch: Okay, and the active and passive recreation will be allowable on the golf course as well. That's being considered in the yes.

Mr. Skinner: The cart paths will be accessible and usable.

Mr. Mauch: And how big is, what is the amount of acreage of the golf course?

Mr. Skinner: The proposed nine hole was, one moment. It's about 87 or 88 acres that comprise the proposed nine-hole golf course practice area.

Mr. Mauch: Okay, and is that land going to be conveyed to the HOA?

Mr. Skinner: No, the current property owner and the Leishmans, with the group that they are organizing, to Chris's highlights, have agreed to a 50-year lease with two 15-year renewal periods. But ownership will remain with the current owner of that acreage.

Mr. Mauch: So similar to how the site was built originally. When Signature was there?

Mr. Skinner: Oh, yes, the original developer retained the golf course.

Mr. Mauch: Yes. Okay, Alright. I'll yield to some other people for questions.

Mr. Plumlee: I thought we had discussed a procedure where we were waiting for questioning until everyone's had an opportunity to speak. Am I miss remembering? Was that not for applicant?

Mr. Mauch: I thought that was for the public.

Mr. Plumlee: Not for the applicant. Okay.

Mr. Coston: Mr. Camp?

Mr. Camp: Thank you, Mr. Chair. Excuse me, both of you just spoke a moment about opening up public access into more of the property, and you reference these trails. I'd like to put a finer point on that, please, because I didn't quite understand it. And Mr. Pocta, I think you and I spoke at one point about this, but I'd like to get it right. I believe you said that the proposal includes roughly four miles of pathways through the overall development. However, I understood that a significant number of those miles are part of the golf course. And when you and I spoke, and it made sense to me, that people will not be allowed to bicycle, jog, walk through an active golf course, because it'd be distracting, it would be unsafe. And so to say that those paths are really part of a comprehensive network of trails, in the sense that people could use them in the same way as some of the other pathways, I didn't reconcile that. Could you please clarify, are there actually two categories of pathways? One that is part of the golf course for people playing golf, and others that are part of a recreational amenity for the rest of the folks.

Mr. Pocta: Thank you, Commissioner Camp. Your conclusion is accurate. Of the 4.2 miles, approximately 1.7 of those miles will be walking trails that are open around the clock. The remaining 2.5 miles will be cart paths with limited access while golf is being played, but at other times will be open and accessible throughout.

Mr. Camp: Alright. Thank you for the clarification. I appreciate putting that on a finer point. And then, Attorney Pocta, I have one question about the new information that you shared with us at the opening of your remarks here. You mentioned two concepts that I believe you framed it that your client had authorized you to be amenable to. Did I understand at one of them, the open space agreement that your client has authorized you, should it come up here, to be agreeable to a reduction in real estate taxes for your client for 10 years in exchange for the promise not to develop for those 10 years? That is my understanding of what an open space agreement actually means in the city of Virginia Beach.

Mr. Pocta: So, Commissioner Camp, a few points of clarification. One is that, it's my understanding, there's already a reduction in real estate taxes due to the fact that it's zone preservation. I could be wrong on that.

Mr. Camp: You are. I am incorrect on that.

Mr. Pocta: At least as compared to maybe a residential development, right, it would be assessed at a different value. The second thing is that what the proffer suggests, what we're volunteering, is for the grantor. As a property owner, we technically have to enter into an agreement with the city of Virginia Beach. This is what was, well, let me backtrack. So, there's a state code provision that provides for a couple of additional opportunities, I'll put it, for preservation of land. And the code provision is, if you want to look it up, 58.1-3233.

And one of those provisions is, as you all discussed in the informal, it's an open space agreement. The open space agreement, I think it's got a cap on the low end at three years. It can't be any less than three years. It can't be any more than 10. It's my understanding that what the city does with other golf courses is it has these 10-year open space agreements. And then, when the time comes for renewal, they've got maybe a log, and then they renegotiate or reestablish the open space agreement, because it's rather statutory, kind of form-based. There's really not much negotiating that happens.

Another option under that same code provision would be an easement. And the easement would extend beyond 10 years. So, in my opinion, would be more protective, if you will. What the proffer says is, and what Mr. Skinner has volunteered here, is that should the golf course close, stop operations. This was a concern that some residents brought up. What happens if it closes? If it closes, then what this proffer says is, at that point, after a year of it closing, because let's say there's a COVID event that has to close it for a couple of months or something, we would need some kind of time. We're suggesting a year.

If it closes for a year, then the property owner would subject the property to an open space agreement at a bare minimum or an easement. I could get rid of the open space agreement altogether and just suggest easement. However, the easement requires a little bit more negotiation with the city attorney's office. The open space agreement is blanket. It's simple, it's statutory, so it would at least require the property owner to obligate itself to that. This does not present, I know your question came up in the informal, this does not presently exist on this property. It phased out or terminated on its own terms back in 2019. It's not existed since then, and so this was, to be quite honest with you, collaboration between the Leishmans and the applicant to get to the property owner to agree to something like this, which I found pretty astounding and remarkable. But nonetheless, that will be a binding proffer.

Mr. Camp: So, to understand this, a reduction in real estate taxes, that is assessing the property based on use rather than market value, is an element of that agreement, too.

Mr. Pocta: I can't speak to the real estate tax. I don't know if you're suggesting we ask for the different appropriation of real estate taxes. I don't know, but if that's what comes with it.

Mr. Camp: That's what the agreement is. So, when you say we're open to it, there's also a benefit to your client.

Mr. Pocta: No. Well, remember, my client is not the property owner. My client is the applicant.

Mr. Camp: There is a benefit to the property owner. So, then my question shifts to our counsel. May an applicant before us be introducing new proffers at this moment?

Ms. Eisenberg: I don't believe that's what is occurring. So, the applicant's representative can correct me if I'm wrong, but what I believe is happening is that they are volunteering that they would add an additional proffer between this hearing and the City Council hearing if this body would recommend that that proffer be added. So, what the planning commission will be voting on today is the current application that is before this body. But if there is a desire to see an additional proffer added, that can be made as part of the recommendation. It won't be conditioned on the approval or denial recommendation. But if it is something you would like to see, that could be recommended. And I believe that's what the applicant's representative is proposing.

Mr. Pocta: That's correct.

Mr. Camp: But I thought that a proffer is a voluntary gesture that we, the body, can't require or recommend that someone else voluntarily do something, that appears that we're putting pressure on them to do something and we're not allowed to do that.

Ms. Eisenberg: Correct. That is why I said, what this commission will be voting on is the application that's before it today. But there is a city code provision that allows for the Planning Commission to make a recommendation to either add, modify or remove a proffer. But that recommendation is not, it would not be conditioned on the recommendation for approval or denial. So, in other words, you would still be voting to recommend approval or denial based on what is before you today, but you could also include a recommendation if you think that it would be preferable to see an additional proffer. And then the applicant, if they so choose, would have until at least 10 days prior to City Council to make that addition, modification, or removal of a proffer, but that is at their discretion, and it is not something that we would be requiring of them. It would still be voluntary.

Mr. Plumlee: Can I clarify what I've heard? I just hope to. If it is voted upon, let's say as recommended for approval, and it's made part of the recommendation that there be this proffer, that's what we've considered, is it your position that while before the City council, the applicant would enjoy the benefit of the recommendation for approval, but not be required to go forward with the proffer that we make part of that, if we do.

Ms. Eisenberg: And that is why I tried to make clear that the commission is voting on the application that is before it. So, there could be a motion that exists that would be a recommendation for denial, but could also include in the event that city council feels that this is an appropriate land use, that include a proffer to whatever they are seeking to do. So, you could recommend denial, but have the motion follow-up, but in the event the council also chooses or deems this appropriate,

the Planning Commission would recommend an additional proffer that states something along the lines of XYZ. Or, if you think that this is an appropriate land use application, you can vote for approval and do the same recommendation.

Mr. Plumlee: It's non-binding on the applicant, I think.

Ms. Eisenberg: Correct. Proffers remain voluntary.

Ms. Schoonover: I do have a question for Tori in relation to this specific thing before we move forward. Just for clarification, it's my understanding because all these questions are related to worries, that if we approve this and for some reason, they don't want to build a golf course, they can just willy-nilly go and build whatever they want over there without having to come back to us. It's my understanding that if, for some reason, there's a desire to not build a golf course after all, they have to come back to us. And then we have to re-approve a new project. Is that correct?

Ms. Eisenberg: That is mostly correct. So, there would not be a requirement to make them construct the golf course. But yes, it is true that if they desired to develop something else that wasn't in accordance with this plan, they would have to come back and seek a modification in order to do so.

Ms. Schoonover: Thank you.

Mr. Coston: Commissioner Mauch and then Commissioner Cuellar.

Mr. Mauch: I just wanted to clarify something. The parcel A, is that being maintained by the HOA or is that being owned by the current owner? Is that being retained by the current owner? Is that the elbow that's in the corner, top left hand?

Mr. Pocta: Yeah, I'll let Jonathan speak to that further. Some of that's accurate.

Mr. Skinner: Parcel A is, Commissioner Mauch, being maintained under the ownership of the current property owner. But through this plan, the current owner has agreed to the what is shown in our submitted plans: walking trails, reforestation, etc. And, if I may, Commissioner Camp, the genesis of what we've discussed had nothing to do with real estate tax reductions, but giving assurances that the golf course component of the plan would be delivered sooner than the housing component.

Ms. Eisenberg: Chair, if I may just have one second, just in case anyone was looking at it, I should have told you that the code section that allows for that recommendation of an additional proffer is going to be found in section 107 H6C.

Mr. Coston: Thank you. Commissioner Cuellar.

Ms. Cuellar: Hi, Mr. Pocta. My question is about the golf course as well. You had mentioned in your introductory remarks that there's this overwhelming support for a golf course. And certainly all the letters that I've received indicates the same. Can you just give me maybe a little

more detail at the very end of your comments? And I wrote this down in reference to the golf course. You had said there would be no certificate of occupancy on the houses until the golf course was built. And just as I'm processing this, I'm hoping to, you know, avoid a negative parcel from, you know, what we're seeing right now, that's just so in disarray. And I feel like the residents are so passionate. It's why they bought their property. It's one of the reasons why they want to stay. And it's such a community builder for all families that live out there.

Mr. Pocta: Yeah. So, it's Thank you for the question, Commissioner Cuellar. So, as Jonathan kind of mentioned the genesis of it a bit, how it arose is from the beginning. The intention has always been on this application from the Leishmans to invest significantly time, money, effort, etc. To restore nine holes of the golf course. In fact, they were even part of a previous offer, with the last application to try and get 18 holes. So, they've been working at trying to do this, spending time and resources, et cetera, and gathering investors to put back some form of a golf course. And the component that you have before you that was agreeable to the applicant, agreeable to the property owner, and workable for the Leishmans is what you've got.

But at all times, the expectation, the intention on their part is to rebuild, restore this nine-hole golf course as set forth in the plans and is subject to a conditional use permit for a golf course and traffic studies based on a golf course. That's everyone's expectation all along the way. And in the last maybe three, four weeks, the notion came up, what can you do to further guarantee? I think if this application were still kind of in its genesis, what we would have done is just added those proffers at the time but already been filed, reviewed by staff, reviewed by the city attorney's office. And so it would have required to go back and change it, some kind of a deferral. So instead, I, you know, conversed with the city attorney's office, and it looked like an option could be. How do we guarantee this?

Well, one add these proffers, but when could you do that and still not have to make these nice folks have to come back for another hearing? It would be between now and City Council. And so the specific proffer that you're asking about achieves the latter, the former end. So, on the front end, how do we guarantee even further? In addition to the things I already said, the lease, the use permit, the conceptual site plan, all the rest of it, what else could you do? Well, we could volunteer a proffer that says no certificate of occupancy. In other words, no one could move into these houses until the city has reviewed and approved a land disturbance permit with a site plan for the golf course, and the Leishmans have started construction on the golf course. So that's what the proffer says, which we think achieves that. That's where that came from.

Ms. Cuellar: Thank you very much.

Mr. Coston: Commissioner Schoonover?

Ms. Schoonover: I know you've done a lot of outreach work with this, and I know there's more than one project. Did you sit down with the current association and discuss this specific project?

Mr. Pocta: So, we attempt, we have attempted to on multiple occasions. So, you'll probably hear from some of the speakers in support and in opposition on why that has been difficult. But the first time we tried sitting down with a land use plan, we were told if you're not bringing back an

18 hole golf course, we're not meeting with you. So, and it's been very challenging to meet with the existing board, but I'm optimistic, I think that that can and should still happen. I think there are a lot of benefits that could work both ways between both associations. Sharing of things offers from the applicant to the existing HOA, but it would require a meeting between the current HOA board and Mr. Skinner's office.

Ms. Schoonover: That actually brings you to my second question, which I'm guessing the answer to now. Why exactly is there going to be a separate association for this project, as opposed to just being tied to the original association?

Mr. Pocta: Sure. That has a lot to do with the answer to the first question. I think Mr. Skinner thinks it would be ideal to, as you suggested, but without a formal meeting and arrangement with the existing HOA board, it's not feasible. It's not possible, but the applicant is willing to do that and would like to.

Mr. Coston: Commissioner Anderson.

Mr. Anderson: I think this is probably better for you, Mr. Skinner. I want to kind of change gears a little bit more construction minded, with the way my mind works. A couple of weeks ago at the presentation at Wave Church, and since then, and before then, there has been a lot of concern about construction during construction and the dirt and everything. You mentioned that it wasn't definite yet, but you were trying to get a construction entrance, separate entrance for all construction traffic to be able to stay away from any of the residents. So, I wanted to see where we were on that process.

Mr. Skinner: Yes, Commissioner Anderson, we have been pursuing diligently an agreement. It's actually a city-owned property off of Indian River Road that is near the existing village, Wordsworth, towards the bottom of the map on the screen, although you can't quite see the city-owned property in its entirety. We have liaised with the farmer who currently leases that property. We're not at the point of reaching an agreement yet, but there is certainly a strong possibility of having a temporary construction easement. Now, that would be singularly for major construction equipment. It wouldn't be for the home building operation, where you have trades such as electricians and plumbers. We're more trying to respond during the course of our eight community meetings over the last three months with 600 plus attendees. There was a concern voiced repeatedly about construction traffic and noise. And both with the golf course proposal to reopen it, and with our proposal three acres of additional storm water. That's heavy, heavy equipment, loud equipment.

Mr. Anderson: Bulldozers, graders, dump trucks. So, the construction entrance would be for the big yellow trucks from Caterpillar and the like. Do you have an idea? I mean, are we working with city staff, or is it just through the farmer?

Mr. Skinner: We've coordinated both with city staff and with the leaseholder to get to the point where we're at now.

Mr. Anderson: Okay. Thank you.

Mr. Coston: Mr. Mauch?

Mr. Mauch: Would you mind reading that voluntary proffer that you? I just want to hear it.

Mr. Pocta: Sure. So, it's two. And think of it this way. Protection on the back end if the golf course fails, protection on the front end to ensure the golf course starts. The first one, in the event the golf course contemplated and described in this application ceases operation, with such cessation continuing for a period exceeding 12 months, the grantor agrees to negotiate in good faith with the proper authorities of the city of Virginia Beach in order to enter into an open space agreement or an easement as contemplated in Virginia Code 58.1-3233 stating that there will be no homes built on the golf course property and subject to a landscape maintenance plan for the golf course property upon mutually agreeable terms between the city and the grantor. And then the second one is that no certificate of occupancy will be issued for the Preserve housing development until the construction of the golf course commences and a land disturbance permit has been issued for the proposed golf course.

Mr. Mauch: Okay, I definitely think it provides in the front and in the back end. The middle, I almost feel like it's lacking. I feel like somewhere we need to say, finish construction of a golf course and open as well. Because nothing's requiring you to, you could get the permit and start building the houses, and then you could never finish it. And then it just goes into open space. Do you see what I'm saying? Somewhere in there, there needs to be a protection that there will be a golf course, operational golf course that's finalized and open.

Mr. Pocta: Yeah, I think the issue you've, I mean, there are a couple of issues with that. In theory, you know, I understand where that comes from in practice. And perhaps Mrs. Leishman can speak to this as well. But there's a couple of difficulties with it. You know, one, should something happen? Right. You know, I don't know if that something happens is, you know, untimely death. You know, I mean, if something serious happens, that interferes with that would constitute a violation of a proffer. Second is the whole issue with the market, right? So, and perhaps that's why, with the original development that wasn't suggested, it required, you know, the construction, you know, start on the golf course. And I don't remember differently, but before, any certificate of occupancy could be issued, but it didn't require that, you know, for a period of X amount of years, some golf course operator, and it'd be like requiring this for any business owner, right? You shall operate a, whatever the business is, for a certain amount of time, right? The lady who was here with the daycare earlier, you know, you shall operate this daycare for a year or two years, you know, continuously. So, I see those two kind of issues with that. But I do think this gets at the front end and the back end of that. Because the issue from residents that was brought to us was, how do we ensure that if it closes, no houses get built there?

Mr. Mauch: The only reason I ask is because I think we want to make sure that we have seen the amount of support that is for this project. And 99% of every single email is for the golf course. And so we want, I think, assurances that there will be an open golf course. Because currently, I mean, the property owner could have put a golf course on there four years ago if they wanted to. They've chosen not to, and that's fine. That's what they've chosen not to do. But a lot of the support is predicated upon the golf course being open and operational, and there's nothing to state

that this will be finalized as a golf course and open. Because, realistically, it would give you the ability to get the permit to start digging.

But it doesn't say that there needs to be one there. And God forbid, there be a contract dispute or something happened in the middle of it, and then all of a sudden that goes away. The assurance is on the back end, or that it remains open space, but that doesn't give anybody that's in support of it majority. Maybe I should say the assurance is that this golf course will happen. Legally binding is what I have full faith in the Leishmans and in doing what they say they're going to do. I know that I know them through the community and I know the type of people that they are, and I know that their intent is to do it. But I'm just saying that we need something that is firm, legally binding, to say that there will be an operational golf course. Because the assurances on the front end and the back end are there, but there's nothing to state that it has to open and it needs to be operational.

Ms. Leishman: Tell us what to do and we'll do it. I'm Audrey Leishman. Thank you so much for having us here. I did want to speak a little bit. I've been referenced quite a bit, and I wanted to introduce myself. I'm a Virginia Beach native. I moved here when I was four years old through the Navy, went to Salem High School, moved back here after college. And my parents actually moved into Indian River Plantation in 2001. This has been my home since I was 17 years old. We chose to build here in 2015. It is where we want to raise our kids. I have neighbors here that I have known since I was 17 years old.

We have been trying to make this a golf course for four years now. We have entered into an investment group. It is not just us that wants to see this a golf course. We also have investors that want to see this a golf course. We have entered into good faith on an agreement to have a 50-year lease with two 15-year renewals. It has been me behind the scenes speaking with the property owner after listening to resident concerns to continue to try to provide protections for them. That is where the open space agreement came from. That is where the easement came from. That is where the promise to start construction before a certificate of occupancy came from.

And that is because I am a resident and I do care about my neighbors, even the ones who are angry with me. I do very much care about this community and we have every intention and I have invested many, many of my own time into this, and I plan to continue to do so. We have a really great team. Ian Baker-Finch is very excited about it. Mike Bennett, he is crawling out of his skin to get started on this project. We have every intention to start as soon as if this is approved. We will start immediately.

Mr. Mauch: Thank you. And I trust and believe that that's the case. I just want to make sure that we have assurances to know that whatever is said will be done. I think through the proffers, then we can accomplish that. So, however that that needs to be, I think it, we've. You guys have told the public that this is going to be here and I think that legally they need to. There needs to be assurances to state that.

Mr. Pocta: I just one other point, too, I mentioned a couple of challenges with the suggestion. I think a third one is. It could pretend this is. I don't represent the city, but just thinking out loud here, that could potentially put the city in a difficult position. Because, like I was talking about, with the requiring of the maintenance of a business, they cease operation, that's somehow a

violation of the proffers. So, do you make someone step in and operate a business, you know, operate a golf course? If not, does the city take that over? I think that would just need to be kind of thought through.

Mr. Mauch: I don't think that's the intent of this is to require somebody to operate it because you have the assurances on the back end. It's to require that it open, that the golf course open and be accessible to whomever it's going to serve. I don't think there's a requirement asking to say it needs to be open for 10 years, 20 years, but there needs to be assurances to state that it will be operational. Doesn't have to require a certain amount of time, because if it becomes unoperational, then you have your assurances on the back end. After a year of sitting there, then it becomes open space in an agreement with the city.

Mr. Pocta: Commissioner Mauch, if we could, you know, especially given all the resident speakers and things, if we could, sort of, you know, consider, you know, their thoughts and things, and then perhaps address.

Mr. Mauch: That'd be wonderful. Thank you.

Mr. Skinner: And if it pleases the gathered body, we the three of us can consider your suggestion and come up with a meaningful suggestion for that, because that is our overall commitment. Just further, Chris's point, depending on growing season and timing of approvals to the golf course operation. Hypothetically, if we were approved in March, a land disturbance permit plans are designed, but they get approved in December of this year. They won't be able to get to work as promptly. So, there's a little bit we need to discuss about the machinations of that.

Mr. Coston: Commissioner Camp and then Commissioner Plumlee.

Mr. Camp: Mr. Chair, I have several other questions for the applicant, but I am mindful of the number of members of the public who would like to also share their thoughts. So, I would like to hold the remainder of my questions until after rebuttal by the applicant, at which time, if they remain unanswered, I'll ask them.

Mr. Plumlee: I just want to add to the discussion about the proffer. You know this is a serious concern about whether there is an operating golf course. I think you have to look at it conceptually. If you don't begin the construction, it's as though you ceased the operation. If there's a year period that goes on, that open space needs to be dedicated one way or the other. If it's based on the failure to initiate or it ceases in operation, it doesn't matter. I think that's where you can focus potentially. And I think I now understand, after reading the code a little more carefully, how this works. Essentially, what we're telling council is, if we add this, we're saying we're recommending it. They always consider our recommendations and then they set them aside and do what they're going to do anyway. But if you don't see this proffer in there, you didn't really get our recommendation. It's sort of a write-out to them. But I think Mr. Mauch, Commissioner Mauch, has made an excellent point. This has gained the traction it has since the last effort because of the golf course. And so you'll have a chance to hear people and consider that.

Mr. Coston: Thank you. Madam Clerk, could we start calling in our speakers?

Clerk: Yes, our first speaker is Susan Cox, followed by Eleanor Macy, Brian Bowers, Mari Grindle, and Marcianne Rush.

Ms. Cox: Good afternoon. My name is Susan Cox, and I live in the villages of West Neck. I'm speaking today in support of the Preserve at West Neck, a proposal by Audrey and Mark Leishman in partnership with Harrison and Lear, which provides a thoughtful and reasonable solution for our community. Since the golf course closed, a small group of individuals became fixated on restoring an 18-hole golf course. Over the years, they have repeatedly rejected opportunities for compromise, spending over $200,000 in litigation with the property owner without notifying or engaging the residents.

Since August of '24, under the banner of SOTAR, residents have been subjected to messaging that has relied heavily on misrepresentations, fear-based rhetoric, and personal attacks. Expressing an opinion outside of the accepted narrative, or even asking reasonable questions was treated as disloyal. As a result, many residents are now reluctant to express their views publicly, and our community has become divided. In addition, SOTAR leadership has never proposed a viable solution. Their position has consistently been, we'd rather leave it like it is.

We like the peace and quiet. That is not a plan. That reflects unwillingness to collaborate in building a prosperous and thriving community for all of us. This project will transform a deteriorating eyesore into beautiful, functional, open space for all residents. The plan includes multi-use trails to all of our villages, reforested areas, managed meadows, and a golf amenity, which, ironically, was the very feature sought by those who have repeatedly rejected prior proposals.

I do have compassion for the 35 or so residents whose homes are directly adjacent to this property. Many of them are my friends. Their concerns matter and they deserve to be heard. But at the same time, we must thoughtfully consider what will ultimately benefit everyone and support the long-term well-being and future of our community. Believe me when I say there are many other things I'd rather be doing in my retirement, and speaking to you today was not one that I really wanted to do, but I was reminded of a portion of the West Point Cadet Prayer, which resonates: "Strengthen and increase our admiration for honest dealing and clean thinking, encourage us in our endeavor to live above the common level of life, make us choose the harder right than the easier wrong, and never be content with half-truth when whole truth can be won.

Endow us with courage that is born of loyalty to all that is noble and worthy, that scorns to compromise with vice and injustice, and knows no fear when truth and right are in jeopardy." Please vote to approve this project and save our community from further decline and community division. I thank you.

Clerk: Eleanor Macy.

Ms. Macy: I'm Eleanor Macy and I live in the Rosecrest village of West Neck. You're going to hear a lot of talk about what will or might happen if this proposal goes through, but I'd like to focus on what will happen if it doesn't go through. The present dense, unsightly mess that was

our golf course harbors poisonous snakes, rats, and other vermin which threaten neighboring residents. This overgrowth presents a serious fire hazard. We had a serious fire which will continue to threaten our community. The obvious failed stormwater removal system will only get worse and will continue to exacerbate the flooding threat to our community. The ponds are interconnected and you can see where the pipes are floating, where it's not working at all. There's total stormwater failure. Some of our neighbors will be affected more than others during the reconstruction period. But in the long run, this proposal is the best outcome we could hope for and will bring many benefits to West Neck and Indian River. Thank you.

Clerk: Brian Bowers.

Mr. Bowers: Hi, I have to follow that. That was very professional. Short and sweet, my take on it is, if not this plan now, then what? My wife and I have lived in this neighborhood for 10 years now. We have a 9-year-old daughter. We intend to raise her all the way through college, possibly stay in this house forever. And last six years, this golf course has shut down. And as many people will tell you, it's turned into a cesspool. Two, three years ago now, we had a fire that almost caught houses on fire.

The fire department saved the day there. But it's not all about the downside. If this doesn't get approved, Mark and his team have done so much work, unlike I've ever seen. So, if they are run out of town, then what? Where do we have another group who's willing to restore this to a golf course without any public funds? And to the point, I'm here for the golf. That's a big part of why I moved here. And it's just, it's really been depressing to, you know, come home and you can't go do anything with that property.

Also, you know, excited for what Mark's team brings to the table. I think that a lot of people are talking about the downsides here when we've got some really top tier talent willing to design a pretty top tier golf course. I'm disappointed it can't be 18 holes, to be perfectly honest. But, you know, again, if not this, then what? If we don't fix the property and we continue to sit on it, then I don't really understand what other viable options are being brought to the table. So,thank you so much for the time.

Ms. Hippen: Sir, would you state your name for the record, please?

Mr. Bowers: My name is Brian Bowers.

Clerk: Mari Grindle.

Ms. Grindle: I think it is officially evening, so I'll say good evening, Chair, members. My name is Mari Grindle. I appreciate the opportunity to speak in favor of the rezoning request for the former Signature golf course at West Neck. This property has a long history as a golf course, but it also sat largely underutilized in recent years. The proposal before you offer a thoughtful and balanced path forward, one that respects the history while also responding to today's realities. The plan to develop the site into a nine-hole golf course, along with 143 homes is not abandonment of green space, it's a reinvestment in it.

Maintaining a golf course, albeit a more sustainable and appropriately scaled one, preserves the character of the area while allowing the property to be economically viable. A smaller course means reduced water use, lower chemical inputs, and less maintenance strain, all while keeping recreational space available for the community. At the same time, the proposed residential development addresses a real need in Virginia Beach. Well-planned housing in an area already supported by infrastructure. This is not sprawl. This is smart, infill-style development on land that has already been disturbed and previously zoned for recreational use.

Adding homes here helps ease housing demand without pushing development farther into rural or environmentally sensitive areas. Importantly, this proposal brings long-term benefits to the city. New homes means an expanded tax base that supports schools, public safety, and city services without the high public costs that often comes with newly developed areas. Redevelopment of this site also helps prevent decline, vacancy, and piecemeal uses that could negatively impact surrounding neighborhoods. I also want to acknowledge concerns that neighbors may have. Change is never easy. And it's right to ask about traffic and density and compatibility. From what has been presented, the plan is carefully designed and this rezoning request represents balance. I respectfully urge the Planning Commission to recommend approval of this rezoning. And I thank you for your time and for your service to the city.

Clerk: Marcianne Rush.

Ms. Rush: Hello everybody. I'm Marcianne Rush. I've lived at West Neck for 16 years and I live on hole number six in Wordsworth, and I'm here to talk to you today and speak for the silent minority or majority, I should say. The old, the sick, the caretakers of spouses and cherished veterans who have been scared into silence by a small handful of bullies known as SOTAR. There are threats and intimidation towards anyone who wants change and is excited about the new plans for the former golf course. They are called out in meetings as traitors or working for the developer if they do not speak.

SOTAR leaders took over the community meetings that the developer had to answer questions for the community, planting people throughout each meeting the entire day to disrupt and stop legitimate questions from being asked by the community. Later that same day, there was a West Neck board meeting with a newly elected board, where SOTAR representatives stood up and screamed at the board, get on board with SOTAR or get out. The West Neck board was asked several times to take surveys to determine who was for SOTAR and who wanted change in our community and was refused by the board twice. It seems like they wanted to shape their own narrative, rather than have it challenged by actual data. There are over 900 residents living at West Neck. We are the silent majority, and we're pleading with the Planning Commission to not let the minority rule and leave us in the weeds and constant threat of fire. Thank you.

Clerk: Our next speakers are Colleen Craig, Carol Gehrig, Paul Camardella, David Smith, and Mark Dewhurst.

Ms. Gehrig: Thank you for your service and thank you for giving us a chance to speak to this issue. I'm in favor of the Preserve development.

Mr. Coston: Please speak your name. Please give your name for the record.

Ms. Gehrig: Oh, I'm sorry. Carol Gehrig, and I live on Nestle Brook Trail in Indian River Plantation. It's been six years, six years since the golf course closed. When I first moved here in 2014, driving into West Neck on Wilderness Lane was just lovely, beautiful. The roses, the landscaping all was well cared for, and we really enjoyed the clubhouse. It looked great with the white pillars. But now, even though the entrance to West Neck is still lovely because of the West Neck Landscape Committee, they do a beautiful job.

As you drive up Wilderness Lane, it begins to look really rugged. It begins to look really bad. Just imagine what your yard would look like if it were neglected for six years. And that's what we have. So, this offer is, I think, the best that we can do. It's not perfect. People aren't happy that it's a 9-hole course instead of an 18-hole course, but it's so much better than what we have now. And what is the alternative? So please consider these ideas when you're making your decision. Some people have complained that, oh, construction will take 10 years. I don't think so.

Kingsfield Drive, the neighborhood that's right across West Neck Road from West Neck, went up like mushrooms after a rain. I mean, it's completely, it's amazing how fast that happened. Change can be hard, and this is change. But I think it's the best that we can hope for, and thank you for listening.

Clerk: Paul Camardella.

Mr. Camardella: My name is Paul Camardella. My wife and I moved into Indian River Plantation in the spring of 2003. At the time, the golf course, though new, was already considered one of the top courses in the area. Through golf, I developed relationships with residents from both West Neck and Indian River. The clubhouse was welcoming, the staff friendly, and the restaurant warm and inviting. Friday afternoon happy hours with live music brought both neighborhoods together, and Sunday brunch and the annual breakfast with Santa made it feel like family.

I would like to see that sense of community and quality of life returned to West Neck and Indian River Plantation. That's why I support this proposal. It's not perfect, but it represents a thoughtful and reasonable compromise. I don't criticize neighbors who oppose this plan. Their concerns are valid, and I share some of them. But after years of inaction and a slow decline in our community's quality of life, I believe, excuse me, I believe it's time for a change. I want to ask City Council a simple question. What is the plan if this proposal is voted down?

Because the problem doesn't go away. Unmanaged land has already created public safety and health concerns, greater wildlife activity, property damage, and declining views for homes that were once beautifully maintained. Property values, while rising, are not keeping pace with comparable communities. And, perhaps most concerning, there has already been one large wildfire. What happens with the next one? The uncontrolled vegetation, much of it dry, is directly adjacent to homes in both neighborhoods. That is a real risk. This proposal addresses those concerns.

Mr. LaClair, along with Mr. and Mrs. Leishman, have put forward a plan that solves a problem the city already has at no cost to taxpayers. Yes, it requires compromise from all parties. I would love to see the land return to a full 18-hole golf course with the amenities I enjoyed for years. Some residents, understandably, don't want to relive the inconvenience of construction and noise. The property owner wants to protect his investment, and the city wants to honor the transition area guidelines.

This plan balances those interests, so I respectfully ask that you consider a slight deviation from two transition area design guidelines not met in this proposal. Those guidelines have been waived before, and this solution improves safety and livability without costing taxpayers anything. I believe this compromise moves our community forward, and I thank you for your time and consideration.

Mr. Coston: Thank you.

Clerk: David Smith.

Mr. Smith: Hey, my name is David Smith. I live in Indian River Plantation, and I appreciate the opportunity to speak this afternoon. Well, I previously understood that you guys had received a lot of public comments on this proposal. And I was under the impression it was negative. But I actually heard some comments from y'all that made me think that maybe you actually have received more positive feedback than I was thinking. But I still wanted to share my perspective as someone who strongly supports this proposal and who only realized recently, or thought recently, that support like mine needed to be voiced.

I know many people in our community expected this proposal to move forward without issue because it appears reasonable and beneficial. And like myself, again, I did not feel any urgency to participate in the public process. In hindsight, it's understandable that those who feel negatively impacted may have been more motivated to speak up, but that may make opposition seem more widespread than it actually is. What makes this proposal compelling to me is how directly it addresses the quality of life issues we've been living with for years. Without action, the land remains closed, overgrown, and inaccessible.

This plan replaces all of that with long-term stability through, at a minimum, a 50-year golf lease. It also restores meaningful open space and addresses real-world problems like safety hazards, pests, and obviously neglect. For neighbors throughout Indian River Plantation and West Neck, and not just those that live along the golf course, this proposal brings back beautifully maintained green space, connected walking paths, and long-term professional stewardship right in the heart of our community. Most importantly, this is a community forward vision, open, welcoming, and shared.

My family and I have lived in Indian River Plantation for nearly four years now, and we're raising our four children here. We're thinking long-term and the kind of community we're building, and the decisions that will shape it. I have a great deal of trust in this commission's process. After sitting in this room for, what, like four hours and some change. You guys, actually, it's operated

pretty efficiently. I'm impressed. And so because of that, I think that you guys will make the right decision and approve this process. So, I just want to say I respectfully urge you to approve and thank you very much. Any questions for me?

Ms. Hippen: We've been doing this since 9 o'clock this morning. They told us we have to hold all our questions to the end.

Clerk: Mark Dewhurst.

Mr. Dewhurst: Good afternoon. My name is Mark Dewhurst, and my wife and I have lived in Indian River Plantation since August of 2018. I'm here to recommend support for the proposed Preserve at West Neck to the Planning Commission. And I also want to thank you for what you do because today has been quite an educational experience for me. And I'm really impressed with how attentive you are to everything that goes on in our city. A little over a year after my wife and I moved in, Signature Golf Course unexpectedly closed down.

And since then, the land, the retention ponds remain neglected and become a hazard. It's been over six years. As I said earlier up above, actually on the seventh year, six years, five months. But who's counting? It's time for a viable, common sense solution, what I call a 90% winning solution. I regularly attend the District Two City Council member Barbara Henley's meetings. In those meetings the past few years I've learned a great deal. Innovation Park, the Silos Project, Ashville Park and Heritage Park, Sherwood Lakes, the history of the development, the transition area and the comprehensive plan. Thank you.

Interestingly, for the most part, these projects involve city-owned land versus private land. This proposal is privately owned land and is an infill redevelopment project and has not taken any additional agricultural land to be developed. The Preserve at West Neck will give the city much-needed quality housing, and I might say 55-plus housing, in an area that already has eight villages of 55-plus housing. This proposal brings little or no cost to taxpayers for stormwater management, to neglected ponds. And even now, a traffic light at the entrance of West Neck.

The Preserve at West Neck will restore enhanced and neglected green space of the former Signature golf course that will be properly managed by the new golf course and the new home development. No project will ever fully meet the guidelines of the comprehensive plan, but this proposal meets an overwhelming majority of those guidelines and comprehensive plan. In closing, no project is ever perfect or will make everyone 100% satisfied. Leaving the land as is not viable, and everyone loses. In the long run, the proposed Preserve at West Neck is a practical compromise and a winning common sense solution. Thank you very much for your time.

Clerk: Our next speakers are Dana Smith, Amy Feldman, Bob Feldman, Salim Raja, and Gundi Kohler.

Ms. Smith: Well, I apologize in advance. I feel like there's going to be a lot of repetition with all that you're constantly going to be hearing all day or evening. I'm Dana Smith and good evening. And I am a mom of four and my family plans to be part of this community for many years to come. So, the decisions made here truly matter to me, both as a resident and as a parent raising children

here. I'm speaking in support of this proposal because it's meaningful environmental restoration, reforestation, and stormwater improvements it brings to the property and the surrounding areas.

I am not only speaking as a neighbor and a parent, but I've had the opportunity to work professionally on the Ohio Creek Watershed project that happened in Norfolk, where I've learned a lot about wetlands, flood mitigation, and watershed-based stormwater planning. The experience taught me how important and thoughtful land and water management really is. Because of that background, I tend to look closely at how projects handle runoff, vegetation, and long-term land care, and this plan shows careful, responsible improvement in each of those areas.

For many years, the golf course property has remained private and largely inaccessible to residents, with significant portions sitting inactive. Over time, some of those areas have become overgrown with nuisance vegetation that spreads beyond the property lines. This proposal transforms long-idle land into a professionally maintained, environmentally managed landscape, with preserved wetlands, native reforestation, managed meadows, and thoughtfully scaled nine-hole course as a part of the overall design. Another benefit I find is the creation of the green space, the plan that connects open areas with trails, sidewalks, woodland preservation, vegetated buffers, so the land is not just left alone, but actively designed and maintained in a way the community can enjoy. Stormwater and flood mitigation improvements are also a major benefit.

The project adds detention and retention capacity, and incorporates features like vegetated wetland benches that help improve water quality, manage runoff more effectively. Based on my watershed experience, these are exactly the types of measures that help reduce downstream flooding, better handle heavy rainfall. And, importantly, these flood and stormwater improvements would be funded by the project itself and not tax dollars. From a mom's perspective, I see a safer, maintained natural areas with walkable trails, and from a long-term resident's perspective, I see restoration, responsibility, and forward planning. Thank you for your time.

Clerk: Amy Feldman.

Ms. Feldman: Good afternoon. My name is Amy Feldman. My husband and I moved into Indian River Plantation about three and a half years ago. One of the draws to moving here was that there was the likelihood of the golf course being restored in some fashion. Therefore, I am in favor of the revitalization of the old golf course, which in its current state right now, is a field of weeds and scrub. Transform it into a beautiful, comprehensive, and well-designed plan that includes large areas of green space, a 55 plus housing section, and a nine-hole golf course with a clubhouse, putting greens and golf simulator.

We're incredibly fortunate to have pro golfers, pro golfer Mark Leishman and Ian Baker-Finch designing this course, making it a championship quality golf course. Their thoughtful design will allow players of all skill levels to enjoy what will be a top rated course. My family is looking forward to playing golf in our own neighborhood. And since there will be the option for some public play, this golf course is a win-win for our residents and the city of Virginia Beach. Because Indian River Plantation does not have a community center, the clubhouse provides us with so many opportunities to socialize with our IRP and West Neck neighbors.

I've heard of the wonderful social events and activities offered at the clubhouse that brought neighbors together for great times. It would be so wonderful to have a clubhouse again that functions as a restaurant and a social venue for our community to enjoy. I believe this plan will be good for everyone. Yes, there will be a few short-term sacrifices in both communities. However, the long-term gains outweigh the small sacrifices. I would love for this project to move forward, and I would appreciate if you would agree. I thank you for all that you do, and thank you for my time.

Clerk: Bob Feldman.

Mr. Feldman: As you can tell, I am the lesser half. My name is Robert Feldman, 3104 Stonewood Drive, Indian River. I'd like to start off by thanking you for your time and saying that you're a very kind and generous group of people and I've been so impressed. I spent a while being a federal employee. I know it's rough to be in a regulatory kind of position. And I really appreciate all the thought and diligence that you all put into your work. I know sometimes it can seem tough and a little thankless, but we do appreciate it, so thank you. What I like about this proposal is that no new development can happen over the next 80 years. By that time, my grandchildren will be past retirement age.

During that time, the city will have full control over any modifications to the property. We mitigate the risk of townhouses overflowing our schools, we mitigate the risk of overly dense condominiums that don't age well, backing to our properties. Leaving this property empty is definitely not any kind of a solution. We already had a fire. I can see large, large herds of deer, and they look cute, but they absolutely destroy flower beds, and they leave ticks all over the place. Not really a fan of living in proximity to large herds of deer. This proposal is the only solution I can see. The deal's 100% privately funded, no expense to the public, so my taxes won't go up.

The Leishmans and Lear are investing millions of their own money to improve the appearance. They're going to pay for a new traffic light at West Neck Road and Signature Drive. In summary, I believe this is the best solution, and I think it's probably going to be the only solution that doesn't leave the property empty. So, that's all I got to say. Thank you.

Clerk: Salim Raja.

Mr. Raja: Salim Raja, I live in Indian River Plantation. I've been there for 19 years. I don't play golf. I don't know anyone involved in the golf course or the houses. I just live there and I'd like to go back to my nice, quiet, pretty neighborhood, please. This seems like a great compromise. You have such a turnout here now. We've just been quietly sitting by and letting you guys handle this for so long. But there's rats and there's snakes, and the ponds are stagnant, and there's weird people hanging around in the bushes. And we've got, what is it, vultures and all kinds of stuff.

And we feel like we're trapped, our property values stopped going up, we're just stagnated out there and nobody's going to get what they want. But I haven't seen anything close to this to make a compromise. And Audrey, she's not just some investor. She's a neighbor. Her parents live there. It's not like she's going to leave it to just go down the toilet or she'll have to face us, right? But please, it's been going on long enough. My one neighbor spent more than $12,000 in repair from

rodent damage. Another one, like $14,000 on the other side. I got a pellet gun and I'm taking out squirrels, okay?

I need your help. It's just too long, okay? So, I'm not demanding anything. I don't have a feeling that I should tell someone else what to do with their property, what they're going to do, as long as they're following the rules. And I'm a rule follower. But like Commissioner Byler said, you've got to compromise sometimes. And Commissioner Camp, you said it's okay to compromise a little. We're asking for a 9.9% variance in open space, as far as I can figure from all these details, which I never kept up with. I just know my neighborhood's going to crap. I'm sorry. We used to get together at the clubhouse. People that were too old to drive their car wouldn't cut the corner through the golf course. We'd meet at the clubhouse. It's wonderful. I miss that. Please help us get back to that. I don't have any issue with the bigger things going on. I just want my wife to be happy with our pretty neighborhood again, please. So that's all I have to say. Thank you so much.

Clerk: Gundi Kohler.

Ms. Kohler: I am Gundi Kohler. I live in IRP, Indian River Plantation. I wanted to thank the Planning Commission members here for their incredible stamina and listening to us. My husband, Manfred, and I have lived in IRP for almost 15 years. Our property borders the former golf course. We purchased our house because of its location on an 18-hole golf course. We had hoped for and supported the restoration of this golf course for years, but we learned that it will not happen. The current owner does not support it.

During our first eight years in IRP, we very much enjoyed the beautiful view and the clubhouse restaurant. We enjoyed Sunday brunches and frequent dinners there with our whole family and friends from IRP and West Neck. Our children enjoyed playing golf. When the course was sold, it deteriorated to the point of creating not only an unsightly view, but, more important, it became dangerous. High weeds and debris fueled a terrifying fire that reached our fence, burned a large tree right there and some electrical outlets before the fire department came just in time to stop it from actually reaching our house. We could have lost the whole neighborhood.

A maintained area will prevent a California-like fire. Mark and Audrey Leishman have a great plan to bring golf back to this area. We fully support this proposal and hope that you will agree with us that a clean, beautiful area is beneficial for all of us. Six years is long enough to drag on. At our age, time is a commodity. Some neighbors in West Neck and IRP have concerns about the inconvenience construction causes. But the same construction equipment is needed for an 18 or a 9-hole golf course. In closing, we feel that this solution is the best compromise and would enhance both neighborhoods. Thank you for your consideration.

Clerk: Our next speaker is Dana Bradshaw, followed by Lynn Retano, Tom Scott, Brian Burnett, and Karina Chitty.

Mr. Bradshaw: Good afternoon. My name is Dana Bradshaw. This is my wife, Charlene. She's going to help me with some visuals. I appreciate very much your attention to this. My wife and I have been residents of Virginia Beach at Indian River Plantation since March of 2012, and I'm speaking in support of the proposal. I have three brief points to emphasize and elaborate on. The

first is the lack of maintenance of the property in question has led to safety hazards that have been already elucidated and detrimental visual appeal. It's an ongoing burden to both local residents and the city.

Secondly, this proposal addresses most of the maintenance issues and also adds much-needed affordable over-55 housing without, to my mind, unduly increasing density. Third, the Leishmans are friends and neighbors. We believe them to not only provide the golf expertise but dedicated civic commitment and community goodwill. Personally, the backyard of our home overlooks one of the former golf course tee boxes and a fairway. As a result, we've been front row witnesses to the recent deterioration of the property. My wife is holding up a picture of the brush fire that's been described already. It's just a reminder to all of us. So that's one of the pictures. This is our fence. That's our backyard.

So personally, we felt compelled to ask the owner's permission to keep the area behind our home mowed to mitigate the risk and improve our view as well. We wish to avoid, as someone mentioned already, a local example of the Paradise fire in northern California, risking residents' and firefighters' lives. We have extended family and friends who are firefighters. We don't want that. None of us want that. Preserving the stormwater management and neighborhood water features are also integral to what we appreciate about living in Virginia Beach. Many of us in the IRP would like to downsize as we age while still maintaining proximity to our friends and neighbors. And developing this proposal will be a welcome addition to accessible over-55 housing.

here's already considerable interaction between ourselves and the West Neck community, and we'd like for that interaction to continue. Mark Leishman offers valuable professional perspective in golf course design and management. His wife, Audrey, is a lifelong Virginia Beach resident. They are internationally, and even though Mark is an internationally known golf professional, he's both unassuming and congenial. They are rooted in our community. Their annual Birdies and Beers Celebrity Golf Classic in support of Audrey's Begin Again Foundation is an important example of their civic commitment. In my opinion, they would be valuable and trustworthy local business partners. For all these considerations, I urge your approval of the proposal. Thank you very much.

Clerk: Lynn Retano.

Ms. Retano: Good evening, my name is Lynn Retano. I have been living in Indian River Plantation for 26 years. Our three children grew up golfing here and are all still avid golfers. We moved my mom here 12 years ago from Wisconsin, and she lives in West Neck. My husband loved golfing in this community and loved this community and golfing here. He got his hole-in-one at Signature on hole 11. We met so many wonderful people over the years through the golfing community.

Many of these friends were there to support and grieve with me nine years ago when my husband passed away from bladder cancer. My husband was, and all three of our children are, dentists. On our youngest's first day of dental school, my husband was diagnosed with cancer, August 2016. And less than seven months later, he was gone. My daughter's friend and dental class in Jimmy's honor bought a magnolia tree and plaque. It is planted to the right of the golf path at hole number

one. My five-year-old grandson started golf lessons in the fall. I would love nothing better than to see him and my son golfing here together in the same way that Jimmy, my husband, did with Ryan.

My husband would have been heartbroken to see what happened to the course. If he were here today, he would be the one speaking his love and praises for this golf course and community. You have all been very gracious in meeting with us and you have been listening to us for a very long time. Because of that, I'm going to give you the gift of not speaking another long speech. I'm simply going to say that I love my community and it saddens me greatly to see how it is deteriorated. Rebuilding and reopening this golf course is good for everyone. After waiting six years, this is a wonderful solution. Please recommend the approval of this proposal because it restores so many wonderful things that have been lost. Thank you all so much for your time.

Mr. Scott: Hi, my name is Tom Scott, and I moved my family here from the Pacific Northwest 22 years ago. I live in Indian River Plantation. I came with two speeches today. I was waiting to read the room to decide which one to give. With Speech one, I was going to tell a little bit of my personal story and why I am so in favor of this amazing proposal, list its virtues, but that has been done so well by everybody who's preceded me.

I'm going to give you a gift and spare you the redundancy. Speech two came out of a concern of not having clarity on how you were going to evaluate and do the tough job of evaluating all the soft data you have trying to figure out overall community sentiment. You have emails, you have people, how many people show up, who speaks. And I have three very strong data points that support my assertion that it's the majority of the residents in both communities that support this proposal. And then I heard Commissioner Cuellar, if I heard her right, say, look, we believe the majority are for this proposal.

If I misheard, or if any of you don't accept that and would like to see my data, I would be more than happy to share it, in person, on the phone, by email, but I stand by that assertion. So, what am I left with? Well, one thing I do want to say, this is out of my first speech, is that this is one of a kind proposal. We are not going to see another proposal like this again. I've talked to the Leishmans, I've talked to the owners. I am 99% certain they are not going to go through this again. And that doesn't leave us with much.

As others have said, I don't think any of us see any other alternative, including further legal moves. And so I kind of view this as a do or die. I believe this is a do or die decision we're making here, that that property will sit and deteriorate for not just years, but probably decades if we don't accept this at this time. The other point I had come from what I observed here. And I really appreciate and respect the questions, especially those that are kind of looking out to making sure we're doing things legally correct, the proffers are done in the right way, or we shouldn't do proffers that we shouldn't. And so I think that's great, but me sitting in the middle of the resident bleachers, I don't necessarily understand all that.

What I would say to that is, this proposal is so good, there is so much to gain, it's so much bigger than what there is to lose, that I will hope you would approach this with a mindset of finding a way to make all that work. And not say, yeah, we can't do this. I mean, I'm not saying you're doing

this, but, you know, I know you're bound by things, but if you can find a way to make it work. Because the Leishmans and everyone else that you've seen are bending over backwards. Every time I talk to them, there's something new.

Well, the residents wanted this, so now we're taking hole 11, and the owner's going to give that, and we're going to turn that into something. And so I hope you will look at it that way. And on that note, I would just like to leave you with this thought. I hope you would employ one of Gaudi's famous, what's it called, well, axiom or something, where he said, never let things that matter most be at the mercy of things that matter least. I hope you'll approach it that way, and I respectfully request that you do what's best for both communities and approve this project. Oh, I don't know if I'm over, I have more time, but if I could do one thing, I've served on public boards and you rarely get acknowledged, and this is likely going to come off as, you know, brown nosing or whatever, but I don't care, I'm going to do it anyway.

Because that's not my motivation, and I really would just like to acknowledge you as others have. In a very real way to say, as I've been sitting here, I've heard at least three or four people, maybe more around me, say, wow, this is really an impressive board, these are impressive people. So, I thought you should know that that's what people are saying about you when you're not around. And if I knew a way, I would nominate you all for endurance medals.

Clerk: Next speaker is Brian Burnett, who is joining us via Webex.

Mr. Burnett: Yes, thank you. I'm Brian Burnett. I live in Indian River Plantation, and I know there's been a lot said so far, so I'll be brief. I'd like to thank the Commission for the opportunity to voice my support for this project. My wife and I moved in in 2016, and we loved our beautiful neighborhood. Unfortunately, the golf course closed and became an eyesore. I've attended neighborhood meetings to hear the pros and cons of this project. And I believe something needs to be done, and I believe that this is a great compromise. The 55 and up housing community is much needed in the project, and it brings back golf to our community. So, I just want to say thank you for consideration of this, and we, myself and many of our neighbors in Indian River Plantation strongly support this project.

Clerk: Karina Chitty.

Ms. Chitty: Hi, my name is Karina Chitty and I live in Rosecrest. Thank you again. I'm not going to repeat all the good stuff that has been told up here, but this is the Preserve. And I'm talking the young generation, 55 to 60. Okay. We're supposed to be an active community. I'm originally from upstate New York. I am 57 years old. My husband's just a little bit older than me. So, I moved here in 1996 and started in the commercial construction roofing industry. And I worked for a vice president that was highly involved in golf tournaments, as you know, construction, and that's how they did their networking. They got together as groups, associations, and I became involved in associations because of his lead. Because of that, I was drug around to a lot of golf courses and a lot of golf tournaments as a young person and got to see most golf courses around here.

And 20 years ago, when you drove into Signature, it was beautiful, manicured, premier, everybody wanted to golf here. I do not have to tell you what happened. But my husband bought a condo in Browningstone in 2010. It was beautiful, right on the 16th hole. It was gorgeous. And then he made me go to one of the board meetings, and I was appalled. The HOA board was rude to the residents, the residents were rude, and it was like a rogue board. 2019, or excuse me, 2010, okay? It's been going on for a long time. So,then we moved to Rosecrest in the back of the community in 2012. I love it back there. Very peaceful. We used to walk the golf paths illegally when no one was golfing, of course.

And it was beautiful, but the past seven years has really been horrendous. It's very, very, very sad in all aspects, including neighbors fighting. I have been to Club Pilates to work out and been lambasted about how I supported a restaurant on the property. Really? I mean, that's how we treat each other, okay? I'm not going to take much longer. We need to evolve. We really need to evolve. And I know you guys are going to work together. They've put a terrific plan together. They've been working with some of the residents. I'm going to say most of the residents. But what I would like to do in the end is say, you guys are going to figure it out. They figured it out. We're going to figure it out. We need to evolve. And what it says on our website and in granite, we're an active community. Just remember that. I support the Preserve. Thank you.

Clerk: Our next speaker is Ben Loyola, followed by Mike Brewer, Jim Cox, Gopal Sharma, and Donna Smith.

Mr. Loyola: Good afternoon, Chairman, members of the Commission. My name is Ben Loyola. Thank you for the opportunity to speak today. I want to briefly share who I am, what living next to this abandoned property has meant for our community, what this proposal delivers, and why I believe it is the right decision in this unique situation. First, who I am. I was born in Cuba and came to this country as an immigrant. I served this nation for over 30 years in the military, as a naval aviator, and as a retired Navy captain.

After the military, I built my business here in Virginia Beach. I met my wife and married here, and I raised our two girls and our two beautiful dogs. My life has been about service. It's central to my core. I serve my country, and I continue to serve our community. I've been chair of the Commonwealth of Virginia Public School Authority, City of Virginia Beach Commissioner for Arts and Humanities, chair of the school board, local school here in the area, and chair of a scholarship. I just believe in giving back. I bought a lot in Indian River Plantation when it was just flatland. In 2005, I broke ground on my home in Indian River Plantation. We completed in 2008. I'm one of the original homeowners.

Over the years, I've served on our Indian River Plantation Homeowner Association as president, as an at-large member, as committee chair, and as treasurer. And we're basically managing the 232 homes that the voters entrusted in me to help manage. Our core charter is to maintain Indian River Plantation to high standards. Not just to maintain it, but to high standards. It's a beautiful neighborhood. I've worked really hard to do that. Indian River Plantation is a separate community from the villages at West Neck. We border the former golf course, but are not the same neighborhood. And I want to make one point very clear.

My home is next to the fourth hole on the golf course. It's the closest resident home in Indian River Plantation to the proposed housing part of the development. It's in the northwestern corner. If anyone in my neighborhood had reasons to oppose this project, it would be me. And I'm here to share that I'm in full support of this project. Let me explain why. When the golf course began to decline and then ultimately shut down, we didn't lose an amenity. We became subject to lost maintenance and lost stewardship of over more than 200 acres adjoining our neighborhood.

Professionally managed greens became unmanaged wilderness. Dense brush overtook former fairways. Weeds, poison ivy became prolific and migrated into our landscape. Rodents increased, wildlife activity increased, including in the streets. I have removed snakes from my pool and yard, have had damage to my home and landscape due to the rodents. Many of us have had to spend money to push back the overgrowth along our fence line and on pest control and repairs that were never necessary when the land was maintained. Those conditions were and are frustrating. And over time, they became something more serious. The most serious issue is safety.

On March 7th, 2023, a brush fire ignited on abandoned golf course property directly behind our homes. It triggered a major multi-fire agency response, drawing eight pump trucks, including from Oceana Naval Air Station. Years of unmanaged vegetation had created a continuous fuel load that allowed the fire to spread rapidly across the property and into the trees. I'm not describing an abstract concern; I lived it. As a flame front approached, I was in my backyard with a garden hose, trying to protect my home and my neighbors. As the flame front rapidly approached, it climbed the pine trees and embers were streaming across the sky, further igniting the dry brush.

At one point, I was becoming overcome by the smoke, and the flames were now burning inside our backyard. I was saved only because the firefighters finally responded and drenched me with a fire hose, thanks to my wife screaming for help in the front of the yard as I was fighting the fire in our backyard. And our neighbors got damage to their pool, house and their landscape as well. We and my neighbors had damage to our landscape and property, and for days afterwards, the smell of smoke lingered inside our homes and across Indian River Plantation.

Then the conversations throughout our neighborhood were not about property values or open space percentages. They were about how close we came to something far worse. Had we had the fire at night, there would have been catastrophic property damage and possible loss of life. That fire confirmed what many of us had been saying for years. Leaving this property idle and overgrown is not a neutral condition. It is an active and escalating risk. Every dry season that remains, the risk returns.

And today, without restoration, professional management, nothing is reducing the likelihood of it happening again. This hazardous environment is not what any of us had bought into when we bought our home. And beyond safety, there is also a steadily declining financial impact. This abandoned course sits like an island between two established neighborhoods. This is not farmland being newly opened to development. It is a failed property embedded between existing homes. As an IRP Homeowner Association Board, we have screened calls and fielded repeated inquiries from homeowners and real estate agents asking for updates on the golf course.

People buy and sell homes based on stability and predictability, and this abandoned property has negatively affected that stability. For many families, their home is their largest investment, their nest egg. Some residents have delayed selling because of the uncertainty. Some prospective buyers have declined to purchase in our community because of the visible condition and the lack of a viable plan. This has real financial consequences for real families. The issue also important to us is flooding. On the IRP board, we manage our own storm infrastructure. We have our own pump station for our primary center lake there, which we lower prior to any storm hitting Virginia Beach.

In the worst case scenario, we had about streets completely filled up with water, and I had water up to the second brick on my mailbox. Deeply concerning. We monitor the infrastructure of all our lakes, and especially the damages from nutria, which is a known hazard to the embankments. And when that caves in and blocks the storm water, that exacerbates the problem. And that's with active management done by our community association, paid by our community association. And we're very proud of the fact that we maintain it to those high standards.

Unlike our neighboring property, which affects us because the storm water is interconnected. Nutria, the banks, the overgrowth, and the city of Virginia Beach experienced that firsthand and saw the catastrophic flooding we've had because of clogged stormwater. And we just cannot have that in our backyard because we're being impacted by it. So, what does this proposal change? First, it restores professional land management stewardship. It brings back a championship, nine-hole golf course, practice facilities, and a clubhouse, all led by Mark and Audrey Leishman, who are our neighbors in Indian River Plantation.

Mark is a six-time PGA Tour winner. Audrey grew up in this area. This is not an outside corporation. This is family. She lives down the street from us. Putting their name behind our community's future. Like so many of us on the board and volunteers, like you're all yourselves volunteering, trying to make and keep Virginia Beach great, we do the same thing for our community. Second, it transforms open space from something theoretical into something maintained and usable. Today's residents have access only to a few acres of maintained open space in our community. But under this plan, more than 175 acres become maintained and functional as open space and golf course. Walking trails will connect neighborhoods.

Stormwater improvements benefit the watershed. Additional ponds enhance drainage. And a needed traffic signal at the entrance, which is to be funded by the developer at nearly one million dollars, will help and improve traffic flow and safety. In short, this proposal does not create risk, it removes it. The residential component includes 143 age-restricted homes, a modest increase of 12% between IRP and West Neck homes, covering less than 9% of the total acreage of the original golf course. The housing makes restoration economically viable. Without it, the land remains unmanaged, and Virginia Beach needs senior housing.

We want retirees, including veteran retirees, to stay in our city, and this aligns with that need. I respect the staff's work and concerns raised regarding density and open space guidelines, but guidelines exist to guide decision making, and they must be applied in context. And the context here is a large, failed, privately owned property embedded between two established neighborhoods

that has created documented safety concerns and economic impact. As a board member of Indian River Plantation, I speak with neighbors regularly.

Support in our community is overwhelming. More than 80 households have submitted letters of support out of the 232 homes. And that's a lot, trying to get people to get involved. In addition, our board conducted a poll of residents to better understand the preferences. 100% of the respondents indicated they wanted a solution to the abandoned property, and 61% ranked restoring the golf course as a preferred outcome. This tells us two things, clearly. Our residents want and desperately need a resolution, and they want a golf course to be part of the resolution. This is not a choice between development and preservation. The land is private and if this proposal fails, nothing changes.

On behalf of the majority of our neighbors, on behalf of the Indian River Plantation Board, who have elected me to represent them, I ask for your support. I beg for your support. We need this. Otherwise, we will be held hostage like we have been for six years. Thank you and thank you for your service.

Clerk: Mike Brewer.

Mr. Brewer: Hi, I'm Mike Brewer. I live in Indian River Plantation and I have for 23 years. My home borders the old golf course. I had to pay a premium for that privilege, a premium over what other people in the neighborhood who weren't bordering the golf course paid. But now, for the last six years, I wonder what happened to that investment. And one of the things I try to do is keep a nice yard. I have a pretty spectacular garden in my backyard. And my neighbors, as well, have kept up their yards as good neighbors do. But right at the very back end of my lot now is nothing but weeds and stray trees that are growing up. And because of that, partly because of that, there was the fire that came through that everybody's talked about. That came right up to my backyard.

I was out there in the middle of March, I think it was rather cold, and I'm spraying with a water hose watering down my backyard to prevent the flames from coming into the yard. But I would prefer to have an 18-hole golf course as well, as I know a lot of other people do. And we've had several different proposals over time that just had its own issues. But one thing I've never understood is the owner of the property now, who got it in an auction at a good price, why he wouldn't sell it back as an 18-hole course? Because, imagine he could have gotten a 300% or 400% return on his money after only a couple of years of owning the property. So it almost seems like he's in a spiteful mood to do that.

But anyway, lately, he's compromised with the Leishmans and others to put together this proposal, which seems to satisfy most people. The other proposals that have come before this had lots of issues and didn't have a lot of buy-in, but as you can see today, there seems to be a lot of buy-in. So, I would just say that it's a good proposal. I'm surprised at how many people are behind it today. And so I would say it's time to move on, approve it, let us get back to the idyllic world we used to live in. And so I appreciate your time and hopefully you'll vote for the proposal. Thank you.

Clerk: Jim Cox.

Mr. Cox: Good evening. It's past five, so I'm gonna officially say good evening. My name is Jim Cox, I'm from the villages of West Neck and in favor of the Preserve at West Neck. If development is not approved, here are some concerns. The leaders of SOTAR have pushed a narrative and concerns to our community about 10 years of terror, construction delays, house foundation rumblings, and slow response times by emergency vehicles, with roads blocked by construction equipment. These are all short-term concerns, except for the last one, which probably would not happen.

I'm concerned about 10 more years of community stagnation. I'm concerned about West Neck villages being cocooned around private, unusable land. I'm concerned about no usable or visible open space, beautiful vistas and walking trails. I'm very concerned about the continued discord among residents, brought on by highly aggressive SOTAR actions and narratives. I am extremely concerned about West Neck neighbors continuing to have heightened angst, frightened and scared to talk freely for fear of being called a traitor by SOTAR advocates. Though I am speaking here today, there are many silent residents who are afraid to speak up but want this development.

And I'm also concerned about flooding as the current standards are not met. Discussions from "No Development" advocates speak out that if the Planning Commission approves this, it will lead to more of the same in the transition area. Absolutely not. Why? The villages of West Neck is an anomaly. It's one of a kind. There are no other developments within the city of Virginia Beach with this dilemma, these constraints and conditions. In fact, because of this, the Planning Commission should seriously consider an exemption to West Neck, recognizing the predicament that West Neck is in.

As a note here, almost all, if not all, previously approved developments have exceeded TA and ITA guidelines. West Neck does not even own or control the open space surrounding it, but it is being used against this project. So, if the development proposal does not pass, here's the effect. The villages of West Neck is left with nothing. No golf course, no open space, with private ownership, no control or usage. It will be encased and most likely a fence will be erected around the property. Don't own it, no control over it, no access to it. What kind of open space is this? Sounds like, feels like, and looks like closed space to me.

One last thing on open space, a thing was mentioned earlier. If approved, visible and usable open space to West Neck residents increases by 1,000% from 4 to 40. How many times in the earlier course of these meetings today, have we heard about the severe shortage of housing? And I will also add senior housing. This development certainly will have a positive impact improving that shortage. This plan is a win for West Neck. It is a win for Indian River Plantation. It is a win for the city of Virginia Beach. I call upon the Planning Commission's insight and thoughtful reason to approve the West Neck and Indian River development project.

It is a terrific compromise and the best solution to a six and a half year old lingering and what seems to be never ending saga, mired in densely populated weeds of open space. The villages of West Neck, Indian River Plantation and the city of Virginia Beach need to move forward. And lastly, I'll just say this, you hear all the positives right now, and then you're going to hear the cons. I hope that you keep in your mind what has all been said in this first hour or so, so that the cons aren't invading your sense of what is right. Thank you.

Clerk: Gopal Sharma.

Mr. Sharma: My name is Gopal Sharma and I'm a resident of Indian River Plantation for the last 14 years. I live in Virginia Beach for the last 36 years, and I live right off the golf course on Stonebrook Drive, and I'm in support of preserving the golf course improvements. Increased vegetation has numerous effects on the residents, including the wildlife: deer, foxes, vultures, possums, more infestations. One day the deer was impaled right on our fence, so we had to call the Virginia Beach Animal Control Office for help. It was a very traumatic experience.

There are multiple occasions where the snakes are looming on the fence. There is a big health and safety concern. I have personally gotten poison ivy just working in the backyard from the overgrowth. We don't feel safe sitting in our backyard. For our peace of mind, we have to install extra lighting and cameras to monitor our backyard. As for the financial impact, the houses are depreciating rather than going up in this market. And we have to get additional fire insurance in case of fire. And we are thinking of adding a fire hydrant in the back of the house. So I would respectfully request the committee to approve this plan, golf course improvement, which is good for the environment and the city, and both the communities.

And I'm talking as an environmental engineer. So, from my expertise, if you don't do it, this is going to be a nightmare for the community. And Indian River Plantation, when you people say I live in Indian River Plantation, that's plenty enough. It's like a milestone area of the Virginia Beach city. So, I will request the committee. Thank you.

Clerk: Donna Smith.

Ms. Smith: You're going to hear something different now. Hi, I'm Donna Smith, and good evening. I have good afternoon written, but it's evening now. I stand before you today, as a resident of Wordsworth Village in the West Neck neighborhood, to express my strong opposition to the proposed rezoning that would add 143 new homes to our established over-55 community. My primary concern is resident safety during and after construction. The critical safety issue is emergency access. Cadence Way is the only road in and out of our neighborhood, and it's not even as wide as a standard residential street. Yet the developer proposes to funnel four new streets directly into it, plus a service road and maintenance yard for heavy equipment storage.

If approved, contractors will tear up Cadence Way for months or years to install water, sewer, gas, and electric lines. I ask this commission, what happens when a resident has a heart attack and ambulances cannot get through construction zones? What happens when fire trucks are blocked by torn up pavement and construction equipment? West Neck is an over-55 community. Our residents have higher medical needs and depend on reliable emergency response times. Has the Fire Marshal answered this? Has EMS been consulted about maintaining response times to a senior community during years of construction on our only access road? The density problem. This isn't just about construction.

Four new streets converging onto one substandard width road means 143 new homes equals approximately 286 additional cars. Plus, ongoing heavy traffic equipment from the service road

and maintenance yard, plus garbage trucks, delivery vehicles, and construction traffic. All funneling through a road that wasn't built to handle even a fraction of this volume. Our residents, many using walkers or wheelchairs, will navigate construction chaos daily to reach medical appointments. How will two emergency vehicles pass each other when the road is torn up? After construction, you cannot force four streets worth of traffic through one narrow road and expect anything other than gridlock and emergency access failures.

What we stand to lose. The villages of West Neck residents purchased homes in an over-55 community specifically for a quieter, peaceful environment. The rezoning will destroy irreplaceable wooded areas and open spaces. Once paved over for 143 cookie cutter homes, they're gone forever. Along with the character and safety we chose, we invested here. Conclusion, the answer to this rezoning proposal must be a clear no. This commission has a responsibility to protect residents from unsafe development, especially seniors who depend on reliable emergency access. A neighborhood with one substandard width road cannot safely support 143 new homes, four converging streets, heavy equipment traffic, and years of construction chaos.

Mr. Coston: Excuse me, ma'am. Your time is up. We have a three-minute limit.

Ms. Smith: You know what? You didn't knock. The other people went way over three minutes. I was looking, and you didn't say anything. You're just saying it to me.

Mr. Coston: It has to be from Indian River to get it.

Ms. Smith: Yeah, Indian River, by the way, has no construction problems. There's no big equipment going through their neighborhood. It's just West Neck. And especially Wordsworth, with one access road. So, you're cutting me off. I have one more paragraph.

Mr. Coston: I tell you what, you give me about half of that paragraph and we'll call it good.

Ms. Smith: It's short. The residents of Wordsworth Village do not want 143 houses crammed into our established neighborhood. We want our green spaces preserved and our safety protected. I urge this commission to reject this rezoning proposal outright. Thank you for your time and consideration.

Ms. Hippen: Mr. Chair, would you please remind everyone what the time limits are if you represent a homeowners association or a regular person speaking?

Mr. Coston: A homeowners association is 10 minutes, and an individual is 3 minutes. And you can tell by the way the clerk is running the clock. If it goes from red back to green, it's because they're giving remarks from a group. And Madam Clerk, before we move forward, I have a request for a five minute break.

Clerk: We've been waiting over five hours. We understand that you need a break. But we do have two speakers that need to come up right now because they have an HOA meeting to go to. Could we permit those two speakers?

Mr. Coston: You could.

Ms. Hippen: Ma'am, we've been here since 9 a.m.

Clerk: I know you need breaks, but we did not anticipate this today. So I would just ask for the two speakers that need to leave.

Mr. Coston: Okay, we'll bring them on.

Clerk: Robert Tice, Linda Jaycox. Thank you very much.

Ms. Jaycox: Thank you, I know you need a break. And after four and a half hours, I just rewrote my entire message. I would like to say, good afternoon, I guess it still is. My name is Linda Jaycox. I am a resident of West Neck and a Virginia Beach resident for 58 years. And I think it's important at this point that I tell you that 40 of those years I lived in Pungo. I lived one mile as the crow flies off of Princess Anne Road, which is the old Princess Anne Ridge, which is supposed to be the highest property, I think, in the city.

My experience with that is wading in water up to my waist to get from my front door to my mailbox. I'm going to back up just a minute and tell you that. I have listened to stories about flower beds and grass. And the fire thing was there can be controlled burns in areas that need it. I'm sorry that people are deprived of picnics and the kinds of things that I've heard discussed here tonight or today. I will tell you that my background is the Virginia Beach Police Department, and I tell you that because I've been all over the city. I've lived in five different places. I'm not narrow-minded with regard to what's going on in West Neck.

I hear that there's no precedent being set. I also hear comments that obviously people aren't thinking past their proverbial front door. This zoning commission, as I understand it, is tasked with making your decisions based on guidelines and rules that the city comprehensive plan and other committees have set forth. A comment that I heard not too long ago was at another committee meeting, and it was the ITA group. And the young lady that made a very strong statement that I have not forgotten is, JBWK bought a piece of property that he has now found out he can't do much with. Now, if you rezone, it helps him out.

But my question is, when does a city bail out a guy who made a bad investment? If we were only talking about a golf course, you wouldn't see this opposition that you're seeing here tonight. Because almost everybody I know, with the exception of myself, played golf, enjoyed golf, moved in there because of that golf course. But what they didn't buy into was this additional development. So, I'll get back on track and say, I'm here today to voice objection to the proposed rezoning of the villages of West Neck. This zoning request is inconsistent with the Virginia Beach Comprehensive Plan and exceeds the residential density for this area.

While the Planning Commission is afforded discretion in its review of rezoning applications, that discretion is intended to be exercised within the framework of adopted policies and not contradicting it. Approving a rezoning that clearly violates established density guidelines, particularly within an existing age-restricted community, would constitute an improper use of

discretionary authority and would undermine the reliance interests of residents who made a long-term housing decision based on the city's adopted plans and zoning standards. If standards are disregarded, it will erode the public trust that citizens of Virginia Beach place in your body to apply the code fairly and consistently.

For these reasons, I respectfully urge the Planning Commission to recommend denial of this rezoning application, not fall victim to personal stories of picnics, flowers, and grass. We all enjoy those kinds of things, but that's not what this meeting is about. I thank you for your consideration, for your service to the city of Virginia Beach, and for my opportunity to address this board.

Clerk: Robert Tice.

Mr. Tice: My name is Robert Tice. Thank you for the opportunity to speak before you. I'm a 17-year resident of the West Neck community. I'm here today to speak on the rezoning of the former Signature golf course property. I recognize that the Leishman's team will likely construct a high quality, attractive nine-hole golf course. I also understand that Harrison Lear's Mr. Chris Pocta stated that the residents cannot rely on density and open space arguments because we do not own the land, and the city's comprehensive plans consist of guidelines rather than binding rules.

However, the density and open space comparisons cited to other transition area communities are not equivalent. Those developments were formerly agricultural land, and their open space was intentionally incorporated into their master plans as required by the city, based on lot size and development scale. None of these examples involved open space approaching the 175 acres that exist in West Neck. In our case, the city granted a density exception to the original builder, and the land was zoned P-1 specifically to serve as a community amenity, the golf course. The open space at issue is not incidental. It is a fundamental element of our community design and approval.

Residents should not be penalized for not owning the land that was intentionally zoned P-1 by the city for that purpose. The proposal to build 143 homes on P-1 zoned land within a 25-year-old, well-established 55-plus community is unprecedented in Virginia Beach. Approving this rezoning would set a troubling precedent. I support responsible development, but this proposal does not meet that standard.

Introducing multiple HOAs within the same community will inevitably create long-term conflicts. Our existing infrastructure is already strained. Our narrow roads often cannot accommodate two passing vehicles when cars are parked along the curb. Adding an estimated 250 to 300 additional vehicles will permanently worsen traffic flow and negatively impact emergency response access. My neighbors and I chose West Neck for its peace, tranquility, and established character. This rezoning would fundamentally alter the environment we were promised and relied upon when choosing to live here. For these reasons, I respectfully urge you to vote no on the Harrison Lear rezoning proposal currently before you. Thank you so much for your service to the city and thank you for letting me speak.

Mr. Coston: Thank you. Five minute break.

Clerk: Chair Coston, we had an additional speaker in support mixed in with the cards for opposition. Would you like for that person to come speak now or wait till the end?

Ms. Coston: That doesn't matter.

Clerk: Okay, our next speaker is Fred Giles. If he's still here. Okay, moving on. We have Billy Domingue, Tammy van Dam, Joyce Sharples, and Ken Landfield.

Mr. Domingue: Members of the Virginia Beach Planning Commission, good evening and thank you for your patience and your time. Thank you for the opportunity to speak today. My name is Billy Domingue. My wife and I live in West Neck for the past nine years. I'm here today to ask for your consideration against the rezoning of the property that was the Signature golf course. Aside from all the obvious reasons, there's one that you'd have to live in West Neck to see and appreciate, and that's the residents that live there.

The neighborhoods are filled with wonderful people from all walks of life, mostly ranging from ages 60, 70, 80 years old. They live in West Neck because it's safe, it's quiet, and it's peaceful. We're able to enjoy simple things like going for a walk, taking a bike ride, walking our dogs. The village hall is also a vital part of everyday life there. It provides a pool, a gym, activities that keep people engaged and socially active. Aside from the golf course, West Neck is doing exactly what it was designed to do. The people that live there are happy and love living there. Let me repeat that. They are happy and they love living there.

Aside from that golf course, that was none of our doing. The open-ended proposed addition of 143 homes on the property that was originally designed to be a golf course is going to destroy that quality of life in West Neck for an undetermined amount of time. We would all be at the mercy of concrete dump trucks, earth moving equipment, material delivery trucks, construction crews from sunup to sundown, all week long.

Who the hell wants that? The main arteries in and out of West Neck would be clogged with construction traffic. I worked in construction for over 40 years, and, believe me, I understand the need for growth and development. There's a time and a place for everything. This is not it. This project should not be done with such disregard for the quality of life for the people who live in West Neck. When I was young, my parents taught me to respect my elders. I didn't understand it then, but I understand it now. The people in the villages of West Neck could use some respect now. Thank you very much.

Clerk: Tammy van Dam.

Ms. Dam: Good evening, Chairman, Vice Chair, members of the Planning Commission. My name is Tammy van Dam, as most of you know, and I'm a resident in the villages of West Neck. Remaining SOTAR members in the audience, please stand if you are able. Many have already had to leave for other reasons today. Thank you. The fact that so many seniors waited over five hours to have their voices heard demonstrates the depth, sincerity, and seriousness of our opposition.

For the record, SOTAR members are over 900 residents strong out of approximately 1,400 West Neck residents, and I'm happy to provide you the documents to support this if needed. The majority of West Neck oppose rezoning. These are the facts. We respectfully ask you to protect the integrity of West Neck, the integrity of this city's zoning process, by rejecting an application built on neglect rather than compliance. The request relies on manufactured blight at the currently dormant Signature golf course.

The property was allowed to fall out of ordinance compliance, and that very decline is now being used to justify rezoning. Enforcement, not entitlement, should guide this decision. West Neck residents should not bear permanent consequences for an out-of-state landowner's failure to maintain property. This same landowner retains the majority of the land, regardless of your decision today, yet has never been available to our community during this public process, despite multiple engagements, as outlined by Mr. Pocta earlier.

Approving this application would send a dangerous message that ignoring ordinances is an acceptable pathway to rezoning. If decline created by inaction becomes justification for increased density, then any property in this city could follow the same path. What you decide here tonight does not stay here. It becomes the playbook elsewhere. District 2, the transition area, and its residents, and our city deserve better. Thank you.

Clerk: Joyce Sharples.

Ms. Sharples: Thank you, Chairman, Vice Chair, and Commission members. My name is Joyce Sharples and I have lived in the Wordsworth condos on the sixth green of the former Signature golf course for eight years. I am a golfer. I am asking you to vote no on the rezoning of the Signature property in the Harrison and Lear proposal. Am I happy with the condition of the golf course and the common landscape as they currently exist? No, I'm not. Do I hate it to the point where I want our neighborhood imploded with 143 new homes and all the construction and the forever change in our community that that will bring? No.

As much as I would love to have a playable course in my backyard again, the price our entire community would have to pay is just too much. Wordsworth has one road into our neighborhood. When looking at the proposal Harrison Lear has presented, I can count from the pump station to just on the other side of the maintenance garage, which is about 150 yards, if my measuring tape was correct, has five curb cuts. Five, that's a lot. One is a new construction road that's not currently showing on the plan because, as Mr. Skinner had said, it's not solid yet.

But that road is projected to come in from Indian River and run on the back side of the condos in Wordsworth, along Majestic Oaks, Misty Dawn Court, Laughing Creek. All those residents who now face the woods and are enjoying the woods, like many people who are speaking for the project, are going to have a road with construction trucks coming through. And one entrance is to the construction and staging area and the maintenance garage. Three new neighborhood roads, two of which are across from each other.

And these new neighborhood roads are located, if you look at the map, on the curve of the road, where there is a limited line of sight. This is very poor planning and poor engineering. The ensuing

traffic congestion in this area is just too much, and it's a safety risk to our neighbors. Wordsworth residents tend to be the oldest folks in our neighborhood. Almost daily, we have calls for assistance from the fire department. Each call brings at least two to three vehicles to help us. Our roads are narrow. Now, adding the increasing amount of FedEx, Amazon delivery trucks, along with trash and recycling, these new roads will impact the emergency response time.

This is just too much going on in a very small and already congested area. Finally, in the fact that this land has already been accounted for, it was and is the required open space for our existing community of West Neck. That restriction, I believe, runs with the land. It cannot be chipped away by a new owner simply because he wants it so he can line his own pockets. That land is not up for grabs. I thank you. Please observe the zoning as it is now. And boy, do I appreciate your service. You guys are putting in a full day. Thank you.

Clerk: Ken Landfield.

Mr. Landfield: Almost good evening, commissioners. Thank you. My name is Ken Landfield. I live in the Browningstone condos in West Neck. I am here in opposition to the JBWK and Harrison and Lear plan. Harrison and Lear have claimed that this plan is in compliance with transition area design guidelines, except for density and open space. They actually say in their plan that it's over 90% compliant. In fact, less than 20% of the applicable guidelines are in compliance.

Of the 31 guidelines applicable to residential uses, Harrison Lear does not comply with 26, or 84%. Let me highlight and comment on some of the violations. Section 2.4, minimum lot size of 15,000 square feet. In fact, 93% of the lot sizes are 4,000 square feet or less, with 10 of the units being under 10,000 feet. 3.5, architectural features may include large wraparound porches and detached or side-loading garages.

In fact, the renderings included in the plan, only 10 have wraparound porches, and all units have front-facing garages. 3.5a, houses should be arranged and streets should not be limited to typical regimented, grid like urban pattern. In fact, this violation is not subjective, with a uniform cookie cutter plan of 4,000 square foot lots with only five-foot side yard setbacks. 5.1 d, land for open space purposes should be protected through the use of a variety of legal instruments. In fact, ownership of the open space will remain with the current owner, JBWK.

This is not only a violation, but does not settle the fact that JBWK has been in a litigious nightmare, threatening, harassing, and intimidating West Neck residents since acquiring the property over six years ago. The open space in this plan is to be comprised of the restored nine-hole golf course, the reforested land, and the trail system. Proffer five seems to say the new HOA will maintain the trail system. However, actual ownership is unclear to me. This means the plan expects ownership of approximately 176 acres to remain with JBWK. Make no mistake, this is not the end, but only the beginning. I pray that this commission rejects this ill-conceived plan. Thank you.

Clerk: Our next speaker is Michael Woloski, followed by Kathleen Johnson, Linda Anderson, David Cohns, and Ruth Malik.

Mr. Woloski: Members of the Planning Commission, I'm Michael Woloski. I live in West Neck. I bring you facts, not emotion. While I acknowledge the saving of the open space offered by the nine-hole golf course, too many failures to meet the transition area design guidelines argue against changing the zoning. In reviewing the proposal, I placed it against the transition area design guidelines and found it inadequate. It is possible that 32 guideline requirements are not met, 16 are not applicable, two are in compliance, and four are unknown.

And I think some are downright disingenuous. The first guide, example Guideline 2.3, limited roadway improvements. This proposal will require a new traffic light at the intersection of West Neck Road and Signature Drive, one four-way intersection. One that, during construction, will interfere with the folks in six of the eight villages as they enter and exit the community. Two three-way intersections and the possibility of a major construction entrance to be determined. These are not limited roadway improvements, especially in a 25-year-old established community with over 1,600 residents, 55 and above.

These major improvements with their disruption of village traffic, impact on serenity and tranquility during implementation, and impact on commercial and emergency vehicles run counter to the spirit of this guideline. Bottom line, it is 1,600 seniors listening to jackhammers daily for nearly a year. The second, Guideline 5.1.4a, addresses lot size and active open space. I'll only talk to one of them, and that's to maximize views of open space, perhaps the most egregious part of the proposal. It takes the pastoral view of 40 or more existing homes and gives them a view of nearby newly constructed houses. 44 new houses, 31 in Parcel D, 10 in Parcel C, and three in Parcel A, will not have any view of open space.

All they'll see are each other or existing homes. That's 31% of the proposed construction. This intrusion does not meet the letter nor the spirit of guidance. In closing, I can go on and on, but in closing, subjecting 1,600 seniors to three to five years or more of construction noise and disruption in their twilight years, while denying 40 or more homeowners of their serenity and tranquility, and then building 44 houses without an open space view, does not justify this rezoning in the transition area. Additionally, I do not believe this city should yield to the threats of continued indifference, as made perfectly clear during Harrison Lear's presentation to the citizens of West Neck on 27 January, to the TA/ITA CAC on 5 February, and now here. I thank you for your time. Obviously, you guys are doing one heck of a job putting up with guys like me. And please, your attention to this matter. Thank you.

Clerk: Kathleen Johnson.

Ms. Johnson: Thank you all for your long day. It's been a long day for me, too. I'm Kathleen Johnson and I'm an 11-year resident of the villages at West Neck, and I am opposed to the rezoning in my community. And even though I'm a SOTAR member, I am not closed-minded. And I respect those who have a difference of opinion than myself and who are in favor of the golf course. The golf course was in full swing when I purchased my home, and even though I'm not a golfer, I love the green and the neighborhood layout.

I love our quiet, the low density, and appreciate the preservation zoning that allowed our homes to exist in conjunction with the golf course. Now, I've been around long enough, 71 years, to know

that things change. Rules, or I guess what we want to call guidelines, change when there's a good cause for that to happen. But it is my opinion that there is no good reason for this land that was intentionally zoned as preservation to suddenly change just because the individual who bought the golf course in foreclosure ignored that zoning from day one. He intentionally did not maintain the property as it was intended, figuring that he could make millions more on his investment by selling it as real estate.

The current 143 new homes deal with the enticement to some of us of a nine-hole golf course, to me, is just clear evidence that the golf course is salvageable. I ask the Planning Commission to continue to honor both the land and the homeowners who live there by rejecting this proposal and keeping the zoning as it was intended. Some have said, what is the plan, if not the nine-hole golf course? Well, I propose that it's time for the owner to sell the property to a buyer who cares about the land and the people who live there. Thank you very much.

Clerk: David Cohns.

Mr. Cohns: Good evening. Thank you for the opportunity to speak before you. I share your pain since I've been here since 9 o'clock this morning also, so I appreciate your perseverance. My name is David Cohns. I'm a resident of West Neck and have owned three different homes over the last 20 plus years. As residents, I'm going to take off my script for a minute, maybe just to address what I think of issues that have come up. First of all, we listened to, I don't know, 25 or 30 people from Indian River Plantation talk about why they want this. Indian River Plantation has no skin in the game. They're getting a golf course. They're getting everything back. They're not even allowing the trucks and everything.

The only way trucks are getting in are coming through our main entrance. So Indian River Plantation hasn't even come to us and said, hey, let's help you out and you can come off Indian River Road. Mr. Skinner has said, and I've listened to about 12 meetings now over the last four years, he's going to get access off Indian River Road. When is that going to happen? If it hasn't happened in four and a half years, how is he going to get that access? We talk about the overgrowth. Whose responsibility is the overgrowth? Not a resident's. It's because the owner, the out-of-state owner, who refuses to comply with regulations and guidelines, not rules, but guidelines, for instance, from 1999, and thinks he can do whatever he wants to do. The overgrowth is his responsibility. He's not maintained anything. Now he's going to have these preserves and all these other things there. What makes you think that anything is going to change, that he will maintain that?

I have no idea. He's going to do exactly what he wants to do, which is illustrated by what he's done in the past. We've taken an established neighborhood for 30 years that people have lived in, and now we're going to plop something right smack dab in the middle of it. And as they say, it's going to be three to five years of pure hell for all of us. I would say one other fact, and that is, let me summarize a court filing. Virginia Beach Circuit Court filing of June 27, 2021, and I quote, Paragraph 7, the property has been zoned either as Preservation District P-1 and a Planned Development District PD-H1 at all times pertinent hereto. This, then it references the city's zoning maps.

It continues, the City of Virginia Beach created preservation districts with the intent to protect the atmosphere, lands, water from pollution, impairment, or destruction for the benefit, enjoyment, and general welfare of the public. Then it references the applicable ordinance. In paragraph 9, it states the property has been developed in accordance with applicable land use program. Such development includes, without limitation, construction of a golf course, clubhouse, and restaurant. Paragraph 10, all land use plans associated with the property have required the property to be maintained as a golf course. Indeed, favorable consideration of the properties or surrounding properties rezoning...

And I see my red light's going off, so I'll stop, unlike other people that have not stopped. The point is, all we're asking you to do is follow your own guidelines that you've implemented for 30 years. Thank you.

Clerk: Ruth Malik.

Ms. Malik: I hope everybody can hear me. My name is Ruth Malik, and I will tell you, this has been one long session. Thank you for sitting there, looking so alert. I am a senior citizen. I am probably older than any of you sitting up there, and I'm older than the majority of the people who live in Indian River Plantation. They may be in their 50s, 60s, maybe a little bit into their 70s. Okay?

Well, anyhow, I am just saying, I have been a resident of West Neck community for 24 years. I happen to live right next to the golf course. I at one time had a wonderful view. My husband played golf, but this is why I'm here today to speak. I submitted a letter to the council and to the planners of Virginia Beach on February 6th to a website. And there was, actually, I shouldn't say I submitted, there was a letter submitted on February 6th to a website using my name and my identity to tell you all that he or she supported the new idea of H&L.

I will tell you right now, I did not send that letter. Because on February 1st, I submitted a letter to City Council and to the Planning Commission opposing their plans of rezoning. The letter of February 6th included false personal information, including the fact that I am a military, that I had been in military service. My husband was in military service. I just followed along. But behind every successful man, there is what? A more successful woman, right? Okay, upon seeing this on the City Council website, I was very, very upset. My concern is, it's not just personal. If someone can use a resident's name and address and submit a false comment, then what public comments can be trusted? None. Use our heads.

Mr. Coston: Excuse me, ma'am.

Ms. Malik: I'm not finished yet because I listen to people talk forever. Okay, you got it? Okay, I respectfully ask that this false submission be removed or clearly corrected in the public record and this matter be addressed to prevent this happening to anyone else. And I hope in light of my situation, the commissioners will take into account. There are many of us at West Neck who do not want to have all this crap, can I say, go on. The people, unfortunately, or fortunately for them, in Indian River Plantation will not have all the disruption. And I thank you for listening. Thank you.

Mr. Coston: You're welcome.

Clerk: Our next speaker is Donna Scott, followed by Dale Murkey, Jack Scott, Ted Sharples, and Tom Luckman.

Ms. Scott: Hello, like everybody else, it's not good afternoon, it's good evening. Good evening commissioners. My name is Donna Scott. More than ten years ago, my husband and I purchased a home that backed up to the 17th hole of the Signature golf course within West Neck Villages. At that time, the signature hole of the golf course that it contained a logo and a bridge and was used as the backdrop for wedding photos, family Christmas cards, and other special occasions. The minute we saw it, we loved it.

As you know, currently the property is zoned Preservation 1. I am asking that it remain Preservation 1. The attempt to rezone this property is not new to you. The current attempt to rezone includes 143 units and a much smaller footprint, which is dropped inside of a mature community to enjoy the benefits and the infrastructure of our community. 53 of those homes will be crammed into the area directly behind my home, along with a new through street that will traverse houses that lead to 10 on one end and 36 on the other.

That street will quickly become a shortcut through the neighborhood for any and all traffic, avoiding the construction and creating additional traffic complications. The developer has said that the backyards of the new development will be 50 feet from our three-foot backyard and will place a public walking trail that will be open around the clock inside of that same 50 feet, which will pass the bedroom and the living room of our home and others that have a like design with the windows to take advantage of the view.

Among the loss of our right to quiet enjoyment, we will also lose security, as it will be open for public walkers, bicycles, and e-bikes. We have had pedestrian traffic behind our house before with the golf course, but the people using that path were registered at the golf course and were met at the end of the 18th hole or sooner, if behavior dictated. The developer said in a recent presentation that the road would take one to two years to complete, with the home construction being two to five. That's seven years of disruption. Disruption, dirt, and noise in the 53 feet behind my home. There goes my flowers and my picnic table, the home we chose in retirement.

When we bought our homes on the golf course, we all paid premiums to live on the golf course, and we have paid taxes on that same premium, and now we are a part of that compromise. The growth and eyesore that others make reference to are all of the absent owners making. The same owner who has a court case against our community to keep from mowing the property. The developer has said that the owner is again being difficult to work with and will still, at rezoning, own significant amounts of that property. The plan is merely conceptual. His reputation with the city and the West Neck villages speaks for itself. In closing, I would like to thank all of you for your time today and for all of your service. And I ask that you reject this plan to remove the Preservation 1 zoning. Thank you. Good evening.

Clerk: Dale Murkey.

Mr. Murkey: Good evening. My name is Dale Murkey and I'm asking you to please disapprove the Harrison and Lear rezoning proposal because it will absolutely destroy the quality of life for homeowners in West Neck Villages. This is not about Indian River Plantation, by the way. Some background, about six years ago, the golf course was purchased by an out-of-state owner, a land speculator, who ruined it and is now asking you to change the original regulations and allow him to build 143 homes in the middle of our villages so he can make large profits.

From the very beginning, he has demonstrated to be a bad steward of our community and the open spaces. He has never met with homeowners, has refused several valid purchase offers to restore the golf course, and is a bad neighbor. For example, two years ago, in response to a request to cut the rapidly growing thick, seven-foot-high jungle on the fairways because it created such a serious fire hazard, he responded by constructing a continuous eight-foot-high metal wall behind the homes of those making the request. Not a fence, a wall.

Plus, he arrogantly continued to not cut the growth, which later fed a dangerous major fire on the golf course. The fire danger, by the way, remains. Something has to be dealt with. You should also be aware that during the recent sales presentations by Harrison Lear, which is kind of the hired gun of the landowner, they have used a rather duplicitous tactic of a group of tactics designed to mislead homeowners and city authorities and gain their support. These sales presentations carefully avoid mentioning the hot-button central issue, which is the destruction of the quality of life for existing homeowners caused by the construction carnage.

In these sales pitches, and I've been to all of them, to divert attention, they repeatedly express their fake excitement over a number of unimportant side issues or amenities, such as nature trails and plans to install a new traffic light at the exit to West Neck Road. As an example, expressing excitement, meaning making a note that is a desirable outcome, about a traffic light that is not even presently needed or desired, reveals their deliberate efforts to mislead homeowners.

If one carefully thinks about what is being stated, it clearly reveals that building these new homes would increase the number of workers and support vehicle construction, and it'll be necessary to put a traffic light up at West Neck Road. Why would that be an exciting prospect? It is just the opposite. There are many such examples. And finally, the average age in West Neck is in the 70s. About 40% are veterans. There are many widowers and widows who live alone. All decided to invest their hard-earned money to enjoy their final years of life by buying a home to live in a unique residential village, completed and protected by existing zoning laws.

Despite their future again being threatened by this greedy land speculator and his developer from outside the city, the homeowners have faith that you will carefully consider their best interests, keep the community as it was designed and completed, and deny this H&L petition. Thanks for your time.

Clerk: Jack Scott.

Mr. Scott: Good evening. My name is Jack Scott. I'm a West Neck resident. Thank you very much for the opportunity to stand before you and have my voice heard here today. Truthfully, I'd

rather not be here at all, but I must make an appeal on behalf of the preservation area that is the core and defines the West Neck neighborhood being reviewed today. I've lived in Virginia Beach for 30 years. 11 years ago, my wife and I were looking for a retirement home after working for 40 plus years.

We were eventually drawn to the peaceful, quiet and safe enjoyment of 55 and over community living, and we ultimately purchased a house in West Neck. It's noteworthy to point out that while we were shopping West Neck, we looked at two homes that were identical in builder and design. The first was on the north edge of the neighborhood that was bordered by Victoria Park. The second we looked at faced the Signature golf course. And the moment my wife and I saw the open space and view behind the second home, we looked at each other and said, sold. We loved it at first sight.

We had to pay a premium for the open space home, about a 20% increase, a $65,000 actual difference in the two identical homes. As long as we've lived in Virginia Beach, I've heard the city's green line is intended to define a transition area from urban to farmland in Virginia Beach. In a subtle way, that influenced our move to West Neck. We traded nearness to transportation arteries and concentration of services for the quiet enjoyment of living in the country. We believe that the city designated this area to be preserved as an open area for a variety of reasons and is part of the overall comprehensive plan.

Five years into our residence, the West Neck golf course property was sold to an out-of-state absentee owner. He's never shown any interest in the welfare of the West Neck neighborhood and has neglected the property for six years. It's grossly overgrown, an eyesore, and dangerous in numerous ways. The condition which the owner created is now proposed to be relieved only if he can squeeze 143 homes into the open space that is the core of our 25-year-old existing neighborhood.

There's no regard in this proposal for the existing neighborhood or the city's comprehensive plan. The green line and the transition area, which represented the will of the citizens and the government of Virginia Beach for over 45 years, is under attack. The current preservation zoning of our West Neck area has both governed and defined our development since inception. To close, over 900 West Neck homeowners were promised open space and managed density by city zoning when we were choosing to purchase. Our property values and our quality of life are anchored in this preservation of density and open space. I offer this to you respectfully and ask that you deny this request for rezoning. Thank you.

Clerk: Ted Sharples.

Mr. Sharples: Good evening, commissioners. Thank you for allowing me to come up. As you contemplate the future of the West Neck community...

Mr. Coston: Please state your name for the record.

Mr. Sharples: Oh, I'm sorry, I'm Ted Sharples. I live in Wordsworth in West Neck villages, been there since 2007. We, I'll get into this in a little bit. But we paid a premium to buy our house on

the golf course, so we were both golfers, or are both golfers, and we'd love to have a golf course. However, as you contemplate the future of the West Neck communities and surrounding areas, I'd like to remind all concerned what was required of the original developer of this land in question.

Mr. Fowler was required by the city to open a viable championship golf course, thereby providing required open space to comply with zoning, prior to building housing units in order to prove to the city, as well as to prospective buyers of housing units in West Neck, that this would, in fact, be a golf course community with limits to lot sizes, housing arrangements, and density. The golf course acreage being the required open space to satisfy the city's density requirements. My wife and I saw the value in this promise by paying what we thought was a premium price for a greenside home in a community with city controlled lot sizes and densities.

Those density restrictions were important to our decision to buy here and to accept the premium for being on the golf course. And although the golf course has gone away for now, that shouldn't change the parameters under which we bought our home. We trusted the city to maintain the integrity of the established zoning regulations. If the rumors are correct, the current owner of the golf course seems to be holding the city and the West Neck community hostage by indicating that he would never sell the property to a golf course developer. I take issue with that. There seems to be a bit of capitulation recently, however, by offering us half a golf course, but for higher housing density considerations and less open space, and much more auto traffic.

We must be mindful that the Signature golf course was, in fact, the open space requirement for the West Neck community. Less than a year ago, the majority of the West Neck community, at least 72%, signed their names to a plea to the city to maintain their pledge to keep the transition area regulations as they currently exist. As I stand here tonight, I speak on behalf of those who signed that plea, over a thousand strong. We fervently hope the city will do the right thing and support the citizens who trust their city leaders not to rezone this area. Harrison and Lear states in their request that the golf course is defunct. The golf course is not defunct. It is a beautiful forest waiting to be returned to a golf course. Thank you for having me.

Clerk: Tom Luckman.

Mr. Luckman: Mr. Chairman, members of the Planning Commission. My name is Tom Luckman. I reside at West Neck. I have corresponded with a number of you for some time about this matter, and tonight I'd like to talk a little bit about winners and losers. We have some winners by design over in Indian River Plantation, and Ben said it eloquently. He lives right up from me. His house was in danger of fire. We all were. I'm one of the guys that had the fence put up behind their house, an eight-foot fence, so I can see nothing.

We're dealing with somebody who is using us, i.e., the city's rules, and now leveraging with some good people in Indian River Plantation to develop half of what we want. The golf course is in the rules. It's there. It was stated. And although the property and the surrounding properties when initially developed would have violated city guidelines regarding housing density, these guidelines were waived and or not enforced because the density, a quote, was supportable due to the unique attributes of the development, including a high-end recreational amenity, the Signature golf course,

from the city's attorney. Alright? What we have is a situation where we're all being used. It's them against us.

If the nine holes was on the other side of the property, nobody from Indian River Plantation would be supporting it. We've got to understand what's going on here. There are rules that they're trying to manipulate. I think there's a way around it. They want a lease. The Leishmans would be a great thing, Alright, the Leishmans. At their last meeting, Mark said, when asked, you know what about 18 holes? He said, I prefer to do 18 holes. Then Mike Bennett, who's doing it for him, was asked the same question. He said, I prefer 18 holes.

The owner, looking out for income from the property, doesn't want to sell the property, he wants income. He can get income by leasing both halves. We know about what that would be because we've seen it at Virginia Beach National and over at Heron Ridge. It's between $750,000 and $660,000 a year. Mike Bennett has a report showing that there is a need for a third high-end golf course in southern Virginia Beach. Don't be fooled. Play by the rules. It's important to us. We live there. Thank you very much.

Clerk: Our next speaker is Diana Hicks, followed by Mark Connolly, Kevin Waters, John Perryman, and Paul Spindon.

Ms. Hicks: Good evening, my name is Diana Hicks. I'm here representing the Transition Area/ITA Citizens Advisory Committee. Sorry about that. And I want to say hello to all of you. I know it's been a really long day and I appreciate your patience with all of us expressing our point of view and the important things that we all think are happening here tonight and in our city. I would like to step back for a moment to the big picture, and that's the comprehensive plan. That is the document that our committee uses to decide whether an application for a conditional rezoning and change in zoning of land down here is considered.

And the decision that the TA/ITA CAC came to, and we sent you a summary note on Friday, we voted that we would recommend denial for this application. In short, our reasons are this: this is preservation zoned land and it was for dedicated open space. The current proposal effectively counts the land twice for density. And there are significant impacts to the people of West Neck, the people who live in the neighborhood that is impacted here. So, I think a really important factor here in your decision making tonight should be, are you deciding based on a solution that's being presented to you for somebody?

Are you deciding on things that the rest of all these people who are talking tonight about the comprehensive plan have come to rely on as a guideline for the city? It's very convenient and easy to set that plan aside when it suits somebody's own personal needs. But I think it's important here for you all, who are the planning commissioners and the stewards of our comprehensive plan, to value that very highly when you're making your consideration tonight. We can talk about density and the neighborhoods nearby that do and don't count as possible consideration in what you might do.

Some of the precedent-seeking density measures that were put forth by the applicant include neighborhoods that aren't in the transition area or that were rezoned in the 60s and 70s and have

no bearing on the decision here tonight. We do have other neighborhoods that are in the area that have been zoned, Victoria Park, R-30, Kingston Estates, R-20, Eagles Nest, R-15, and Indian River Plantation, R-20. Those things should be kept in consideration as they share the same roadways as this neighborhood of West Neck. Some of those early high-density neighborhoods that were zoned back in the 60s and 70s were actually the reason that we ended up having land use management tools and policies put in place in the city: the green line, the creation of the transition area, because of all of the reasons that you all know, and I don't need to articulate for you why we have those policies and procedures.

I think that we should be serious about our comprehensive plan. We've just spent the better part of three years coming up with a comprehensive plan, and I don't think it's so easy to set aside. When the applicant was at our committee meeting last week, we tried to really understand what they were projecting forward because there are so many pieces to this pie that you have an application and a modification of proffers that speaks on behalf of and includes voices that aren't present here in the room tonight. One thing we were able to divulge is that there are roughly 62 acres intended to be transferred for rezoning to PD-H2 to Harrison and Lear, and 140 acres maintained by the ownership of JBWK.

Listening to all of the people who are in support of this new proposal and this compromise, as they put it, because we can't simply come up with something else or something different, the person who has created all of the problems that they themselves articulated would still be in the ownership position of 140 acres of land. This individual purchased the land knowing what the preservation zoning was on the land and what the intention was for the land. In 1999, when the City Council made density credits and density expansion for an over-55 community. These are not new pieces of information, so that brings us to now.

What do we do with this property? And I think it's important to focus on the West Neck neighborhood, not the Indian River Plantation neighborhood. I appreciate that they will benefit greatly by this. They will maintain their R-20 zoning and their open space within their own neighborhood. They will still be golf front properties. They will not experience any of the construction that would take place within the West Neck neighborhood. So, I think that it's easy to say that this sounds like a great compromise when you are the beneficiary of the compromise. And it's tough for us to ignore 936 homeowners that have been in an established neighborhood for over 20, for zoned over 25 years ago, but more than 20 years.

I also would like you to consider the precedent that you will be setting. There are consequences to a decision like this. This is, yes, we know, privately owned land, and now, but with the owner that has ownership of the land. But it's also our dedicated open space. So, if we turn our back on preservation zoning, which is part of our ordinance and law, and reconfigure it to be something else, if we ignore designated open space, how does that affect us in other parts of the city? We have other neighborhoods in the city. Heron Ridge has a golf course that's not owned by the homeowners association.

Cypress Point is another PD-H2 neighborhood that was configured around a golf course that's privately owned. And so, I think there are bigger ramifications here than just whether or not this would be a nice amenity, more for some people than others. You're being asked to recommend on

a conceptual plan that was presented today that includes components that the applicant cannot deliver to you or anybody else in the city because they won't own the land. It was mentioned today that there could be new proffers coming forth, but they're not in this plan. They are not present in the applications today. They are not in the modification of proffers.

You're being asked to rezone land that was set aside for preservation open space in a very specific 18-hole golf course in exchange for something that is very different. You're being asked to weigh in on a solution that is for the benefit of an individual who purchased land, knowing what its constraints were. You're being asked to compromise the integrity of our zoning ordinance and say preservation doesn't matter. We can change it to housing when it fits or when it's important for one person or one entity. You're also compromising the integrity of our approved plans that have been in place for decades.

Our seniors have been treated in a way that they are describing to you has not been kind. I can't speak for them. I can listen to what they say. I've been listening for years to what this issue is about, just as many of you have. I know it would be convenient to get rid of this problem and make a decision and move on, one that would benefit some more than others. But right now, I'd like to remind you that in Preservation 1, there is no by-right for housing. This is a big change, and yes, change might hurt. But who are we hurting here?

A neighborhood that's been in place for decades, at the expense of something that is new and different. And for who? Is that how we're running the city? Do we literally say decades-long neighborhoods, it doesn't matter, we're gonna come infill right here and we're gonna take away tenants of the green line, the transition area and our comprehensive plan? Sure, this is infill. Your new comprehensive plan says to direct that above the green line. It doesn't say go back and get rid of the open space that we planned an entire section of the city around.

I respectfully request that you recommend denial of these applications, because not only are they unfair to the neighborhood that exists, but they actually don't deliver what's been presented here tonight. They actually have no ability to enforce a golf course ever. Even the proffers in conversation fall short of providing what the people who are in support of this are saying is the reason for their support. It doesn't exist. So, I don't think that you have the basis to recommend this, but that is my opinion. And I'm going to ask that you seriously consider not just undoing 25 years of zoning and land use, but considering the ramifications and the repercussions of making choices like this when it comes to preservation and open space. Thank you.

Clerk: John Perryman.

Mr. Perryman: My name is John Perryman. Excuse me. I know zoning fights are a slog, so God bless you guys. My wife and I oppose a zoning change for the preserved land in West Neck. The City Council created the preserved area by allowing the developer to shrink the lots and the city streets around the preserved area. Buyers accepted the smaller lots and streets because the city added the land to the preserved area. The existing zoning laws then support the agreement, or, in my view, the compact between the city, the developer, and the residents.

With those considerations, West Neck residential property is already built out. Our shrunken streets are too small. Our main streets don't even have bike lanes. Heck, next door, in Courthouse Estates, they've got divided roads and very nice bike lanes. I and other cyclists and joggers are reminded of the current threat when we ride or jog to the terrific new multipurpose path on West Neck Road. If vehicles approach from opposite directions, I stop. As my wife reminds me often, I married you for better, for worse, but not a hood ornament. I'm not a demographer, but my Ouija board tells me the impact from huge construction vehicles for years, and then traffic vehicle traffic for the requested 143 homes, probably two vehicles per residence, will be staggering.

Add the residents' personal services and contractors, lawn and garden people, sprinklers, HVAC, pest control, handyman, home care support, family and friends, etc. The disruption will be awful. Additionally, it's reasonable that construction vehicles and later residential traffic will use our small main streets to get to most of the proposed housing. They are city streets. That's how I drive along the main roads without parked cars, because homes do not face those roads. The buyer bought preserved property. The buyer should use it as such. The proposed development now adds a small half golf course. To paraphrase the Wizard of Oz, I feel like they're pointing at the small golf course and saying, pay no attention to the 143 houses behind the curtain. It did not work for Dorothy and Toto. It doesn't work for us. God bless you guys.

Clerk: Our next speaker is Joan Harris, followed by Bill Scholes, Ann Haley, Melissa Drout, and Ted Quinter.

Ms. Harris: Good evening. My name is Joan Harris. I'm speaking to you today as a 21-year resident of The Grove in West Neck, who, together with my husband of 61 years, has built a life here. At my age, 83 plus, stability is not a luxury. It is a necessity. Many in this community chose where we live based on what already exists, not on concepts, promises, or drawings that leave more questions than answers. We are now being asked to change our entire way of life based upon plans that are incomplete and, in some cases, impossible to fully understand. The current proposal presents tangible risks, including those to safety, mental and physical health, and emergency access.

These concerns become increasingly significant with age. Timely access to care is crucial. Additionally, the maintenance of a peaceful environment is important for mitigating stress-related health impacts. However, the plan submitted by the developer lacks sufficient detail. For instance, there is no clearly defined strategy for accessing the property in question. This omission warrants careful consideration. The drawings presented are not to scale and fail to show actual density, traffic, or impact. Without these essentials, assessing the proposal is guesswork rather than reasonable planning, leaving us to deal with the consequences. I want to be very clear. We are not opposed to progress.

However, progress must be grounded in reality, transparency, and full respect for those who already live here. It must protect the most vulnerable among us who cannot simply adapt, relocate, or start over when things go wrong. We are not numbers on a site plan. We are people with routines, health needs, and deep ties to where we live. Do not approve major changes based solely on concepts. Ensure all decisions are backed by complete, accurate, and to scale information to

fully assess potential human costs. Thank you for your time. I've been here since 9:00, and thank you for listening.

Mr. Coston: Ann Haley.

Ms. Haley: Planning Commissioners, thank you for the opportunity to speak to you today. I urge you to recommend to City Council that this application be denied. This is not about development where needed or appropriate. I've taken the last few hours, I think, trying to revise what I had originally written to present to the planning committee. And most of my points have been spoken very eloquently and clearly. So, I will be trying to read some of my notes, to respond to some of what I heard. I will say that I have a great deal of respect for all supporters. That includes the applicant and the team and the Leishmans that are supporters, and also of some of my neighbors who were supportive of this initiative.

I've listened carefully, but it has not changed my opinion that this should be denied. One thing that I did note was one speaker said, which I think is quite important, really. A serious question is, what happens if this doesn't go through? And all we know is what we don't know. And I think that's almost enough of a reason to just say halt. There's a lot of confusion and conflict around this situation. What I haven't heard are really the benefits to the 143 development of houses. Now, I understand that there is benefit to the developers and the Leishman team and everyone in support of what the view from Indian River will be.

Please consider the view from West Neck. People who have been there, paid a premium cost for this property, and now they will not see a golf course. They will see houses. To them, that's not the view of a golf course. Is the cleanup of this overgrown area really worth the expense and subsequent interruptions that may follow? Maybe there really is another alternative, and maybe that alternative is to find out how to enforce that the property would be maintained by the current owner. I also heard about guidelines and rules. That's been emphasized to us very recently. And I have an interesting thought on that.

To me, guidelines implies that there is room for more thoughtful discussion. It's not a rule that you can just check off and say yes or no. It incites a conversation. Yes. Years of disruption during construction. I've heard it's taken too long as a quote that has been frequently said from residents in support of this. Just two more. I just have a really quick one. I also want you to please consider the density. That's also been very well presented. And with every meeting I have attended, or any conversation I've had with residents, it just shows that this must not be approved. Please, please recommend denial to the City council.

Clerk: Melissa Drout.

Ms. Drout: Good evening commissioners. My name is Melissa Drout and I'm happy to say that I'm one of the last speakers you will hear from today. I'm here today as a resident of Courthouse Estates adjacent to West Neck and as the lead of Responsible Growth VB. You all received about 170 emails in opposition to this application from that website. First, I just want to start by acknowledging something very important. Many of the residents who spoke in support of this

project raised legitimate concerns with deterioration, fire risk, aesthetics, and those concerns are valid.

You're not going to hear any of the opposition speakers who do not agree that those concerns need to be resolved. But this decision is not about whether the property should improve. Everyone here today agrees that it should. The question is -- this rezoning proposal an appropriate use of this land? We've heard urgency tonight, a feeling that residents are being held hostage by the landowner, their words, not mine, a sense that something must be done. As a neighbor, I understand that deeply. You've heard repeatedly from almost every speaker in support of this application that something is better than nothing.

But that urgency cannot supersede standards. And there are serious standards-based concerns already on the record tonight. That this land was previously counted as open space to justify existing density. That the current zoning is preservation, not temporarily, but permanently. And that residents have unresolved questions about flooding, infrastructure and emergency access. Those are not emotional objections, they're planning considerations. The current dilapidated condition of the property did not arise overnight. It's the result of intentional decisions by the landowner over time.

That's clear to everyone here, including and especially those who spoke in support of the application. Many of those supporters acknowledge that this proposal is not ideal for their community, but their concerns need to be addressed by the landowner. And I believe that needs to happen outside of this decision. Planning commissioners should not be placed in a position where approval becomes the solution to the decline that was created by the landowner. That's not fair to you. Everyone in this community should respect that. Your role is to evaluate whether this proposal aligns with adopted city plans and guidelines, honors prior housing density assumptions, protects surrounding neighborhoods, and serves the broader public interest.

If it satisfies those standards, it should be approved, and if it doesn't, then deterioration alone cannot be the deciding factor. The land use decision you all make today will signal whether preservation zoning means something, or whether it becomes temporary when pressure builds. I urge you to deny this application. I trust that you will make the right decision. I'm truly thankful for your time tonight and the seriousness with which you approach these decisions.

Clerk: Our final speaker is Ted Quinter.

Mr. Quinter: Mr. Chairman, Madam Vice Chair, who's gone, members of the commission, it would be sneaky to say they saved the best for last. I'm not sure they did. I was pretty happy with what I was prepared to say, and I asked for 10 minutes and was given it. And I had every intention of taking, based on how it began, Mr. Chairman, with taking my 10 minutes and then flipping all my papers over and countering everything I heard. I'm as tired as you are. This is reminiscent of my flying days in Vietnam. Twelve-hour butts.

You're strapped in in the morning at 6, and if you're lucky, you got out at 7 in the evening. So, I'll be brief. The people that reside in the villages at West Neck support responsible development, but we support development that honors and protects P-1, Preservation 1. You've heard that a lot,

open space. Consider this. One house added to the villages at West Neck increases the density, decreases the open space. Incontrovertible fact. A 143-home basic subdivision, introduced in the middle of a 30-year-old, nearly 30-year-old, 55-and-over community, drastically increases density, drastically decreases open space, taking P-1 land, and really significantly changes the character of our community.

And a master development was approved in 1999. The developer then was given a density exception. So what? Lots of others in the transition area got a density exception. There's a significant difference in this situation. This density exception was given for a privately owned 175-acre golf course, the owner of which was a really bad businessman and went out of business. And as speakers have said, you know what happened. Got sold to out-of-towner, should have been aware on the P-1, bought it anyway. In that initial action, council zoned, we had 486 acres. My numbers may be slightly off from what we heard this morning at the informal, but I'm going to use mine because that's what I wrote down.

Of the 486 acres in the site, 311 were changed from agricultural, with PD-H1 and PD-H2. The golf course, in their infinite wisdom, was changed from agricultural to Preservation 1. I don't think there's a member of the City Planning Commission or the council that can tell me another community in the transition area that has 175 acres of Preservation 1 land in the middle of their community, because there aren't any. They all have open space, and we've heard it commented, they all own it, except for Heron Ridge has got that golf course and they don't own it, and except for Cypress Point's got that golf course and they don't own it. So why should we be punished and held hostage because we don't own the golf course?

We think the person deserving punishment is the landowner that hasn't done anything with it. Another significant difference. On the original site, when it was going from agricultural land to what was finally built, it didn't bother us at all. It was a farm. The caterpillars went out. The site construction for homes went in. The golf course got built. All that noise and air pollution and noise pollution and vibration and traffic on then the little West Neck Road didn't bother a soul. Wasn't anybody here. And when Mr. Fowler started building homes, he did it smart, like most do. If this is my site, and I'm going to build the whole site, I'm going to start here and build away from the initial buyer.

So they're not putting up with the noise. It was made easier for him because a golf course was in the middle of the community. In this situation, we have a 25-year-old senior community with a golf course property lying dormant in the middle of it. And now we're going to have the same kind of construction. We're going to have caterpillars and bulldozers for site construction. By Mr. Skinner's estimation, 18 to 20 months to get ready to start building homes if this is approved. That's a big difference because it's going to be right in some of my neighbor's backyards. And in my backyard, I have to take that into consideration.

Many of those people whose backyards are backyards that they paid a premium for the ability to look at that panoramic view of the golf course. Since the golf course closed in 2019, I've heard comments about real estate values. I'm not buying it. Turnover in West Neck is pretty high because it's a 55 and over. You have to be old to get in there, and you never get younger. So, we have high turnover rate. I live in a condominium with 108 units, 155 residents. We turned over

seven units last year in 2025. What do you think the average time on market was? Less than two weeks. People are screaming from places to get here. And it ain't because they like the weeds. We don't like them.

And they can see the weeds when they come in and buy. But when they get out of their car, unless it's a fly day, getting ready to go to the ship, it's quiet. They don't hear a lot of noise. And they like it. And so, they still buy it. And I have a couple of realtor friends with whom I checked, and the single-family homes in West Neck are turning over just about as fast. Probably three weeks to a month for them, some a little longer, but on average, way below the days on market for condominiums and single-family homes every place in Virginia Beach, and recently in South Tidewater. The property that used to be a golf course isn't the problem. The problem is the knucklehead from out of state that bought it, doesn't want to do anything with it, in my opinion. He refused three offers, two of which we think were probably profitable.

One was a low ball, to be expected. I was going to talk a lot about the owner. I've got six or eight bullets. I'm just going to summarize in view of the time of the day it is. He hasn't done a darn thing to endear himself to us and make us willing to help him do something with his property. I would think if I had that in mind, I would at least go meet some of the people. Nobody's ever met him, except in court over legal things. Now, Harrison Lear was the only developer that would partner with him. He talked to every developer in Virginia Beach, as best we can tell. They knew the history. They didn't want nothing to do with it.

To Mr. Skinner's credit, he likes a challenge. I think he saw the challenge. I'm not sure he assessed it as fully and badly as it turned out. They've done a nice job. They have a pretty good plan. The thought process that we listened to in seven or eight meetings with him, and I went to all of them and took pages and pages of notes. The thought processes were good. Old people, smaller lots, but not 50 feet from the neighbors in the back. We think he has a good plan. It's just in the wrong place. I'm going to summarize in four statements a bunch of things I've intended to say. If the rezoning is approved, I contend, and the people from my village contend that we're going to lose our peace and quiet, easily for seven, probably for the better part of 10 years.

Because once the site construction is done, we're going to have delivery trucks, we're going to have tradespeople every day, in and out. We're going to have that traffic. And when it's done, we're still going to have the congestion because someone made a comment. 200 days? I think there'll be 300 more cars, 2,500 more trips a day. Our concern is also there's going to be governance issues. In one of the meetings, I approached Mr. Skinner, he has a lot of information. And to his credit, he has a lot of experience. Part of his business is governing, helping govern homeowner associations.

But he has a difficult partner in his owner. And we don't have very much confidence in the partner on how those HOA documents are going to turn out. He promised them to us in January, but in reality, he can't give us anything to look at until this gets farther along. But there's going to be governance issues that will happen. They're not proposing really any amenities. We have a village hall. We have a pool. If I buy a $700,000 house from him and I'm in there for six months and it's hot, I want to go swimming. Because we don't allow pools. We have one. An important difference is the city made the property that is a dormant golf course today, Preservation 1.

Several of the most recent speakers make that. I want to make that impression on you. Keep the land preserved. We don't want more density. We don't want less open space. Because, as I said, it's quiet with that open space. Nobody comes through it to bother us. Even the ones that had golf course frontage, they don't get golf carts bothering them anymore. The bottom line is that we oppose an increase in housing density and the loss of our open space. And we are adamant about that, because once the open space is gone, it's lost forever. And I'm going to wrap up very quickly, Mr. Chairman. I know I've probably exceeded.

My takeaway is it's all about density and open space. Density and open space. Again, density and open space. We don't want it higher for density, and we don't want to lose our open space. It's very important. We're all old people. We don't change very fast. I would respectfully ask you on behalf of my Browningstone residents and the other 850 SOTAR members to deny this request. We think it's in the best interest of the community and of the city. And it's kind of a misnomer. We're not sure that the Preserve at West Neck preserves anything. Thank you for your attention. Thank you for your sore butts and a long day and we trust you'll make the right decision.

Mr. Coston: Well, Mr. Pocta, I guess it's time for rebuttal.

Mr. Pocta: I'll keep my remarks to 20 minutes. I'm just kidding with you. There's a lot said there. There's quite a bit to rebut. I'll start from the last kind of to the earliest. Increased density, decreased open space, we've talked about that ad nauseum. If this doesn't get approved, there's 4% open space. The guidelines say accessible, usable, visible. That's what defines open space. They're left with 4%.

Actually, before I say that, I just want to thank everyone too, for speaking. I don't disagree with folks telling how they feel about it. I mean, there's certain people that feel a certain way, positively about the situation and negatively. And I don't refute or disagree with any of that. And I'm glad they have a forum here where they can share that. I think it's really important. Ms. Hicks, the chair of the ITA committee, mentioned that there were some plans in the 60s and 70s that exceeded the one-to-one unit per acre. I'm not sure what those are, but Sherwood Lakes, Princess Anne Village, Courthouse Estates, those are all in the 90s, 2000s.

Princess Anne Village in 2021 at 2.5 units to the acre. There was some talk about winners and losers. It seems to me, if there isn't a solution, this is the solution on the table. If there isn't a solution or a proposal, this is the only one that I've heard tonight, everybody loses. And I know there was a lot of discussion about the property owner, how to get at the property owner, or try to enforce things against him differently, or get back at him. I don't represent the property owner. Mr. Skinner's not the property owner. Ms. Leishman's not the property owner. But what we are proposing, what the applicant is proposing, is the applicant's plan, our proposal. Some folks mentioned about the traffic light.

Mr. Skinner, I can guarantee you, is not excited about having to spend a million dollars to put in a traffic light. Nonetheless, he's volunteered and agreed to do it. There was discussion on multi-use trails. I think we discussed this quite a bit earlier on the two sides, but that doesn't reopen without this proposal. Lots of mention on the guidelines and, again, the open space. Several folks even

mentioned it who were in opposition. These are not rules. If they were supporters of the transition area guidelines, I might join the club. I think many of us would. Because this, like any other application that's come before, that's deviated from the open space or the density or another guideline, has approached the city. And the city, after weighing the consideration and approving the plan, has recognized what benefits are there here that outweigh the deviation to whatever that guideline is. And that has happened time and time again.

And those communities, Sherwood Lakes, Ashville Park, Heritage Park, Princess Anne Village, all the things we've talked about, they wouldn't exist if you strictly complied with them as rules. And then, lastly, I know my time is up, Mr. Coston, I'll respect that, but I just wanted to circle back to that proffer. You know, at the beginning of the process, we recognized that the Leishmans had come forward with this plan and with this agreement with the property owner to lease it, to develop it as a golf course. And that's been discussed ad nauseum with community members, that agreement that they have. We proffered a concept plan that includes a golf course that remains preservation. It's not rezoned to something else. It stays preservation.

So that zoning in itself is significant. There remains a use permit on the property for a golf course. But despite all of that, we've talked about it and we've been talking about this for weeks now. If there is something else that could be committed to, that is asked for, is requested, these folks want to do that. So, the proffer that we discussed a moment ago, I know I mentioned at the end that we would kind of go back and think about this a little further. Maybe if there's an additional commitment, even beyond what was suggested. And so what we've come up with, and I think this gets it to, and if not, please let me know, but again, no conditional, I'm sorry, no CO is issued until the land disturbance permit and construction commences.

In the event that the golf course ceases operation for a year or the golf course construction ceases for a year, then the property would be subject to that language I talked about, an open space agreement or a conservation easement. And then the third one was that no more than 50% of the COs would be issued until the golf course opens. That way, what's intended is these two tracks to run parallel: golf course development and Mr. Skinner's proposal for the Preserve, working with one another and relying upon one another. We think that adding that additional proffer perhaps kind of keeps in line with the maintenance of those two timelines.

And then, lastly, I just wanted to say that there are several people in West Neck who have reached out, I believe over 20, correct me if I'm wrong about that, who would like to buy the houses that we're proposing to build. So, there's a request, not only for folks to move to West Neck, but to move from West Neck to these houses that we're proposing to build. That's far past the time that I had, and I apologize. But if Mr. Skinner has anything else to add, Ms. Leishman, we're here for any questions.

Mr. Coston: Okay. Commissioner Hippen.

Ms. Hippen: Okay. So, I'm going to say a couple things politely that might hurt some people's feelings. I want to start out with this morning. This morning, we talked about what the density calculation was, why the planning person did it one way, while you did it another way. We talked about in open space, we talked about unused development units coming from other developments.

We talked about previous developments influencing the density of this project. Vehicle traffic usage had to be calculated or used to calculate density, and now that formula is not used.

And fortunately, all of the discourse in our unofficial meeting was pleasant. I've been on planning commission for a little over two years. I was in the United States Navy and Air Force for over 25 years, retiring as a master chief. And I can tell you that there were some people who did not respect the rules that were stated. Commissioner, our chairman, Mr. Coston, is a very nice man. He's a very nice man. I feel he was disrespected today by a few people. The lack of respect that I saw here is the lack of respect that some neighbors have. And this project has pitted neighbor against neighbor, using age, using retirement.

Well, I'm retired, too, and older than you probably think I am. I, too, live in a house that pissed off neighbors when it was built because they used to play in the area that I now live in. The green line. I have heard about the green line for a long time. I have known Councilwoman Henley for a long time, and she was the architect of the green line. And then we had the transition zone come in where developments were approved below the green line, okay? The two that I don't like, I'm going to tell you about the two, are the Silos one and Silos two. Not only are they below the green line, but they're right in line with the runway from Oceana. By the way, noise? I slept underneath the flight deck with the landing gear equipment right at my head. Okay. One gentleman said that he flew in Vietnam. I bet you he can sleep through anything, too. Okay. There has been bad blood with the owner.

I have talked to several people. I have gone to a few presentations, and I know that there were spite walls put up. I believe that's what they were called. Am I correct? Because some of the residents pissed the owner off, complaining, okay? Excuse my French, okay? I told you, I'm a retired master chief. That was not a good thing to do. Why did no one force the city to maintain the zoning and keep the vegetation from growing so that you didn't have a fire that threatened your homes? I don't understand, because I'm going to tell you right now, all my neighbors know me, and every one of them knows if they do something wrong.

First, I'm coming to you. And if you don't want to listen to me, no, this snitch don't get no stitches, okay? I'm going to report you to whoever needs reporting to, and you're going to fix it. And I think that some of the people that are complaining about some of these things should have trusted in the city organizations that we have to fix. I'm still not sure, okay? I didn't talk while y'all were talking, please. I'm still not sure which way I want to go on this. I'm going to keep listening. I'm still not sure.

What I don't like is the nastiness that I saw. And all of you that said, I pray this and I pray that, I hope you go to your church, your synagogue, your wherever, and get yourself a little bit of the spirit and learn how to talk to each other. Because Chairman Coston is a very nice man and he did not deserve to be disrespected.

Mr. Coston: Commissioner Plumlee, then Commissioner Mauch.

Mr. Plumlee: I have some questions about the golf course. It might be Mrs. Leishman that can answer this. I'm not sure, but you indicated that there is a desire to design this nine-hole golf

course. And I've not heard much in the way of the validity of a nine-hole golf course and what value it has in the golfing community. Can you speak to that?

Ms. Leishman: Yes. Nine-hole courses have increased in popularity over the last several years. For younger families, a normal round of golf can take five hours, sometimes six. If it's a long round, a slow round, people get there early to warm up. They sometimes like to enjoy the 19th hole and have some beers afterwards. It takes a long time. A nine-hole course can take two hours, two to three max. It's a great way for children to learn how to play the game. Golf is a hard game. It takes a lot of shots to learn. Nine holes is much more manageable. You can see the success of the first nine. Additionally, Mike Bennett had several statistics, which I don't have on hand, about the rise of nine-hole golf courses. Additionally, the demand for golf has increased and the supply of golf courses has decreased over the last several years. I think it's like 35 courses in Virginia have closed and demand just continues to increase. So, in Mike Bennett's opinion, there is no chance that this would not be a successful venture.

Mr. Plumlee: And this has a proposed par-3 course and putting and chipping practice green as well going with it?

Ms. Leishman: So that was the original intention. After much feedback from golfers within Virginia Beach, that's mainly my husband speaking to all the other golfers, everyone expressed a desire for a driving range. So, it looks like the plan will pivot to shortening some holes to include a driving range.

Mr. Plumlee: And how far down the road have you all gotten in creating an elevation of what the plan for the golf course would be and the layout, the area that it would exist?

Ms. Leishman: We have not started because if this plan doesn't pass, we don't get to make a golf course. So, we have been focused on doing the community meetings, talking to the residents, and attending things like this evening.

Mr. Plumlee: Would the homeowners association be, would they be members of this nine-hole golf course?

Ms. Leishman: There will be discounted membership rates for Indian River and West Neck residents, as well as discounted tee times. It will be a semi-private course, which means there will be public tee times. So that means that if a West Neck or Indian River Plantation resident is not a member, they could still play and they would have a reduced tee time.

Mr. Plumlee: And so it's my understanding, and I don't mean to be personal, I'm just wanting to understand this, is that you and your husband would be in ownership with this golf course and its operation?

Ms. Leishman: It will be us and Mike Bennett. We do have other investors that are interested in it. There's another person who was in this investment group that when we attempted to purchase it to be an 18-hole course, he wants to be in it. There are other local former athletes that are really interested in being a part of this. So, it is more than just us.

Mr. Plumlee: Part of what we're being asked to consider is the idea that, if this was to cease in operation for any reason, that the property could be maintained. Because the sense I'm getting is both accessible and maintained, not simply formerly a golf course. And that's part of what I think needs to go into any effort here. You know, there's kind of a fool me once, fool me twice thing happening where people feel like they had a golf course. They move next to it and it's no longer a golf course. And they look into the fine print and it's not there, okay?

Ms. Leishman: We were those people as well. We bought to be on the golf course, so I understand the impact that the closure had. I mean, we have been directly affected by it, and that is why we are trying to help. And I know many people don't see it that way, but my genuine intention is to try to find a solution for a problem.

Mr. Plumlee: I don't doubt your genuine intention at all. I don't. I think what's important to me is making sure that, since it appears as though what's being traded on in this discussion is the restoration of this golf course, that as that is delivered in solid form, if that is what is recommended, and I'm trying to piece together my mind how that could work, it's very important because I'm sure a lot of lawyers worked in 1999 to come together with the city and to make assurances at that point. And so there are a lot of moving parts and complexities. So understanding what's in your mind is very important to me, to know this, because I think everyone is placing a lot, fairly or unfairly.

Ms. Leishman: And that is also why we want to have partners in it. And part of why Mark wants to partner with Ian Baker-Finch, who has golf course design experience. This will be his first golf course that he's ever designed, but he's very excited to do it. And Ian Baker-Finch is also excited. And so we want to provide the legitimacy that everyone wants with this project.

Mr. Plumlee: I appreciate that. I do have some questions for Mr. Skinner as well. I try to pull together the consistent themes from both sides and to try to simplify the discussion. Because the human mind gets fractured into too many pieces when you try to focus on too many things. Construction was a consistent theme throughout. And how will you minimize the impact to the current owners in this community with this construction project.

Mr. Skinner: To minimize the construction traffic is the question that is a difficult concern to address, frankly. It's very difficult beyond hours of operation and limitations that are already in place with city ordinance to have an impact on that construction traffic.

Mr. Plumlee: Would the first part of the construction be the road? Is there a road that's going to separate these homes? Is that fair? Maybe I'm confused. These homes are going to be looking across at other homes, correct? At the current homes?

Mr. Skinner: Of the 143 homes, the majority of them would back up to the existing village of Carrollton. Construction essentially will flow in two phases. You have the heavy equipment that will do the significant earthwork and dirt movement. That will be staged at the former maintenance facility of the 18-hole golf course. So, once the large yellow equipment arrives, it won't be moving to and fro within the community. The movements of those pieces of equipment will be isolated to the areas in which they're working until the roads open. But in terms of trades, once homes are

being built, there are actually multiple ways of accessing the property. One being off of West Neck Road, two being off of Indian River Road, and then the third being West Neck Parkway to the west. So, the way construction traffic often works is that people choose the path of least resistance, that being the trades. But I cannot make any commitments about controlling construction traffic beyond.

Mr. Plumlee: What I'm really talking about is first. You're going to be cutting in infrastructure, you're going to be cutting in roads, you're going to be cutting in lots. You're going to be putting in infrastructure, all the sub infrastructure that has to go in before you start building homes, that's what's going to happen first. Okay,

Mr. Skinner: Once that equipment is on site, it won't be traveling on existing roads, such as Cadence Way or Signature Drive. It's delivered on a flatbed, dropped off, and will move around within the project area, but not on existing roads.

Mr. Plumlee: Thank you. I have a couple of questions for Mr. Pocta. With regards to these proposed, I guess they're proffers that we're talking about. There is, the owner is signed on to this application, correct?

Mr. Pocta: Correct.

Mr. Plumlee: And the owner would be responsible for these proffers as directed. That is my understanding. Is that incorrect?

Mr. Pocta: No, that's correct.

Mr. Plumlee: You mentioned that the course would have to be open before surpassing 50% COs. Was that the...

Mr. Pocta: So sort of in the reverse, you can't issue more than 50% of the COs until the course is opened.

Mr. Plumlee: You can't exceed 50% until the course is open.

Mr. Pocta: Correct. So, it's sort of a phased commitment. And initially, you know, what the Leishmans would do is they would submit a land disturbance plan with a site plan, and that would be reviewed by the city. So, essentially, it's the city's timing, however long the city takes to review and approve that. And then, on top of that, the second commitment was, sorry, I'm trying to go back to what we had here. And then they'd have to commence construction. After that, plus whatever additional due diligence they've got to do.

So once they start construction, then the first CO couldn't be issued until that point. And then, should they cease construction of the golf course? You know, we're planning for all these things, you know, if they fail, right? But then also trying to bind them to make sure they succeed. And so it's a difficult, we don't often do this, right? I think we can all kind of acknowledge we don't often do this on a land use application, or rezoning, so it's difficult, it's not as straightforward as it

sometimes is on an application like this. So then if they ceased construction for at least a year, or if the golf course had opened and it ceases operations for a year, then it would trigger the obligation for the maintenance plan from the owner, and then the easement or the open space agreement.

Mr. Plumlee: Well, I prefer an easement that runs with the land, it binds the owner in perpetuity.

Mr. Pocta: So, sure. And I recognize that. I acknowledge that. I think I agree with that. The challenge is that also places an additional burden on the city. So, I've got to recognize you've got the applicants, the property owner.

Mr. Plumlee: -- within that as well, is that correct?

Mr. Pocta: Correct.

Mr. Plumlee: So, the maintenance of the trails, the accessibility, the maintenance of proper height, overgrowth or whatever, you know, that's right, taming it. That would be required, and I think Mr. Camp pointed out, Commissioner Camp, that these things expire up to ten years. You get the credits –

Mr. Pocta: Not the easement, but the open –

Mr. Plumlee: Easement would not. That's why I'm talking about that, and you've discussed that with the owner and that is agreeable.

Mr. Pocta: It is. And also to clarify, I don't represent the property owner. I just wanted to clarify that point, represent the applicant. But I have the authority to what I've just told you from the property owner.

Mr. Camp: If I may, I'd just like to speak to that one point. I'll yield to Commissioner Mauch and come back on my questions. Mr. Pocta, with regard to the conservation easement concept that you've put forward here today. Did I understand correctly that the proffer would say that the parties would negotiate in good faith to achieve that? Is that what you're proffering?

Mr. Pocta: As it sits, yeah. I mean, I'm open to different language.

Mr. Camp: You can't commit to it, but you can commit to negotiating in good faith?

Mr. Pocta: Correct. Partly because the city's another party to that.

Mr. Camp: Actually, it's not. The City of Virginia Beach does not hold conservation easements. So, I'm not quite sure how you would do that. So you're proposing, excuse me, you are proposing an idea that this city doesn't engage in as a potential solution, that a conservation easement, where they exist, is between a property owner and another party. And I'm not going to do the legal work on this for you guys. That idea of doing it with the city or negotiating with the city is illusory because that's not going to happen. They're not going to be the other party to it.

Mr. Pocta: I respectfully disagree with you, Mr. Camp. The code section refers to the open space agreement being with the city or the easement. I understand you've referred to it as a conservation easement. I believe technically it would be an open space easement rather than a conservation easement. I know we're kind of, it's a fine point there, but the municipality, I believe the code section says, would be the holder of that easement.

Mr. Camp: So, we are mixing some different ideas here, but because this is a massive development involving thousands of homes here, I do want to get it right. This is sort of winging it at the end here. So let's put a finer point on it. If I understand correctly, you have suggested several ways that the property might be protected. One is with the preservation zoning on some of these parcels, which it has now. And by virtue of this application, it shows it is not a protection that is into perpetuity. It's only a protection until such time as somebody comes forward and says, I'd like to change it. You have suggested an open space agreement, which would be a 10-year maximum run, and it suggests that you won't develop any more than you're developing now. That could be put in place now, but the current owner has chosen not to do that.

It was in place, as far as I know, from 1999 to 2019, 20 years of people relying on that, stating that this would not be developed further. And the city was a party to that, you are correct. That was part of the inducement of making this development work, that the inducement that the city and the original developer entered into, and that these 900 and some homeowners relied upon for 20 some years, was that there would not be anything built back out their back window.

So, I think we're talking about one of those as your second idea. The conservation easement, if that's what you said, as I understand it, the City of Virginia Beach does not enter into them as the direct holder. That would take a third-party nonprofit. They are not party to any of this. We can't bind some third-party entity that's not here, and I don't believe that you can come forward and bind them, either. So, I'm just saying that as a planning commissioner, encountering what you've delivered here verbally, sort of at the last minute, I've tried my best to listen and parse through the three types of protection you're describing. And so far, they are not persuasive to me, as I understand them.

Mr. Pocta: May I interject?

Mr. Camp: Yes, sir.

Mr. Pocta: I have to respectfully disagree and also correct you. I did not suggest that it would be a conservation. I believe you brought up because I assumed we were talking about the same thing, so I apologize. But referring to the code section, it says a recorded perpetual easement that's held by a public body. So that's the municipality. And, in fact, the way that this discussion eventually first began was discussions with the city attorney's office. What are some ways that the city could have some additional control? Not that they were suggesting they needed control, but we thought, how could we put some control over this outside of the party or property owner? But have the city, because I know a lot of people want the city to have some additional enforcement mechanisms. Well, this would be that enforcement mechanism to answer Mr. Plumlee's point going beyond 10 years, but providing the same sort of enforcement and preservation. So it's an open space easement that's contemplated by that code section.

Mr. Camp: Thank you for the give and take on this. I have no further questions for the application team.

Mr. Coston: Commissioner Mauch.

Mr. Mauch: Thank you guys for your time. The proffers that you had set forth for the golf course, I just need to take some time to consider that so we can always come back to that. There was a mention of access from Indian River Road. Have you guys worked with staff to try and get some access from Indian River Road?

Mr. Skinner: We worked with various subsidiary departments of public works, then with the City Real Estate department. Subsequently, we obtained a copy of the lease and we have contacted the leaseholder, but haven't defined the dimensions or location of the proposed temporary construction easement. That's why I'm uncomfortable to Commissioner Plumlee's question to give a firm commitment on alternative construction access at this point.

Mr. Mauch: Okay. So, I'm having a difficult time with the vagueness of proffer number five. Because it talks about rededicating back to the HOA, but it doesn't define, outline, or provide any square footage. There's nothing really there that binds the owner of the property, which is the current owner, to allow access. Although it's understood that you guys have said that he will be providing access, there isn't anything to say that if one day he says we don't want to provide access anymore, that there's assurances that this is going to remain open space.

And I take a look at, you know. Maybe parcel A, right? It's retained by the owner, but not a part of the HOA. It doesn't have anything to do with the current development that we're looking at to put there. And we don't have any way to justify that these people can or can't utilize that property for the HOA. Do you see what I'm saying? There's no specifics in order to understand what is actually being granted to the people for access, and there's nothing saying that there's a point in which that can be denied access.

And I bring this up specifically because of the back and forth, there's been a lot of bad blood between the ownership and the community, and fault on both sides. I've seen it, but to me, it doesn't demonstrate a willingness to work together. And if something makes him mad, then he may take away the privileges of utilizing that property. So, in proffer number five, it doesn't tell us what can or can't be used. And so there's nothing legally holding anybody to say that the owner of this property that's not being conveyed to Harrison and Lear for the development that they can use it.

Mr. Pocta: So, I think I can mostly answer that, and then I think perhaps Mr. Skinner may interject, too. Proffer 5 refers to the open space and land that's zoned PD-H1 or PD-H2, so the PD-H2 zoned land. You have to spell out how that open space is going to be owned and maintained. And so everything that's rezoned to PD-H2 is no longer going to be owned by the property owner. So, he won't, lack of a better way of saying this, he won't have any control over what does or does not happen to that property. And that's not what I'm concerned about. And the

other piece, I think on the elbow, the other part of the elbow, because part of that elbow is zoned PD-H2, I think that other part of that elbow you're talking about, that's going to remain P-1 zoning.

And so in discussions with the residents, I think in one of the village hall meetings, it came up, well, those parts of the land, there was a major issue with rezoning more land than is necessary. And so a major value consideration was, you know, is there land that's not going to have houses on it? And the answer to that question is yes. There's some forested wetlands and there's this piece you're talking about. Well, then why rezone that at all? Keep it P-1 preservation. And so, anyways, that's the rationale behind that decision. But then the land use plan, or the conceptual plan, the modification, as far as what's in there, mostly reforestation, but also some trails will be subject to that proffered plan. So, Mr. Skinner wants to add anything to that.

Mr. Skinner: Proffer number five states that the open space as depicted on the concept plan, shall be conveyed to the HOA, including the multi-use trail system, which is shown on the concept plan. So the proffer, which is signed by both the applicant and the owner, includes all of the multi-use trails shown, whether it's on the property I'm acquiring or not. And the proffer binds both myself as the applicant and the owner to convey the multi-use trail system improvements to the HOA.

Mr. Mauch: Would you mind telling me which page the multi-use trail system is on?

Mr. Skinner: In the rezoning package? The best exhibit is the active recreation overlay on page 28. The same trails are also shown on the naturalization and planting overlay, but they're not as easy to observe. So, the best one is really the active recreation overlay. The reforestation and buffer overlay also shows the multi-use trails throughout the properties. There are three concepts included in our submittal, which the proffers bind us to that illustrate the multi-use path.

Mr. Mauch: Okay, I really wish we would have had an exhibit for that, since it's clearly spelled out there in the proffers. But I don't see, and it's hard to decipher. I am looking at a very small sheet.

Mr. Skinner: Yeah, the active recreation overlay is the best illustrative, the red lines throughout the active recreation overlay represent the multi-use trails.

Mr. Mauch: Okay, and so that does go into the preservation area as well?

Mr. Skinner: Correct.

Mr. Mauch: Which is not owned or in PD-H2.

Mr. Skinner: And not going to be conveyed to the applicant.

Mr. Mauch: So that at any given time, the ability to cease having people come on that property is still there.

Mr. Pocta: I'll defer to the talented attorneys that surround me, but that was not the intention nor how I read proffer number five.

Mr. Mauch: Okay.

Mr. Pocta: Yeah, I apologize. I think Jonathan corrected me on that point on proffer number five. So that appears to be what that conveys.

Mr. Mauch: It does. It does convey.

Mr. Pocta: Not the ownership of –

Mr. Skinner: But the obligation to complete and convey to the HOA the maintenance of said areas.

Mr. Mauch: Alright.

Mr. Skinner: Proffer number six, if I may, talks about the completion of the multi-use trails within 12 months of issuance. Proffer number six states the multi-use paths and water quality improvements depicted on the concept plan shall be installed within 12 months. Then, reverting back to proffer number five, in the last sentence, could perhaps be improved, but at its essence, the multi-use trail system, as depicted on the concept plan, will be conveyed to the HOA, which shall be responsible for maintaining said area.

Mr. Mauch: Okay, so the trail will be conveyed through somebody else's property and the HOA will be responsible for upkeep, maintenance. And it'll be open and not have the ability to be taken away?

Mr. Skinner: Correct.

Mr. Mauch: Is that how staff sees it or legal? And while they're thinking about it, the reason... I have signed quite a few leases for properties. And I've always realized, after the fact, that the devil's in the details. And so I want to make sure that the devil's in the details. And that we're not doing something that we think we can do, and later on is taken away.

Mr. Skinner: Yeah. And Proffers 5 and 6 address your concerns? But if I'm mistaken, please let me know.

Ms. Alcock: So. I think the question is, what is being conveyed? So if there's a maintenance responsibility that's being conveyed to the homeowners association that's located on property that they don't own, is it maintenance? Is it an easement that's being conveyed? What's being? I think there might be a couple different conveyance, some may be in fees, some may just be in easement, but it doesn't explicitly say.

Mr. Pocta: Yeah, I mean, I know that the zoning ordinance itself requires, which I think is what gives rise to this proffer, that PD-H2 zoning says that the open space within that zoning that you commit to how that's going to be owned and maintained, whether it's the city, whether it's an HOA

or a third party. So. I think that's what that refers to. I'd have to look at that specific section, section 1127. So. I believe that's where it sits.

Ms. Alcock: But that's relevant to just PD-H2. So. I think that's what we're trying to clear up. What is happening with the common trails and open space that's P-1 outside of the PD-H2.

Mr. Pocta: Yes, I think Jonathan kind of set forth what the expectation, what the plan, what your...

Mr. Skinner: The multi-use trail system, as depicted on the concept plan, was my guiding principle, if you will. The intention is for the access and maintenance, and I'm not sure of the easement types, Deputy City Attorney, but I'm open to suggestions.

Mr. Pocta: Oh yeah, okay, I see now you're referring to the maintenance obligation, so I'm sorry, Jonathan. So Mr. Skinner is correct. On that last portion of the proffer, I was referring to the ownership conveyance, referring to the PD-H2 zoning, the last sentence of this proffer. It says that the HOA shall be responsible for maintaining all the following area on the property. On the property, the larger property is not just that which is owned PD-H2, the multi-use trail system, that featured signage, and other improvements in the common area of the property as depicted on the overall concept plan. So, yes, maintenance obligation. Yes. Ownership? No. Access? Yes.

Mr. Mauch: That's sufficient. Is that how you see it?

Mr. Pocta: And if there's a request or a need, I'm glad to look into the need to clarify this so that the intent is carried out. I don't think there's any issue with that.

Mr. Mauch: Yeah, I think what I'm trying to get to is I would love to be able to see it clearly stated what is and what isn't. I think it's a little deficient in that and giving maybe a little ambiguity. And I would love to be able to see proffer number five worked on. Because, and even an exhibit that would depict the conveyances, I think that that would be helpful for whatever decision gets made here as a recommendation for council to see as well.

Mr. Pocta: Sure, I think we are glad to produce an exhibit that only kind of speaks to maybe this proffer, for example, but I do think the exhibits Mr. Skinner mentioned show where the multi-use trail system is, show it's being conveyed in terms of ownership. And then we just referred to the proffer as to where the maintenance obligation lies, which would include access. But we could, on top of that, include between now and ten days before council an exhibit that maybe just speaks to that proffer, or, if there are others you know, requested as well.

Mr. Skinner: And just as a note, the multi-use trail, as shown on the concept plan, is going through three zoning categories in our proposal: P-1, PD-H1 near the existing roundabout, and PD-H2.

Mr. Mauch: And the PD-H1 is also being retained by the current owner?

Mr. Skinner: Yes.

Mr. Mauch: That's parcel E.

Mr. Skinner: Correct. But the multi-use trail passes through parcels A, C, D, and E.

Mr. Mauch: And it would be much easier if this entire property was being sold as a lump. Because we have multiple different property owners inside of an area that has a development around it, that has a development inside of it. And I'm just trying to still understand all the nuts and bolts of it, not the nuts and bolts. I've got those pretty much down. It's just making sure and having assurances that the communities that are going to be or not be in here, at least in the proffers, that they're clear, and that it's not that they don't have the ability to do anything. I trust you, Mr. Pocta, and I trust you, Mr. Skinner, to do what you say you're going to do. I think the distrust comes from the current ownership and understanding of the things in the past that have been done, or lack of things that have been done to bring us to this point.

And I think that's one of the most difficult things to do is to trust somebody that has shown time and time again that he is not going to be a good neighbor and or he has not been a good neighbor, doesn't mean he won't be. But there's a track record there, and I don't think that personal things should come up, but this gives a track record of the type of person that he is. And I wish he was here to be able to speak to him because then I would understand what his intent of keeping this property would be. And I don't know if you guys have any insight as to what the current property owner wants to do with the property that he's retaining. I think it's pretty pertinent to this application.

Mr. Pocta: Well, let's just answer that last question Commissioner Mauch that the proffered concept plan and all the proffers have come along with it, as well as the development and design criteria. I mean, this is probably the most, it's probably the most detailed plan I've ever worked on, in the most complex. And the property owner has had to sign on to all of it as a property owner. And I don't represent the Leishmans in their agreement with the property owner also.

But that's my understanding is there's been legal counsel for the Leishmans and legal counsel for the property owner, who have also had to come to terms of an agreement. So, I know there's all these sort of additional ways of kind of binding the property owner, restricting the property owner, et cetera. And I'm not going to speak to property owner's character one way or the other. It's not my place. But we're trying to do all that we can from the applicant standpoint, with our plan, with our proposal.

Mr. Mauch: And I think the one thing you stated that, you know, Mr. Skinner has his legal counsel. The Leishmans have their legal counsel, and the property owner has their legal counsel. But everybody that has their own counsel is looking out for their own best interest, which is perfectly fine. That's what you should do. But nobody's looking out for the interest of the surrounding area. And I think that's the reason why these need to be clarified. I think that's kind of our job is to look out for the interest of the citizens and the city.

Mr. Pocta: Sure, I don't disagree with that, and I think too. A lot of this plan, much of this plan has come as a result of discussion, collaboration, listening and receiving requests. And then getting

the property to agree to some of those requests for those residents, many of whom we heard speaking tonight.

Mr. Skinner: So, I would also add the proffer number seven, it was created and imagined with the interest of the surrounding owners. The requirement that we've obligated ourselves to do a reserve study for the elements that are included on the concept plan that will be dedicated to the HOA. And post a performance bond to subsidize any deficit identified in the reserve study. That was the very focus of that proffer was to protect the surrounding residents and ensure that these improvements that are shown on the concept plan will not only be built, which is proffer number six within 12 months of the approval of the E&S and Stormwater Management plan, but will have adequate reserves either through developer subsidy or budgeting in proffer number seven with the HOA.

Mr. Coston: Thank you. Commissioner Schoonover.

Ms. Schoonover: I had pages of questions, unfortunately, everything has been answered for me. I don't need any questions, all answered. I do have a question for any of the residents who were opposed to this project. There's just one thing I want to hear from you all. And what is your expectations for this land if this project is not done? Because I'm not hearing what I think is an adequate enough answer for me to make a choice. I'm hearing that you all just kind of are fine with it going on the way it is, and I'm hearing death and destruction. So you're welcome to be the one. I just want somebody, or more than one somebody. It's fine with me if there's more than one person. This is a key point for me.

Mr. Quinter: Thank you, if I might, unless anybody else would step up here. One of the things I think that we're missing is that, and since you're relatively new, and we've got two new people, this owner, when he came in, he refused a couple applicants. We complained about the buildup of weeds. The city took them to court. And this goes back to Ms. Hippen's question. The city took them to court to maintain it. And he beat the city, okay, because the city had some procedural things. Because on P-1 property, you cannot leave trash there. And that's what almost burned up the 8 to 12 houses when they had the fire. Then we took them to court in our process through the West Neck Community Association. We are three and a half years into that court case. It's being decided right now in the appeals court in Richmond, the Federal court. We went to Virginia Beach District Court. They said they'll hear it. It's just about maintaining the property.

Ms. Hippen: Okay, but what do you want done with the property?

Mr. Quinter: What we want done with the property is the same thing that the Leishmans want done with it. We want to be able to have somebody like Mark and Audrey come in, lease the land, give a reasonable return to the owner.

Ms. Schoonover: Pardon me for one second. This is not the answer to my question. You're having a lot of thoughts about a lot of things that are not what I'm trying to find out. So let me just clarify, because I don't think I asked it correctly. I'm tired. I've got a little cold, so I apologize. So what I'm trying to get at is, I have been told on multiple occasions, this land is going to be secured against you. In other words, you will have zero access to this land. It won't be open space

for you to enjoy. You won't be able to set foot on it. Court cases of it being, it might be beautifully maintained behind a gigantic fence for all I know. But from my understanding is, you will have zero access to this property. So if you have zero access to this property, what are your expectations from your standpoint for this neighborhood?

Mr. Quinter: The city, when we approached the city, they came back and they said, you know, they recommended. The city attorney recommended to our association that we look at State Code 48-1 and declare the property as a public nuisance. Some homeowners, and I was one of them, tried to get it as a private nuisance, a public nuisance, and set a grand jury to say we can't do that because we've been in litigation since day one. The reason that we're where we are right now is the owner has not put any money into the property. There's no holding cost. They'll wait forever.

Ms. Schoonover: I hear what you're saying. Let's say you have no recourse. Let's say this man beautifully maintains it behind whatever secured method, he's going to secure this property. Do you have some expectation that you're going to somehow gain control of this property out of his hands and regain this space as open space for you all in some way?

Mr. Quinter: No, we would love him just to lease it for a golf course.

Ms. Schoonover: But let's say he won't do that.

Mr. Quinter: If he doesn't do that our expectation is that he'll have to maintain the place. If he has to maintain it, it will cost him money. He'll find a way.

Ms. Schoonover: But, I mean, let me say, let's pretend he's going to maintain it while it is secured against you. So, you have zero access, because he has no requirement to give you access to this, as far as I can understand. So, let's say it's beautifully maintained, somehow secured against you. Are you okay with the idea that you would completely lose access to this land, even if it's beautifully maintained, behind some sort of method of securing this property?

Mr. Quinter: Well, under the current guidelines that he has to live under, that we went to court for, he has to maintain, of course, and of course, our community standards. Our community standards define the type of fences he could put. If he just puts one of those fences around that you can see through, they're small aluminium fences, you know, and we're looking at a nice piece of property forever. It's just not a golf course. That would be alternative two. Alternative one is he makes a return on his investment, which wasn't much, and he leases it to somebody like the Leishmans for 18 holes. Mr. Leishman has said, and the developer for the golf course has said, they'd love to have an 18-hole golf course.

Ms. Schoonover: We understand that. And I understand that there's been a full golf course offered before, and that was turned down. But that's off the table. Your only option, from what I understand, is this project or no project. And are you saying that you are fine with no project and completely losing all access and possibly visibility to this land?

Mr. Quinter: At this stage, the answer is yes. We don't have any access.

Ms. Schoonover: That's kind of what I'm getting at here.

Mr. Cohns: It's always been a golf course. We didn't lose anything. I'm sorry. I'm sorry. Pardon my outburst. We don't have access. We don't expect to get access. We would like for the weeds to be cut. That's a matter that has to be taken up between the city and whether they choose to go back and try and enforce the zoning code. If the property were maintained in accordance with the city's zoning code. We can't control anything else. That would be my expectation. That's a very low threshold that should be able to be met. I keep hearing about accessibility. I don't view that as an issue for us. If it becomes an 18-hole golf course, it's going to have restricted access like it should, so people can play safely. If it doesn't become an 18-hole golf course and it stays the way it is and the brush is cut and the grass is down and the fire hazard for our neighbors in Indian River goes away, will we like that? We won't like it at all, but we have accepted the fact that it is closed. And we are not in a legal position to do a dang-gone thing about it. And so we're going to be forced to accept it. Now, do we like that? No. But the reality is, we realize that's where we're at, and we can't do anything about it.

Ms. Schoonover: That's what I wanted to understand.

Mr. Cohns: So, the short answer is, we don't expect anything to happen. We can't make a plan because we don't own it.

Mr. Plumlee: This is going to be an endless line.

Ms. Smith: Did you feel like your question got the answer?

Ms. Schoonover: I think he just answered it unless you had something that was different that you wanted to say.

Ms. Smith: It's not different. It's cooperation. And without the majority landowner in our spaces to have a discussion, we can't speculate. We would love to speculate with you. I would love to. But unfortunately, we're not in a position of that. We've never seen the landowner come to the table with our community. And that's the sad truth.

Mr. Coston: Commissioner Plumlee?

Mr. Plumlee: Well, because the night must come to an end at some point. I'm going to make a motion and then we can beat up the motion for as long as we need to beat up the motion. But there will be a motion, there needs to be something to swing at, right. I'm going to take no pleasure in this motion and I hope none of you will either. I'm going to move to approve this application. However, my recommendation, which is only a recommendation and can just be heard by counsel, comes with some very important elements in it. And if they're not in it, in my view, and I say this to the television cameras, in which maybe there's a council person looking at this moment, it is not my recommendation if it cannot be achieved.

Because I know with these last-minute proffers, the applicant is not bound. So here goes. My handwriting, I wish, was better, but the trail system throughout this project, proffer five, it has to

be cleaned up. There needs to be an exhibit and it needs to be shown clearly that the HOA is going to maintain it in perpetuity. Let me say it's the HOA that would be created by this subdivision. So these are going to be some expensive houses. We talked about the upfront and the ongoing, and then the if it ceases. And these come with particulars for me. For there to be the very first certificate of occupancy, there have to be sufficient financial assurances submitted for the golf course, its construction, and a fair period of maintenance as determined by the Development Permit Office of this city.

There has to be a plan for the golf course, approved by development permits. There must be a 50-year lease received by the city and confirmed by the City Attorney's office. The trails, I'm going to come back to the trails on the golf course. I see that as different than the other remaining trails for the purpose of what I'm talking about. The certificate of occupancy is limited to 50% until such time as the golf course is opened, in accordance with the approved plan of the City Development Permit Office. And so then we talk about probably the most important thing to me, because when there's energy to start something, there's not always the sufficient energy to maintain it. But this might help get things there.

If the golf course ceases for a period of one and a half years, all kinds of things can happen in a year and a half, but for one and a half years, there must be, before approval of this rezone, an easement in a form approved by the city attorney in a recordable form, which may be recorded by the city upon its determination of there being a cessation for this period of time. There must be in that same easement and other documentation as required, maintenance required by the owner, by the HOA, and that's why I asked about the HOA being members. They should be members. They should be paying fees, and the maintenance must be sufficiently bonded to the satisfaction of the city's administration. So there's always on the fly. That's my motion. And I'd like to address it if there's a second.

Mr. Schoonover: Second.

Mr. Plumlee: Well, I said I was not going to make anyone happy. That's what I meant. And sometimes, you know, we have to look around at our opportunities, about what we can want and what we can get. And how often it comes around. It doesn't come around that often. I've been in land business for a long, long time. I'm an attorney. I see these failures. They're constantly in my office. This is an increase on the one-to-one density, but it's not much of an increase in the density that this city has previously approved. There is not sufficient open space currently that is accessible to this community. That is critical. There's not even a current, and I asked this this morning, there is not a current capital improvement project submitted for the vast amount of maintenance that has to be performed for stormwater in this location. There's not even an application for one. So how is it going to be done?

We need private development to do it. Our conflicts have to reach a resolution. You know, you've heard me talk up here about attainable housing and affordable housing. This is not affordable housing I'm talking about. But it's housing. One way to break the escalating prices is to add to the stock. It is a chain from top down. And there are not many tools that we have in our toolbox to do it. So, I don't applaud the way this came about, but I've seen many land transactions, and no one looks back at them and says how pretty they were. They're not. So, I just want to share one

story about Signature. I'm a terrible golfer, but I've been golfing since I grew up in Kansas. We always played on these cow patty golf courses that were kind of sad, but we loved to play.

And I moved to this beautiful paradise of Virginia Beach, you know, 30 years ago, and it's wonderful. I love it. Best, I typically shoot like 110 or something. And I can't be trusted as a teammate for someone. But I shot an 82, a legitimate 82 on that golf course that I loved, okay? Not nine holes. Anyway, this change is harsh, but it's been coming in degrees for a while. We're the planning commission. History is important, and we need to understand trust is important, as Mr. Mauch has put it. That's why I spent the time with these elements, to try to stitch the trust where it's not to be left to chance. But we're a recommending body. There is another body that has to consider this, and I hope they'll listen to all of this presentation. I'm sure they will. And educate themselves on all these points. We have to plan and move forward. Anyway, thank you, Mr. Chair.

Mr. Mauch: Could I ask that Tori weigh in? I just want to make sure because proffers are supposed to be given up by the applicant, and I want to make sure that we're not forcing the proffers. That's on their own free will. And realistically, I would have some huge reservations about making a decision on proffers that aren't in our application and really haven't had an opportunity to view. But I'll let her speak.

Ms. Eisenberg: I was actually gonna ask for some clarity myself, based on a comment by Commissioner Plumlee. So the way I heard the motion phrased and how I feel like you meant the motion to read may be different. So, as we discussed, proffers have to be voluntary and they have to be submitted to my office 21 days prior to your hearing. So what I heard on your motion was that perhaps you meant to phrase it as a motion for denial for the application that is before you, but to recommend certain proffers that you think would be preferable in the event that City Council chose to approve the application. I don't know if that's what you were meaning to do, but...

Mr. Plumlee: It's not. What I'm meaning to do is recommend approval of the application, as I just laid it out, with all of the proffers that I put, which they're not required to do, but this is a recommendation. The council that I'm fully articulating what is currently before me, in terms of what's in writing, is supplemented by what was spoken and what was presented as well. And there was a lot of head nodding and agreement with these proffers as I laid them out. I believe there was agreement. So that's what I meant.

Ms. Hippen: Can I ask counsel a question? In the past, we have had, like some of the things that we have approved. See, I can't even talk now. It's getting late. We have, like in District 4, we have put a five-year condition on it. Are we not allowed to put conditions as part of it? How did we do that?

Ms. Eisenberg: But those would have been on a conditional use permit, which has unilateral conditions that can be imposed regardless of whether or not the applicant agrees.

Mr. Coston: Okay. Commissioner Schoonover has been waiting the longest right now.

Ms. Schoonover: That's perfectly fine. You all needed to ask those questions before anything was really done, anyway. I want to start by saying I had no dog in this fight. I had zero thoughts about this space. I had zero thoughts about what my goals might be for it. I completely put myself in the hands of everybody who was willing to talk to me about this. I went out of my way to go to every event that I could and to try to talk to people about this, to make myself as available as humanly possible. That being said, I looked at this decision from four points.

One, the basic use of this land, the project in and of itself, what's best for the city, etc. The feelings of the residents, both for and against it. The, for lack of a better term, land war going on in this area between all the various residents and players in this situation. And four, a question that one of the opponents asked me in an email. So, from the standpoint of the project in and of itself, I thought it was a great project. I thought it was a good compromise. I thought it was a great use of this space.

I, you know, everybody would love to do a variety of different things, but we have to deal with it from the standpoint of what is possible, what everybody is willing to do. And from the standpoint of that, this sounds like the only option short of doing literally nothing. I would like to see, if it's possible, the new homeowners association, or sorry, the new homes be connected to the old homeowners association, as opposed to being in a separate. I think it would protect your interests, frankly, but that's just my opinion about that.

In terms of the feelings of the people in the neighborhood, I can absolutely understand where you're coming from. It must have been an incredible shock to find out that you had zero control over this property, that what you had hoped would stay there forever was gone. And I absolutely would have shared your views about that. I would be just as upset as you are. From the standpoint of the people who are in favor of this project, I should say. I had people on both sides who were coming to me virtually in tears about this situation. Both sides, tears about how upset that they were and a lot of the bullying that has gone on. I'm sure on both sides if you take everybody, every player into consideration.

I myself had some rather unpleasant remarks made to me that I did not appreciate, but I'm a big girl and I can take it. It doesn't bother me. But at some point, you have to make different choices. And I think that this land war that's been going on over there is very unhealthy for everybody. Everybody. And that brings me to the question that I was asked by one of the opponents to this project, and that was, what would I do if my relative lived in this neighborhood? And I will tell you that if it were me and my family, I would want them to have peace and quiet and a happy space.

And I think the only way that you are going to get it is with this project. I don't think that there's anything that's going to improve. I think you're going to continue to have hostilities if this land is just simply maintained and you have no access to it. I'm sure that all the legal actions are going to continue. I really don't see any other way forward for you. And based on those four pieces of my thoughts, I am going to vote for this project.

Mr. Coston: Commissioner Mauch.

Mr. Mauch: Can I get clarification again from legal? Is the motion that is being made a legal motion?

Ms. Eisenberg: There can be a motion made for approval, and there can be a motion that includes recommended conditions that they would like to see, which is the motion that is made. So the motion itself, I would say, yes, that's fine. What the point of clarity I was trying to make is we cannot have a motion that is conditioned on additional proffers that are being phrased at the dais. So it can't be an approval if we get this, because then they wouldn't be voluntary. But you could have a motion for approval. You're approving the application that is before you today and also saying, but we would like these added. If it is otherwise, I think it would come forward as a motion for denial. You would deny the application that is before you today, and then part of the motion would include, but in the event that City Council so chooses, or, you know, votes, that this is an appropriate land use decision, that you would like to see certain recommended proffers. I think it could also be done that way.

Mr. Mauch: Okay. Thank you. Commissioner Plumlee, you stated that you were going to piss everybody off. I think I'm going to one-up you. I don't think that we have a huge concern with making proffers on the fly. And I don't think that the way it's done, as Tori has explained, is we're able to do it. And I think we need to have proffers that are a part of our consideration before us to consider before sending them to council. And I guess maybe I'll defer to you, Commissioner Plumlee, and Commissioner Schoonover, I believe, was a second, right? To, if you wanted to kind of rescind the motion.

Mr. Plumlee: I'm going to call for the vote is what I'm going to do.

Mr. Mauch: So I'm still in the middle of my speech, and so I think what needs to be done is a substitute motion. I'm going to make a substitute motion for deferral so that we can understand and see what these proffers are that we're going to be recommending to City Council.

Mr. Coston: Before we go down that road. I think I want to know –

Mr. Mauch: I would say I still have the floor –

Mr. Camp: And I'm waiting to be recognized after he's done with the floor.

Mr. Coston: Okay. I thought I heard Commissioner Plumlee say that he saw some heads nodding, that there was some agreement.

Mr. Plumlee: Yes, they're still nodding, yes.

Mr. Coston: So, let's have them come and say if they agree to these.

Mr. Mauch: We're in the middle of the hearing, it's over.

Ms. Schoonover: I think we can rely on council to pay attention to what we're saying in this commission.

Ms. Hippen: I'm sure we can rely on council to know what we said. And there will be minutes anyway.

Ms. Schoonover: To fully grasp what we're saying.

Mr. Camp: We have a substitute motion to read in a second. What's going on?

Mr. Plumlee: And Tori, as I explained it, it is not a conditioned motion. What it is, is a recommendation in full.

Mr. Pocta: Yeah, we were just going back and forth. I mean, the ordinance, it's not written well, in my opinion, but nonetheless, it says, approve, deny, add. But it seems like, and I agree with Attorney Eisenberg, that what could be done, I can't advise the Planning Commission, I can't advise City Council. My reading of it is that you could move to approve. You could add conditions or proffers, but you couldn't say, it seems to me, and I don't -- yeah, I'm in a difficult spot, but it seems to me you couldn't say this motion is contingent upon, but I can tell you. But we are, and Mr. Skinner is here to authorize what it is he would be agreeable to, which we would intend to do between now and 10 days before City Council. And just to clarify, too, on the record, et cetera, et cetera, the reason that this is not on the fly, the reason these things are coming up is there are a lot of residents who told us we don't want you to delay or defer these things any longer. How can this be done now? I think this is the way, and in discussions with the city attorney's office, this is the way it can be done now, which is why we're here, not because there's some kind of on the fly proffers or something, so anyways.

Ms. Alcock: So, if I may, just to try to overly simplify this, you need to take into account the application that's in front of you tonight. And that is what you are considering. And then you can recommend that. When it goes to council, it would be nice for these proffers to be in place for them to consider. You can't consider those as part of your vote tonight.

Mr. Plumlee: I'm advising counsel, and I'm speaking into the television again, that my recommendation is based on all these things. And I've said them. I'm not going beyond my bounds in saying them. And it's going to be up to the applicant to deliver them or not. And counsel to accept them or reject them.

Mr. Camp: Mr. Chairman. May I have a point of order?

Mr. Coston: Yes, sir.

Mr. Camp: As I understand it, we had a motion on the table for a substitute motion. And before we could hear if there was a second, we got into this other discussion. So my understanding is we need to clear that matter in order to then proceed and deal with things before us. So, respectfully, is there a second to the substitute motion or not?

Mr. Coston: Is there a second? I didn't hear anybody second. Okay, then we go back to this motion over here then.

Mr. Camp: Alright, so if I may be recognized for discussion of the motion on the table. We spent a great deal of time talking about the desirability of re-establishing a golf course. To me, that is at best the secondary issue here. The application is requesting permission to put 143 new homes on existing land that is currently zoned for preservation. That's what's in front of us. Now, abating a nuisance, reestablishing a recreational amenity, those are all fine, secondary things, but we're not voting on those things, as I understand it, as the primary matter before us.

I disagree respectfully with my fellow commissioner about this is the only way forward. I don't see it that way. I read over 400 letters. I listened to every speaker tonight. I went back and talked to members of council who were here in 1999 to ask them about what their thinking was when they put this deal together. I've read the legal filings from 1999 forward, the ones that are in place and the ones that were put in place and expired. I feel like I did my homework here. The things that I think matter.

And I'm saying this to circle back to the staff recommendation. The staff did their homework, too, and they weighed all of these pieces of evidence short of the testimony we heard tonight, which they didn't have the benefit of. And I believe they got it right, that the only reason that the villages of West Neck exist is because the density requirement was shifted from the homes to the golf course. The golf course was the essential factor that enabled the homes to be built in the streets in the fashion they are.

In fact, it was quoted to us, I'm not going to read it back, that it stated right in the discussion that, but for that amenity, it never could have been approved in 1999. What this comes down to is you can't eat the same apple twice. We already ate the apple when this thing was approved to the villages of West Neck. To come back later and say that same land can now be used for something else unwinds the deal that was made in the first place. And it unwinds the deal that was maintained with city participation for 20 years, that a thousand homeowners relied upon.

Eyes wide open, they understood this is zoned for preservation and the city has entered into an agreement with the statement that it is in the public interest that it stay the way it is. Open space, that's the signed document that we have in the record. And that was there 20 years, when all these people bought their home. That, I think, matters. We talk about trust. We talk about expectations. I heard many people say this is the most important purchase of their life, their home, particularly at this stage of life. It really matters.

I don't see us worrying about the golf course piece to the exclusion of the main issue at hand, which is it proper to build 143 houses a few feet out the back window of people who, in good faith and with the city's own participation, were told, you're not going to have anything out that back window but open space? Open space can mean more than a golf course, but that's what they were told. And so I am not convinced by any of these great plans, which are great, that we need to take our eye off the main issue here.

To sum this up, I've heard many people say six years is enough, talking about the current state of things. Well, you know, what's too long? Forever. You stick houses out these people's back windows that were never intended to be there because this zoning decision was already made and

flew, you have a forever problem. Not a six-year problem. I believe, listening carefully to the people who testified, that there is a path forward to have this declared a public nuisance and to bring about enforcement on that public nuisance as soon as these other matters clear up. The solution is not to build 143 homes, burden some of these people for the failure to go ahead and prosecute the public nuisance that, I believe, has every possibility of being declared.

I'll stand on the rest of the record, but I'll just tell you that from my perspective, there are a number of ways forward. I don't believe that we're in the golf course rehabilitation business. I'm glad the private market is, and it's a stellar team that's been put together, and I hope my fellow commissioners, don't take their eye off the question before us that staff has rendered a recommendation on that matters to a thousand homeowners out there. Thank you.

Ms. Hippen: My turn. We listened to 45 people today. I just want to tell you, I counted them. 45 people, and that's not all that was signed up. There were three more, four that were against, that showed up today. It is very obvious that this land, because of the court fights that are ongoing, this land is not going to be fixed. This land is not going to be cleared up. It is a public nuisance, but you've obviously got an owner who's got a legal war chest. I appreciate what Commissioner Camp said, that he went back and talked to some of the people who decided on this development when it was started, when it was a golf course.

Unfortunately, what happens in our city, and I'm not saying this in a bad way, I'm just stating a fact, is that minds change over time. Minds change over time. If I had snakes and mice and all that stuff, and a fire coming into my house, I would want it cleaned up. What would I do? I am retired. And I told you how long I served, and I've been retired almost that long. And I didn't go in after high school. Told you I'm older than you think.

When I bought the house that I'm in, in 1997, I didn't think that they were going to build the four apartment complexes a block and a half away. I didn't know if they were going to extend Lynnhaven Parkway across Volvo. There was a court fight to extend Lynnhaven Parkway the other direction. We need housing. We are in a housing crisis. This is for my age group, over 55. And I think that considering how many projects have been approved in the transition zone, that this one needs to be approved, too.

Mr. Coston: Okay, we have a motion on the floor to...

Ms. Eisenberg: And before y'all vote, I would just like to clarify the motion for everyone, if that's okay. And I can let Commissioner Plumlee speak to his additions. I'm not going to attempt to clarify on all of those, but just to make sure everyone is clear, because it seemed to me that there was some back and forth and a little bit of confusion. So, I just want to make sure before we take the vote, that everyone is aware that what is happening is that you can recommend approval and you can add additional proffers, but that that recommendation for approval is a recommendation for approval, regardless. So even if those requested proffers do not come, if the applicant does not voluntarily make those additions at least 10 days prior to City council, this body's recommendation would still be that of a recommendation for approval. So, I just want to make sure we're all on the same page.

Mr. Plumlee: I understood that.

Mr. Coston: As I did also. Commissioner Mauch, you want to say something before we...

Mr. Mauch: I do. I think a lot of the onus of the issues that we have are being put on the city. And I think that's an unfair assessment. The onus of the issues that we have are on the property owner for not taking care of his property the way he should. And what we're ending up doing right now, if we choose to approve, is saying that because somebody doesn't take care of their property, now we feel like we need to make a decision that comes to us, which ultimately gives the owner what his desirable outcome was by strong-arming the city, these residents of both neighborhoods.

And we're telling City Council that we're recommending that we approve because we don't want to see this unsightliness in people's backyards anymore. Staff's analysis shows that the proposal does not meet the transition area design guidelines targets for either total open space or usable open space. The project falls short on both benchmarks. To the most important things within the transition area guidelines. Reducing open space while adding residential units further moves this site away from the standards that now govern development within the transition area.

The transition area exists for a very specific reason. It was intentionally established to create a clear and deliberate buffer between the city's suburban and urban development patterns to the north and the rural area to the south. It represents a promise to our residents that growth in this part of the city would be responsible, limited in intensity, and guided by a framework that prioritizes permanent open space, low impact development and long-term land use stability.

The original West Neck development achieved its level of density largely because the golf course functioned as the organized open space feature for the community. That open space system was central to how the development was structured and how its intensity was rationalized. While that approach may have been sufficient to allow the project to move forward at that time, it also effectively exhausted the development capacity of this land.

The density that was permitted was inseparable from the presence of a substantial, defining open space amenity. What is being proposed now seeks to retain the benefit of that original density while reducing the very feature that supported it, and then to add additional residential intensity on top of that. This approach does not meet the standards set forth in the planning guidelines. Yes, they are guidelines, but this is egregiously over the guidelines by a multiple of at least two and a half. It represents a material escalation of development pressures on a site that has already absorbed its share.

Finally, the transition area was created to provide certainty, certainty for the residents, certainty for the future commissioners, certainty for future councils, and certainty that development pressures would not simply migrate southward over time. Approving a rezoning that adds density beyond what this land has already absorbed, relies on an unenforceable amenity, and lacks clear, binding open space commitments undermines that purpose.

For these reasons and a lack of enforceability from what we're taking action on today, insufficient clarity in the proffers, failure to meet the transition area open space and density expectations, and

the risk of repeating the same situation we are in today. Because ultimately, what we're doing is taking Signature at West Neck and that West Neck community and doing the exact same thing here, where we have a golf course that's not owned by the HOA. And who knows what happens 15, 20 years, 30 years down the line. We're putting ourselves in the exact same situation that we were in when this project came about.

And I think that people really need to understand that. This proposal asks the Commission to rely on intentions rather than obligations for what we see today. And this is what we're voting on. And to disregard adopted guidelines that have a value to the southern portion of the city, that if you don't live there, you truly don't understand what that means to District 2. And by voting yes to approve this project, it clearly shows the lack of understanding of what that does, what this transition area, what this buffer does, and understanding what it does for the people in the southern portion of the city. And I'm not comfortable doing this in the transition area, and for those reasons, I intend to vote for denial for this application.

Mr. Plumlee: Mr. Chairman, I respect everyone's opinion. I call for the vote.

Mr. Coston: We're ready for the vote.

Ms. Schoonover: Just two seconds. I just wanted to clarify because there were a couple comments made that gave a different impression. I'm voting point of procedure.

Mr. Mauch: I think the question's been called.

Ms. Schoonover: Okay, well, I just want to make sure we all know what we're voting for. I'm voting for a project that is a hybrid of housing.

Mr. Mauch: Mr. Chair, the question has been called.

Ms. Schoonover: Has it been called? Do we know what we're voting on? I'm voting for half a golf course and half housing. That's what I wanted to clarify.

Ms. Hippen: He did. But we need to all be respectful of each other.

Mr. Coston: Madam Clerk, could you please?

Clerk: The vote is open.

Mr. Mauch: Before we vote, could we get clarification on the motion? I just need to hear the motion.

Clerk: By a recorded vote of 7 to 3 with one abstention from Vice Chair Byler, Items 2 and 3, Harrison and Lear, Inc., has been recommended for approval.

Mr. Coston: This concludes this meeting. Thank you everyone for showing up. Meeting is adjourned.

Vote Tally

Commission Member	AYE 7	NAY 3	ABS 1	ABSENT 0
Camp		X		
Cromwell		X		
Anderson	X			
Byler (Vice Chair)			X	
Schoonover	X			
Plumlee	X			
Hippen	X			
Cuellar	X			
Coston (Chair)	X			
Moorjani	X			
Mauch		X		

Proffers

Proffer 1

When the Property is developed, the layout, land uses, recreation and open spaces shall be in substantial conformance with the exhibit entitled, "Conceptual Master Plan, Preserve at West Neck, Virginia Beach, VA," prepared by WPL and found on pages 1 and 2 of the multi-page document entitled "The Preserve at West Neck Development & Design Criteria Land Use Plan," prepared by WPL, VHB, and Harrison and Lear, dated November 3, 2025 and revised on January 5, 2026 which have been exhibited to the City of Virginia Beach City Council and are on file with the Virginia Beach Department of Planning and Community Development (hereinafter the "Concept Plan" and "The Preserve at West Neck Development & Design Criteria Land Use Plan", respectively). The Concept Plan and The Preserve at West Neck Development & Design Criteria Land Use Plan are incorporated herein by this reference.

Proffer 2

When the Property is developed, the land uses; layout; trail section; roadway sections with street widths, curb heights; and development criteria to include building elevations, lot dimensions, setbacks, building heights, buffers, and reforestation shall be as set forth in the multi-page document entitled, "The Preserve at West Neck Design & Development Criteria Land Use Plan", prepared by WPL, VHB, and Harrison & Lear, Inc., dated November 3, 2025 and revised on January 5, 2026, and which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development. The dimensional requirements identified in The Preserve at West Neck Design & Development Criteria Land Use Plan shall be in lieu of all corresponding criteria in the Virginia Beach Zoning Ordinance (the "Zoning Ordinance") applicable to the R-20 Residential District.

Proffer 3

When the Property is developed, the number of residential dwelling units thereon shall not exceed one hundred forty-three (143).

Proffer 4

When the Property is developed, all residential structures constructed on the Property shall be in substantial conformance with the conceptual architectural exhibit entitled, “Residential Dwelling Precedent Images, The Preserve at West Neck”, which has been provided within The Preserve at West Neck Development & Design Criteria Land Use Plan and exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development. Exterior building materials shall be of high quality and include the use of cement fiber siding, brick, and asphalt shingle roofing. The use of exterior vinyl siding shall be prohibited on the principal dwellings.

Proffer 5

As and when each subdivision plat of the Property is recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia ("Clerk's Office"), the Grantors shall record in the Clerk's Office a Declaration submitting the property shown thereon to restrictive covenants governing the use and occupancy of the Property, including, without limitation, a covenant that imposes a mandatory membership in the Preserve at West Neck Homeowners’ Association (“HOA”) for each owner of a subdivided residential lot. The open space (as that term is defined in Section 1127 of the CZO) shown on such subdivision plats shall be conveyed to the HOA, which shall be responsible for maintaining all of the following area on the Property: multi-use trail system, entrance feature signage, and other improvements in the common area of the Property as depicted on the Concept Plan.

Proffer 6

The multi-use paths and water quality improvements depicted on the Concept Plan shall be installed within twelve (12) months of approval of the Erosion and Sediment Control/Stormwater Management Plan or Construction Plan by the City of Virginia Beach, whichever is approved first.

Proffer 7

Prior to the turnover of the HOA from the Grantors to the property owners, as set forth in the Virginia Property Owners Association Act established in Title 55.1 Chapter 18 of the Code of Virginia, the Grantors shall perform a Reserve Study and post a Performance Bond, to the benefit of the HOA, to subsidize any deficit identified in the Reserve Study.

Proffer 8

As part of the site plan approval process and subject to the approval of the Department of Public Works / Traffic Engineering Staff (“Traffic Engineering Staff”), the Grantors will design and construct a traffic signal at the intersection of Signature Drive and West Neck Road (the “Traffic Signal”), in accordance with the City of Virginia Beach Public Works Design Standards Manual. The cost of design and construction of the Traffic Signal will be at the Grantors’ sole expense; and

the Traffic Signal shall be installed and fully operational with the completion of site construction, prior to the issuance of the first certificate of occupancy.

Proffer 9

The design and building materials of all street lighting shall be complementary to the lighting within the Villages at West Neck and Indian River Plantation.

Proffer 10

The design and building materials of all new fencing or fencing which is replaced when the Property is developed shall be complementary to the fencing within the Villages at West Neck and Indian River Plantation.

Proffer 11

The design, dimensions, and building materials of any monument-style neighborhood identification sign shall be complementary to the neighborhood identification signs throughout the Villages at West Neck and Indian River Plantation.

Proffer 12

The final stormwater management plan submitted to the Development Services Center (DSC) during the site plan review process for the development of the Project shall comply with applicable City Stormwater Management Ordinance(s).

Proffer 13

Further conditions may be required by the Grantee during the detailed review of the Conceptual Plan and Review Set and administration of applicable City Codes by all cognizant City agencies and departments to meet all applicable City Code requirements.

Proffer 14

Further conditions lawfully imposed by applicable development ordinances may be required by Grantee during detailed site plan and/or resubdivision review and administration of applicable City Codes by all relevant City agencies and departments to meet all applicable City Code Requirements.

Proffer 15

All references hereinabove to the PD-H2 Zoning District and to the requirements and regulations applicable thereto refer to the Comprehensive Zoning Ordinance and Subdivision Ordinance of the City of Virginia Beach, Virginia, in force as of the date of approval of this Agreement by City Council, which are by this reference incorporated herein.

Proffer 16

Except as expressly superseded and/or modified herein, all Covenants, Restrictions and Conditions as set forth in the "Proffered Covenants, Restrictions and Conditions" dated January 14, 1999, accepted by the Grantee and are recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia, in Deed Book 4081, at Page 206, and any amendments or supplements thereto, are ratified, affirmed, and remain binding on the Property.

Proffer 17

The above conditions, having been proffered by the Grantors and allowed and accepted by the Grantee as part of the amendment to the Zoning Ordinance, shall continue in full force and effect until a subsequent amendment changes the zoning of the Property and specifically repeals such conditions. Such conditions shall continue despite a subsequent amendment to the Zoning

Ordinance even if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised Zoning Ordinance until specifically repealed. The conditions, however, may be repealed, amended, or varied by written instrument recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia, and executed by the second by the record owner of the Property at the time of recordation of such instrument, provided that said instrument is consented to by the Grantee in writing as evidenced by a certified copy of an ordinance or a resolution adopted by the governing body of the Grantee, after a public hearing before the Grantee which was advertised pursuant to the provisions of Section 15.2-2204 of the Code of Virginia, 1950, as amendment. Said ordinance or resolution shall be recorded along with said instruments as conclusive evidence of such consent, and if not so recorded, said instrument shall be void.

Virginia Beach Planning Commission February 11, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #4 Cavalier Golf & Yacht Club
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next item on the consent agenda is item number four, Cavalier Golf & Yacht Club. Is there a representative here today to speak on this item? Welcome. Please state your name for the record.

Ms. Murphy: Sure. Good afternoon, Vice Chair Byler, Chairman Coston, members of the Planning Commission. For the record, my name is Lisa Murphy, local zoning attorney, and I'm here today on behalf of the applicant, Cavalier Golf & Yacht Club. We appreciate all of Alexis Bailey's work on this project and we consent to the 10 conditions. Commissioner Plumlee had asked us the distances to the closest homes, and those are actually the two homes on 1000 Bobolink and 1008 Bobolink. Currently, they're 315 to 330 feet from the existing tennis court. The phase two expansion will bring them about 250 feet from the uncovered pickleball. And if you recall from the staff report, that Western fence is where that sound deadening product is going to go. So wanted to make sure we answered that question. I'm happy to answer any other questions.

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

Mr. Plumlee: The applicant, Cavalier & and Yacht Club, Address 1052 Cardinal Road, is requesting a modification of conditions for conditional use permit for outdoor facility to expand the existing tennis facility with four covered pickleball courts and two uncovered pickleball courts. I inquired during the informal regarding the distances. I was informed it was 150 feet to the actual boundary, but over 200 feet to the dwelling. With that information, we have no one signed up to speak in opposition, though we did have an email opposition that came to us. But with staff's recommendation of approval, no one here to speak in opposition, no objection from the planning commissioners, we place this on the consent agenda for approval.

Ms. Byler: Thank you.

(The following dialogue reflects the discussion to approve the minutes as a part of the consent agenda in its entirety, which may not have directly followed the above discussion in this document)

Ms. Byler: Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda. Agenda Item 1, 4, 10, 13, 15, 16, 17, and 18, plus the records of the minutes.

Mr. Coston: Thank you. Do I have a motion to approve by consent, as read by the vice chair?

Mr. Plumlee: Moved by consent.

Mr. Hippen: Second.

Mr. Coston: It has been moved by Commissioner Plumlee and seconded by Commissioner Hippen that these items be accepted. Is there anyone abstaining on any of the items on this consent agenda??

Mr. Plumlee: Excuse me, I am abstaining with the number of commissioners on the visit in February. Otherwise, I've got no abstention from any application.

Ms. Hippen: And I am abstaining from the site visit in February.

Ms. Byler: Yep, the same.

Mr. Coston: Thank you, same. So we've had the motions made first and seconded. Madam Clerk, we're ready for the vote.

Clerk: The vote is open. By a recorded vote of 11 to 0, with all aforementioned abstentions, all aforementioned minutes, and items 1, 4, 10, 13, 15, 16, 17, and 18 have been recommended for approval by consent.

Mr. Coston: Thank you. If you had an application that was on the consent agenda, your request will now be scheduled for an upcoming city council meeting. Staff will contact you about the date. For those applicants on the consent agenda, thank you for your participation, and you may remain in the meeting either virtually or in person, but you are free to leave.

Vote Tally

Commission Member	AYE 11	NAY 0	ABS 0	ABSENT 0
Camp	X			
Cromwell	X			
Anderson	X			
Byler (Vice Chair)	X			
Schoonover	X			
Plumlee	X			
Hippen	X			
Cuellar	X			
Coston (Chair)	X			
Moorjani	X			
Mauch	X			

Conditions

1. All Conditions attached to the Conditional Use Permit approval of January 28, 1997, shall be voided and replaced with the following conditions below.

2. The site shall be developed in substantial conformance to the site plan entitled “CONCEPT PLAN OF PICKLEBALL COURT CANOPY FOR PART OF PROPERTY OF PARCEL A-1, RESUBDIVISION OF PARCEL A, CAVALIER GOLF & YACHT CLUB (M.B. 292, PG. 23) AND A CLOSED PORTION OF CARDINAL ROAD”, prepared by Gallup Surveyors & Engineers, dated November 13, 2025, which has been exhibited to the City Council and is on file with the Department of Planning & Community Development.

3. The site shall be developed in substantial conformance to the rendering entitled “CAVALIER GOLF & YACHT CLUB PICKLEBALL COURTS”, dated Nov. 10, 2025, which has been exhibited to the City Council and is on file with the Department of Planning & Community Development.

4. The applicant shall obtain all necessary permits and inspections from the Department of Planning & Community Development Permits and Inspections Division.

5. No parking spaces shall be permitted to back directly onto a public right-of-way, unless a variance is granted by the Board of Zoning Appeals.

6. No outside paging system shall be authorized.

7. The tennis and pickleball facilities shall cease operations by 11:00 p.m.

8. Should outdoor lighting be installed for the outdoor recreational facility, a Lighting Plan shall be provided to the Department of Planning and Community Development for review and approval. All outdoor lights shall comply with the following:

    a. Shielded to direct light and glare onto the premises, said lighting and glare shall be deflected, shaded, and focused away from all adjoining property.

    b. Lighting fixtures shall not be erected any higher than fourteen (14) feet.

9. The tennis and pickleball facilities lights shall be turned off no later than 11:00 p.m. each night.

10. The applicant shall install sound deadening material on the portion of the fence along the western edge of the uncovered pickleball courts.

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

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

Virginia Beach Planning Commission February 11, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Items #5 & 6 Shakilah Verner
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Mr. Coston: Thank you. If you had an application that was on the consent agenda, your request will now be scheduled for an upcoming city council meeting. Staff will contact you about the date. For those applicants on the consent agenda, thank you for your participation, and you may remain in the meeting either virtually or in person, but you are free to leave. The next order of business is our regular agenda. Madam Clerk, we are ready for the first item.

Clerk: Our first items are five and six, Shakilah Verner.

Mr. Coston: Please state your name for the record.

Ms. Verner: Shakilah Verner. Good afternoon, Chairman, Madam Vice Chair, and honorable members of the Planning Commission. I am here regarding my Conditional Rezoning for District 4. Before I speak about the zoning, I'd like to briefly share who I am. I am a military veteran who served on active duty, where I rose through the ranks and earned the trust of both my junior and senior sailors alike. I take responsibility and trust seriously, and the goal is to earn your trust, as I did in the military. And to earn the trust of the neighbors and the community members who will live beside this development.

With your support, I hope to create a vibrant and strong residential structure, one that demonstrates how a redeveloped lot can embrace positive change and set a standard for future infill development. Public input and the city's vision for the comprehensive plan did not happen overnight. Since May of 2023, there has been over two years of public input, dialogue with residents, and engagement with community leaders. Through that process, the direction was clear, build above the green line. That direction mirrors the city's own planning work, which is the draft 2040 Comprehensive Plan. The comprehensive plan has been shaped through a multi-year, multi-phase public engagement process that has included more than 80 stakeholder meetings, multiple speak up VB surveys, 10 focus groups, nine open houses, and seven Planning Commission workshops. Throughout that process, residents asked for inward growth, upward density, strategic growth areas, and strong connectivity, especially north of the Green Line.

The city's own Comprehensive Planning Administrator, Mr. Hank Morrison stated, resident and stakeholder input on their vision for Virginia Beach's future has been crucial in drafting the plan. This further demonstrates the public outreach and the collaborative effort that was used to define the goals for redevelopment of District 4. For it to be more compact, walkable, connected, while increasing density upwards to meet today's housing needs. Additionally, conditional rezoning is the better option for this proposal, because it's important to consider the alternative. By right, I could build a two-story, 35-foot tall, single-family home with more lot coverage than many of the older 1,200-square-foot homes built in that area in the 60s. That home would not include

easements for a bike trail, a multi-use trail, or a new five-foot sidewalk. -It would contribute to urban sprawl and go against the comprehensive Plan's vision, which discourages single-family home development. On page 154. It would not advance strategic growth area goals of District 4. It would not meaningfully increase mixed-use housing options. It would be self-serving and notgive back to the community. I will argue that we can do better.

By building three units on this parcel, we are demonstrating a balanced approach to SGA 4's goals, while increasing density upwards by approximately 66%. This proposal offers a real and practical expression of the city's long-term intent for the Central Business District expansion, low to mid-rise, diverse housing types, affordable across all income levels, human-scale density upwards that support the housing demand, has multimodal transportation options, supports attainability, and assists in tax stability. There's a shortage of attainable home ownership opportunities for residents who earn too much to qualify for subsidized rental products, but too little to enter a traditional single-family for-sale market. This project helps fulfill a real and recognized gap. To illustrate that reality, I would respectfully reference a letter I received from Ms. Sharon Shoff, housing development manager for Housing and Neighborhood Preservation, who wrote, "I don't think you will have any problem selling.There is such a dearth of affordable home ownership opportunities and attainable homes. When you get closer, please let me know what the sales prices are. We are hoping to have a down payment and closing cost assistance available for next year for home buyers. And it would be helpful to provide some inventory of housing units qualified buyers may be able to afford with our assistance." I would add to that there are many reports that local city workers to include teachers, nurses, janitorial workers, etc. are unable to find affordable, attainable houses within the city, making it difficult to retain those workers. Clearly, creating housing is a multi-pronged approach. I understand that one development won't solve the housing gap, however, it will undoubtedly be a contribution to what's needed now.

Regarding compatibility, and from my research, compatibility cannot be reduced solely to height and scale. Compatibility means that two uses or development can coexist harmoniously, side by side, without conflict or disruption. It does not mean that they must be architectural identical. I have provided to the planning staff several communities in which similar developments currently exist throughout the city of Virginia Beach. Where the scale is higher and lower, yet they have coexisted for years, harmoniously and without affecting public safety and welfare. Keeping in mind, this site is near the entrance of Pocahontas Village, where diverse residential and commercial uses already exist in the immediate vicinity. The city has approved Grand Lake Apartments, another commercial project just one and a half miles away from this development.

So, from a broader planning standpoint, this area is transitioning, not from residential to commercial, but from single purpose to multi-purpose. We don't get any more land, we only get more people. Seniors are living longer, we must evolve. Lastly, I would like to share that my team and I approach this proposal as a serious and thoughtful redevelopment. That team includes the highly respected civil engineer, Mr. am Baraki, architect and structural engineer, Mr. Brian Meekins, Land Use Attorney, Mr. Grady Palmer, a real estate attorney, and a survey team. Together, we examine the property in detail and work diligently on a proposal that is revitalizing, accessible, functional, more energy efficient, and contributes to a better quality of life and attainable for several families.

I hope the information I have provided here today further demonstrates how the proposal aligns with public input, the 2040 Comprehensive Plan, SGA IV goals, attainability needs, and responsible in field development. I respectfully ask for your support. So, we can continue growing upward and inward, above the green line, and in a way that advances the goals of our neighborhoods and our city. Thank you for your time, your services to the citizens of Virginia Beach, and for your thoughtful consideration. I appreciate it. Thank you.

Mr. Coston: Thank you. Please stay there for a moment. Are there any questions from any of the commissioners?

Mr. Plumlee: Thank you, Mr. Chair. Ms. Verner, with regards to this development, you've had a number of encounters with the residents to talk over your plan. Can you explain that to us?

Ms. Verner: So, yes, sir. Ultimately, when we began making arrangements and plans, I reached out to adjacent neighbors to the left and right, across the street, and I also visited the local church where Pastor Jay is there, and they welcomed me to engage with the parishioners there. Throughout those conversations, I had a couple people provide letters of support, which was given the planning staff. And then I had several couple neighbors who felt that. You know, this is just something that they don't want here, you know, it's change, is change isn't easy for anyone. And as a result, you know, they reached out to other neighbors and said, hey, you know, let's get together to oppose this project.

After that occurred, I spoke to more neighbors. And at the end of the day, you know, their concern and opposition wasn't rooted, in fact. There were things like, you know, this may reduce my property value, is going to increase traffic. You know, other developers will want to come and do the same thing. So what I intended to do, and what I tried to do, was to acknowledge their concerns, because, again, I do understand changes are challenging, and at the same time, refute, you know, their opposition. The reality is, is that this is a single development.

So, in my mind, I explained to them how it's not going to change, you know, their property values at this point. Property values are individualized until the community is redeveloped more as a whole or a particular area. So, I tried to explain that. Additionally, when they mentioned, you know, our taxes will go up, you know, I explained that, since 2021, City Council has voted to reduce taxes on property, going from $1.01. This was in 2021. In 2022 through 2024, taxes on property were reduced to $0.99 per $100. And as of 25 and 26, the tax rate on property values are 97 cents. And I haven't seen anything recently where council is looking to change that as far as taxes are concerned.

So again, you know, I did have those discussions additionally regarding the parking and as far as the street traffic. I explained that actually, if you look at the plan that the civil engineers came up with and architectural engineers, I will argue that this plan is safer for parking, ingress, and egress more than any other home in the area. The reality is that you can actually pull in and turn around, and pull out onto a 35 mile per hour street, vice bagging out directly into a 35 mile per hour street. So, when they had the parking concerns, again, those were things that I certainly wanted to address. And back to the original statement, again, some of them has just changed. You know, we just

don't want this here. It's new. We want, you know, what we've always been used to. So, sir, I did try to address their concerns.

Mr. Plumlee: Thank you.

Ms. Verner: Yes, sir.

Mr. Coston: Commissioner Cromwell.

Mr. Cromwell: Could you go over again? Your statement that you said something about the single-family residences were not recommended on page 154?

Ms. Verner: Yes, sir. That is exactly what I said. Correct. Would you like for me to read that entire section?

Mr. Cromwell: Is that in the zoning ordinances or what document are you referring to?

Ms. Verner: In the comprehensive plan. Would you like for me to give you? I think I have it in the back.

Mr. Cromwell: Quick synopsis, I mean, what's it? Is it in reference to all single-family dwellings or in your area specifically/

Ms. Verner: Particularly in SGA 4. That's a great question, particularly in SGA 4, in the Central Business District of the comprehensive plan. That is correct for that growth area, where density should be increased upward with the mixed use of developments. Since they want the mixed use of developments per the Comprehensive Plan SGA 4, that is the reason why single-family infill development is discouraged.

Mr. Cromwell: Thank you.

Ms. Verner: Yes, sir.

Mr. Coston: No other questions? You may be seated. Madam Clerk, do we have any speakers for this item?

Clerk: Yes, we have two speakers for this item. Edward Abete, followed by Justin James.

Mr. Coston: Please state your name for the record.

Mr. Abete: I'm Edward Abete. I live at 4924 Euclid Road. It's two lots down from the owner. I wish I had her gift for Gab, and right now I am nervous.

Ms. Hippen: Can you speak up, please?

Mr. Abete: Is that better?

Ms. Hippen: Yes.

Mr. Abete: Okay. So, I'm Edward Abate, and I live at 4924 Euclid Road, two lots down from the owner that just spoke. I wish I had her gift of Gab. I'm opposed to the variances that are being asked, and there are two of them. I was wondering if the electrical impact has been studied for adding these three apartments. Also, if there is a sewage impact, if that's been studied. Back in December, we had a medical issue at our house and it clogged our sewage system. That's how bad we were using it. So, I'm wondering if these three apartments, or whatever they're called are going to go individually into the city sewer system. Or if they are going to join together before they actually go into the sewer system. If one of those, if that main line gets clogged, all three apartments are going to suffer there. So I just want to make sure that that is being addressed.

The parking issue where they showed. The front view of the apartment. They put it up there. It does show two cars per unit. The house, or the lot to the left of me, has three cars on there. We've got one because we're retired. The house to the right of me, which is between us and the lot in question, has five cars on it. The way they were showing it on the picture, they're showing two cars per unit, that's not realistic. Most everybody's going to have at least three cars. That means you're going to smack at least one of those cars behind one of the other two. That's going to make it hard. You cannot park on the street on our block, the only parking allowed on the street is one block over.

This whole neighborhood is set for single-family dwelling, and they're trying to put three families in one lot. The placard, there was two placards that were put on there, there was a second one that was put on later. So the first one is asking for a variance to build a three-story triplex. Again, the whole neighborhood is single-family dwelling. The second placard asks for a deviation or a variance, because the lot is not a normal size. It is smaller than allowed.

Mr. Coston: Your time has expired. We have three minutes. Just stand there for a minute. Do any of the commissioners have any questions? Thank you, you may be seated.

Clerk: Our final speaker is Justin James.

Mr. James: How y'all doing today?

Mr. Coston: Alright, please state your name for the record.

Mr. James: Justin James. I live at 4905 Euclid Road. I went around door-to-door, and about 9 out of 10 houses opposed this petition. Would y'all like to see that?

Ms. Alcock: If you want to, bring it over here.

Mr. James: I didn't have time to walk around because I work 78 hours a week. I lived there 15 years. I have no opposition to her building a normal house there, but most people in our neighborhood are elderly or whatever. So, what else do I want to say? Basically, I do contracting for a living and anything three stories is really hard to maintenance. With the lot being as small

as it is, you have to put a ladder in someone else's yard just to work on it. And there's a lot of traffic on our road and it's a beautiful neighborhood that's, you know, just little houses. I have a bigger house, but, and just like I said, I out of 34 doors, or out of 40 doors I knocked on, 34 opposed it. So, if I had time and got to go around the whole neighborhood, probably would have been, you know, a huge number. And everybody works, so a lot of people wanted to come, but they couldn't. So, I'm here on a lot of people's behalf.

Mr. Coston: Thank you.

Mr. James: That's about it.

Mr. Coston: Are there any questions?

Mr. James: Thank you for your time, sir.

Mr. Coston: Okay, you may be seated.

Mr. James: Thank you.

Mr. Coston: Chair would like to open the floor for discussion or motion. Excuse me. Where did the applicant go?

Ms. Verner: Yes, sir.

Mr. Coston: You may rebut.

Ms. Verner: Thanks for mentioning it. I spoke to Mr. Ed. In fact, we had a great conversation when I met him in the area. He's actually one of the residents that we had, again, great conversation. A couple of his concerns, sewer concern. As far as the homes, we've already worked with the city and planning. Each home will have their own water-sewer connection, and they will be connected to stormwater individually. There were no concerns that came up regarding any backups or anything like that.

Additionally, parking, he did mention about the neighbor next to him having three vehicles, another neighbor having five vehicles. We have provided with a garage and also two outdoor parking spaces. So, each home will have three spaces for parking. And again, safety, I will argue that it is will be safer the way the parking plan is set up as of now. He also mentioned three families on one lot. So, this the feasibility of that, and again, I think it's just being informed again back to the SGA 4 and the comprehensive plan, the feasibility of the three families on one lot, is we able to do that based on the density upwards.

So if we were building horizontally, then I could understand his concern. But we are building up so it allows us to safely and structurally sound build three stories going upwards. And additionally for the whole neighborhood, he mentioned as being a single-family dwelling primarily, I would actually agree with that assessment, however, this particular area where the lot is at is very diverse. Again, we have a mobile home lot, which is within 50 feet. We have two-story ranches, which

don't look similar when we talk about scale and height to other homes in the area. We have another single family with an extension that is two stories.

Mrs. Maureen and her family, they're great people, but they decided to do something different, and that's okay. So, this particular area, and within 300 feet of the property that we're proposing this development, there's also a parking lot and other industrial areas. So when we speak to just a single-family dwelling area, that's not exactly true when we consider this lot, this property, and the location.

Additionally, we had the other gentleman, I think he stepped out. I've never spoken with him before, but I appreciate his input. Again, I've engaged with many of the residents. So, I'm happy when they come up and address things so I can address their concerns. He mentioned single-family concerns, single-family community. That was one of his concerns. And then smaller homes. So, what I would say to that is, you know, a lot of those homes are smaller. They were built in the 1960s.

And since I've had a lot of public engagement, I will share that. One of the neighbors directly next door had a husband that was ill, and he passed away. And the challenge is that before he passed away, he wasn't feeling well. He was unable to navigate the kitchen because the area was too narrow. So, we've been able to come up with building standards that allows people to have more adaptability, flexibility, accessibility, where we can make doorways wider, we can make homes more energy efficient, more insulated. There's even another scenario, and this pain, the neighbor, like she was, you could see, you know, just the pain she felt of not being able to assist her husband.

Again, I shared with some of the neighbors how we can create ramps. That is an aging -- there are a lot of older senior citizens in that area. We can build ramps to help them. You know, there are some who have window air conditioning units. We can give them a mini split. So again, it can't, it really comes down to an education factor. Like, well, we're doing this. We want to do this with this property, but you can do it too. And we can help you live better and have better quality of life. So, is that something they're interested in doing? That's fine. But again, we just want to educate them on this specific project of what's going on with this specifically.

Mr. Coston: Thank you. Thank you. Are there any questions for our applicant? You may be seated. Then we'll open the floor for a motion or discussion.

Ms. Byler: Thank you, Chair Coston. So this is in District 4, the district that I represent. I'm very familiar with the road, and I've spent a lot of time working on the new comprehensive plan, As have my fellow commissioners, and many of you have been involved also. And I will say that we do try to compromise. We try to retain the character of established neighborhoods, but then we're also trying to move forward into the future. And, in particular Town Center, Cleveland Street, Euclid Road are part of a transition area. We all know that attainable housing is a real issue in Virginia Beach, especially, in my opinion, I can't back this up, but I feel it's especially a problem in Town Center, because to have affordable housing in an area where you could walk, bike, or Comfortably get to work at Town Center is going to be a real issue.

The prices of the homes over there. If this project, if this application was in the middle of this neighborhood in Arrowhead, I would feel 100% differently. But it is not in the middle. It is the very outskirt. It is not on a residential road. It's not on a 25 mile an hour road. It's on Euclid, which is highly trafficked by a lot of vehicles, and not just people going to and from their homes. It's 35 miles an hour and you've got shopping centers along there. Most of them are, I don't mean any disrespect, but they're aging shopping centers and they're going to need to be transitioned into something that's better use for the land planning of Virginia Beach. So, to take an empty lot and put homes for three new families at reasonable, attainable prices, to me is a good thing. If we don't approve this and she does a by-right build, we could lose all of the things that she's already offered. She's met and exceeded everything the city staff has asked in terms of the multi-use path out front and the fencing and everything else. So, for those reasons and others, I support the application and I make a motion that we approve it.

Ms. Hippen: Second. I would like to speak on that. Okay. So, in the informal session, I asked the question, what was the difference between this property and the next property we're going to talk about? Because essentially what it is, is there are two places where they're putting, as we called them in Philly, row homes. Okay. Right now, this property is bringing the city, not very much in the way of revenue. I was told that the difference between the two properties was that this one had some deficiencies in the standards that were required. Specifically, it's deficient 22 feet in lot width and two and a half feet in street line frontage.

The existing character of the neighborhood, I would like to agree with Commissioner Byler that where this is in that development is different if it were in the middle of the development. Because as I stood on the front of the property facing the street, I looked and I saw the trailer park. I looked and I saw commercial places, and homes that did not look alike. They were a single family, but they didn't all look alike. There were single-story homes, ranches. There were two-story homes and so on, and so forth. So, with that, looking at it that way, looking at the fact that we do need attainable housing, and this SGA recommends the Row Home style, I support this.

Mr. Coston: Any other comments? Commissioner Camp?

Mr. Camp: Thank you, Mr. Chair. I want to commend the applicant for the litany of things that have been cited, both in the staff report and verbally here. And in addition to that, I want to commend the applicant for understanding both the spirit of the Comprehensive plan, the SGA plan. As well as specific citations. Thank you for the homework you did on this, to try to say that your application fits into this vision for our city. I also want to commend you as an individual.

Many people hire council to come and present contentious and challenging proposals. You've stood here yourself and done this with advisors on your team, but to me, that is no small thing for a private individual. To come up, master these technical details, speak to them, field the questions that you don't necessarily know are coming. Same thing with the city staff. I have heard from staff on a number of departments about the way you interacted with them and attempting to accommodate their concerns. You are a most unusual, in a good way, applicant.

And thank you for coming to this commission so prepared and having done your homework. Now, all of that said, I do want to explain my vote. I've said many times that I look at certain key issues

on these applications, and in this particular case, the amount of a small lot that your proposal will be covering with pavement and with the homes, the normal standard for this type is 35% of the lot. Your project asks us to waive that and cover 66% of the lot. That's not a small deviation. In many occasions, I've looked at these and said, well, it's close, or there's a reason for it. There's a lake next to it, or some other doggone thing.

In this case, I can't find one of those reasons that would allow me to go from 35% coverage to 66%. I'm mindful of our stormwater problems. I'm mindful of the need for families and kids, the kind of people you want to attack to your homes, to have a yard to play in. And so, for that reason, I'm unable to vote for this particular application. But I didn't want to just push the button today and say no without saying all of the other things. And I really want to encourage you to take the idea for this home and put it on a slightly bigger lot somewhere else in our city. We need the kind of thing you're proposing. It just doesn't fit in this square. So please don't waste your investment in all this. Find that property and put it on it and do it again and again. Thank you very much.

Mr. Coston: Mr. Mauch.

Mr. Mauch: Just looking to get a little bit of clarification. I know she had referenced the comprehensive plan and how it fits in, and staff is recommending that it does not fit in. I was just looking to get that clarification for the page that she had cited and how that was incorporated within the staff report.

Mr. Coston: So, you want her to come back?

Mr. Mauch: No, I was looking for clarification from staff.

Ms. Alcock: Okay. So, I was trying to look and find the specific reference in terms of the page 154. I was not able to find that, so happy to get that from her, if necessary. In terms of what staff, our comprehensive planning staff has looked at with the Pembroke SGA plan, which is still adopted by reference in the Comp Plan, the central density study, that is a part of that plan. Specific to the site does not recommend any increase in density or changes from the current pattern of development. So, while the larger recommendations for the SGA would call for an increase in density specific to this site, you do not have those same recommendations.

Mr. Mauch: Okay. And then I know that affordability has been mentioned, and I may have missed it, but I didn't know what the affordability factor was based off of, or how the this is actually affordable housing. This is my real question. So if anybody up here has that, or if staff was provided with that, I'd like that information. I know that it was projected as or portrayed as affordable housing.

Ms. Warren: At this time, we do not know what the sales price would be, so it'd be hard to determine that.

Mr. Mauch: Okay, thank you.

Mr. Coston: But at this point, you can't sell them individually anyways, right?

Ms. Royster: Yeah, I think it's so individual. Yes, they could be condoed and sold.

Mr. Coston: So, you would have to rezone the property, right?

Ms. Royster: That's the ask.

Ms. Royster: Yes. Commissioner Plumlee.

Mr. Plumlee: Thank you very much, Mr. Chair., I think this is a very well thought out application in an area that has been shifting and not fully reaching, well, let's say it's exceeded. I've been driving down that road for 26 years, and this community has been what it is for that time. And I understand the pride that folks have with that neighborhood. It's tremendous to be able to have a place that you've resided for that length of time. But we have not just a housing problem. We have a housing crisis of ginormous proportions that we cannot deal with. In my district, District 6, we've had a tremendous number of these types of units. I'm not talking about a few. I'm talking about dozens, upon dozens of them.

And I will tell you, the property owners that were holding onto their land up to that point in time were paid very well in order to change to another use. It did not decrease the value of their homes to see new units constructed adjacent to them. It did not damage. I won't identify the person, but I was just talking to a city employee today that works here every day and cannot afford to live in our city. Lives with their family. So, their family is subsidizing the ability of this person to work for you. That's astounding. That is an astounding problem. And I'm not saying these three units are going to solve it. We have to break its back, somehow. This isn't the appropriate SGA. It is appropriate, in my view with the COMP plan. And I appreciate those who disagree with me, but I'm going to support it.

Mr. Coston: Any further discussion? Commissioner Anderson.

Mr. Anderson: Thank you. I've said this several times, 37 years ago, I bought my first house in Pocahontas Village. It was a great neighborhood. Loved the neighbors. The single-family houses, of course, as Commissioner Plumlee says, I traveled Euclid Road. I was on the opposite side of the neighborhood. Loved it. My only issue is the height, even though it does fall within the 35 feet height. It's not going to change my view, but I am worried about the height of the property. You know how tall they are going to be versus the single family around there. With that said, the other parts of the application outweigh the height, especially since it does meet the requirement. So, I will be in favor.

Mr. Coston: Are we ready for the vote?

Clerk: The vote is open. By a recorded vote of 8 to 3, items 5 and 6, Shakilah Verner, have been recommended for approval.

Vote Tally

Commission Member	AYE 8	NAY 3	ABS 0	ABSENT 0
Camp		X		

Cromwell		X		
Anderson	X			
Byler (Vice Chair)	X			
Schoonover	X			
Plumlee	X			
Hippen	X			
Cuellar	X			
Coston (Chair)	X			
Moorjani	X			
Mauch		X		

Proffers

Proffer 1

Upon development, the Property shall adhere to the site layout, parking configuration, building design, setbacks, dimensions, sidewalk, and landscaping as generally shown and described in the exhibit titled "Conceptual Site Plan for 4916 Euclid Road," dated December 18, 2025 prepared by CECS (the "Concept Plan"). This Concept Plan has been presented to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development, incorporated herein by reference.

Proffer 2

When the Property is developed, it will have no more than three (3) 3-Story residential units in one(1) single building, with each unit containing a minimum of 2,091 square feet of enclosed living area. The residential units labeled 1 through 3 as depicted on the Concept Plan shall have front-entry one (1) car garages and driveways. Each unit shall utilize quality architectural features, design elements, and exterior building materials substantially as depicted and described on the four (4) building renderings for 4916 Euclid Road dated 12/16/2025, which have been incorporated by reference into this proffer.

Proffer 3

In lieu of the 50% maximum lot coverage and the 20,000 sq ft minimum lot area in the A-18 zoning classification for multi-family dwellings pursuant to Section 602(d) of the Zoning Ordinance, (66%) lot coverage and 7,744 sq ft minimum lot area will be permitted to allow improvements depicted on the Concept Plan.

Proffer 4

Further conditions lawfully imposed by applicable development ordinances may be required by the Grantee during detailed site plan and/or subdivision review and administration of applicable City Codes by all cognizant City agencies and departments to meet all applicable City Code requirements.

Virginia Beach Planning Commission February 11, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #7 Atlantic East Builders, LLC
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Clerk: Our next item is Item 7, Atlantic East Builders, LLC.

Mr. Bourdon: Eddie Bourdon, Virginia Beach Attorney, representing Atlantic East Builders. Connor -- the principal of Atlantic East, is here this afternoon. The application involves two existing assembled parcels, one of which has a triplex on it and the other has a duplex on it. The triplex is a legally non-conforming use that's been on the property for decades and decades. It is adjacent to a B2 property on Shore Drive, which used to be the host of a gas station and for a number of years, has been the beautiful new Chesapeake Beach Fire Department. The properties directly adjacent to the north are two very similar lot and flag lot with duplexes on each, and then north of that are two additional lots, flag lots with duplexes and two more after that flag lot, regular lot with duplexes. The request is something that we've seen along Shore Drive for many, many, many decades.

Bob Scott used to, you know, be very proud of the fact that we get a lot of organic redevelopment, redevelopment that doesn't require a redevelopment housing authority, doesn't require taxpayer funding. And increases the desirability of the area, and in some cases increases the density substantially, in other cases modestly, in other cases marginally. And that's what this is. This is a request to, these two duplexes have, if they're not functionally obsolete, and at the end of their useful life, they're pretty darn close. This redevelopment of these two assembled parcels to create six units where there have been five for decades, and modern units that are attractive, units that will be certainly not a negative to the gateway to this community off of Greenwell Road that is principally single family and will remain single family, I believe for longer than most of us will be here.

And this doesn't change that dynamic really at all. The units each will have a garage, each will have two parking spaces, and there are also two guest parking spaces. The parcel is rezoning conditional A12 with proffers, proffered plan, everything. You've seen it. You've reviewed it. You've been advised by staff about it. There's, there are no deficiencies here. There's, you know, the property backs up to the on-ramp to Northhampton Boulevard. And it just doesn't, it doesn't have a negative effect on the on the adjacent properties. And having the fire station next door isn't a bad, isn't a bad deal, either. So the application has been recommended for approval. I'll kind of correct something, I met with the Chesapeake Beach Civic League in October on another application for Brickel, which you all heard a few months ago on Pleasure House Road, and at that hearing or that meeting, there was discussion that was entered into about this application as well.

At that point, there were some people who had some concerns about it, some good friends that are here today to express those concerns. November, I went to the meeting and presented. I didn't actually present this plan because it wasn't in final form. In November, I presented it. Again, it

wasn't quite in final form, but you wouldn't know the differences. One of them is a six-foot sidewalk, which I'll talk about. But at that meeting, there wasn't any real discussion. I just went through everything, gave them the plans, and had some good conversation with Pastor Rob afterwards. There were a lot of other things on the agenda, but I offered to come back after I went to them that night, after I went to the Bayfront Advisory Commission, which we went later that week, and then they endorsed it. We finalized the plans. I sent the plans to the Civic League and offered to come back again in January, and they didn't have a meeting in January, and so that's where we are.

So I didn't want, it kind of sounds like in the write-up, it says there were no objections. Well, there were no objections in November, and we didn't have another meeting, but the plan hasn't changed. There's no surprises here, and we've had conversations since then, but not at a Civic League meeting. These units will be somewhere price-wise mid-4 to mid-5 per unit, a huge increase. I mean, it's a not that other places aren't desirable, but it's certainly a desirable neighborhood, desirable area, but it's the kind of redevelopment that Virginia Beach is blessed to have a lot of and has for decades had a lot of, and that's the thing we don't want to lose sight of. We have issues sometimes, and I know a lot of people in this community very well, from back to high school, with how much density and what have you. But this to me, is not one of those. Because this is very reasonable, doesn't change dramatically that the character. And to the extent that it changes, it's a betterment, not a detriment. So, with that, be happy to answer any questions and appreciate the opportunity to respond after the other speakers.

Mr. Coston: Any questions?

Ms. Hippen: Hi, Mr. Bourdon. How are you doing?

Mr. Bourdon: How are you?

Ms. Hippen: I'm doing well. So you said these are going to go from 400k to 500K.

Mr. Bourdon: 400k to 500K, maybe a little above, depending upon the location.

Ms. Hippen: Okay. The reason why I ask is because we were just talking about attainable housing and so on and so forth. And the fact that we've got folks that, you know, we do need this. Don't get me wrong. We do need this. But the pricing, you're killing me, okay? And the reason, like I said last, for the lady on Euclid, my question was, what was the difference between this project and her project? Yours is going to be built on two separate lots. Hers is going to be built on one. Correct?

Mr. Bourdon: No, these lots will be combined into one property, and it will be a Condominium form of ownership. So each of the six units will have an individual owner occupied. We've proffered that they have to keep the garages as garages. You can't convert into living space and no short-term rentals. Of course, they're not allowed there at this point anyway, but the condition that's enforced by the condo association, there's no rentals for less than 30 days, which is the standard provision.

Ms. Hippen: Okay. You answered the other question.

Mr. Bourdon: I'm sorry, I didn't get into that, and I apologize. But yeah, these are for sale units that should be owner occupied.

Ms. Hippen: Thank you. You answered the other question.

Mr. Bourdon: Thank you.

Mr. Coston: Any other questions?

Mr. Bourdon: Thank you for the question.

Mr. Coston: Madam Clerk, do we have speakers?

Clerk: Yes, we do. Our first speaker is Reverend Rob Edwards, followed by Matt Baumgarten. Thank you.

Mr. Edwards: Good afternoon. My name is Rob Edwards. I am here in my capacity as the pastor of the Bayside Christian Church, located directly across the street from the property in question at 2224 Greenwell Road. Over the past few weeks, I've spent several hours in conversation with representatives both from the Civic League and the council for the Applicant, and I understand that this may look simple on the surface. Yes, it brings needed improvement to property, and no one's questioning that what is there is perfect. It needs improvement.

However, I think the decision before you is much bigger than a nice plan on paper, and a whole lot more than just a fresh coat of paint or a nicely landscaped driveasiles. It's about the long-term sustainability and viability in our community. It takes away five units of affordable rental housing. Affordable is questionable. It's a HUD definition. It's got a problem. But it is supposedly affordable rental housing and replaces it with six units of unattainable, owner-occupied housing. So on the surface, there is a lot to commend it, and I want to cheer those things. But it may seem odd that I'm not fully on board in support. I'm also not fully against it. I would rather ask you to take a 50-year view backwards and forward, because the real issue here is upzoning.

Other than Vantage Apartments, which is accessed from Shore Drive, there have never been any properties on the east side of Northampton Boulevard with A zoning. Chicks Beach, historically on the east side, historically been single-family dwellings. First, single-family homes, beach cottages and bungalows, and, in recent years, some duplexes and townhouses that were owner-occupied. Granting A-12 zoning opens the door that cannot be closed. We have experienced that on the west side of the Chicks Beach neighborhood, with what came to this group as the Windsong redevelopment. If you look at the Pleasure House Road corridor between Shore Drive and the Old fire station now Commonwealth Brewing, you can see the kind of shift that can occur in a neighborhood once the door is open for this.

These things have a way of shifting, of creeping, of growing, in spite of succinct proffers and sincere promises. So what you decide today will shape the future of Chicks Beach for generations,

for ages, years to come. Inviting adjacent properties into the same highest and best use pressure put on them by opportunistic and sometimes predatory developers. So I'm asking you today to take the long look. Don't just weigh the best use of one parcel or redevelopment of it, but consider the highest and best use for the entire community. Thank you very much.

Mr. Coston: Thank you, sir. Are there any questions? Commissioner Plumlee?

Mr. Plumlee: Thank you, Mr. Chair. Pastor, what are the number of acres for the site where the church is located?

Mr. Edwards: I'm going to say, in the neighborhood of two acres, I don't know exactly.

Mr. Plumlee: How many parishioners, if you don't mind me asking?

Mr. Edwards: We have 21 active parishioners, but we do share our space with another parish. So there are two parishes meeting in our space.

Mr. Coston: Thank you very much.

Mr. Edwards: Thank you.

Mr. Coston: Any other questions? Thank you, sir. You may be seated.

Clerk: Our next speaker is Matt Baumgarten, followed by Kathy Damon.

Mr. Coston: Please state your name for the record.

Mr. Baumgarten: Matt Baumgarten. Good afternoon, Chairman Coston and members of the Planning Commission. My name is Matt Baumgarten. I've lived on Bayview Avenue in Chesapeake Beach for the past 20 years. I chair the Chesapeake Beach Civic League's Architectural Preservation and Zoning Committee. I am not speaking in support or opposition of this case, nor am I speaking on behalf of the Civic League. I just want to be clear. I'm here today to let you know that there seems to be a growing opposition towards this case at the beach. This may seem a bit last minute, which is why I came here today to explain why this has come about now.

Since July of last year, our focus in Chicks Beach has been on the 2421 Pleasure House Road. Rezoning of a single-family residence zoned R-7.5 to conditional A-18 and the 2453 Beaufort Avenue subdivision of a 1945 single-family residence, zoned R-7.5 into three lots. These two cases took a ton of attention and effort on behalf of the Civic League leadership and the members. Thanks to these efforts, as well as the willingness of the two developers to meet us in the middle, we were able to create a win-win solution for both sides. Speaking of sides, both of these projects were on the west side of Chicks Beach.

You see, Chicks Beach is really two distinct neighborhoods, created in the late 1950s by the construction of the Chesapeake Bay Bridge Tunnel. East-siders are different than west-siders.

Our one neighborhood has two very different and distinct characters. Restaurants, cottages, single-family homes make up the east side. Apartment complexes, both small and huge, fill the south end of the west side, while lakefront homes fill the north side. We first learned of the West Side case on Greenwell Road when Mr. Bourdon presented the case to the Civic League back in November of '25.

Not much discussion ensued around Chicks Beach afterwards, probably due to the holidays. And we had a change of leadership in our civic league, but now here we are, in February of '26, before you all. New information, new opinions, and a solid argument from some old-timers creates the question, is conditional A-12 good for the East side? Will it set a precedent for future A-12 or perhaps A-18 projects to be launched on the east side? Forcing increased density and traffic upon those residents.

Right now, what I'm hearing from some neighbors is that the leading suggestion/request is for this commission to keep the two properties, R-5R, and have the developer build new affordable duplexes. Our Civic League meets this coming Monday at Commonwealth Brewery at 7 p.m. And we'll be discussing the outcome of your decision here today. Thank you for your time.

Mr. Coston: Are there any questions from the commissioners? Thank you. You may be seated.

Clerk: Our next speaker is Kathy Damon, followed by Wally Damon.

Mr. Coston: Well, please state your names for the record.

Ms. Damon: Yes, my name is Kathy Damon. I live at 2242 Greenwell Road. I've lived there for 38 years. My comments are, I feel there's no need to rezone, which is currently five units. I think we should keep the R-5R, the duplex possibility, and instead of six units, keep four units. It would eliminate a lot of construction costs for the builder, and it would also allow them to obtain higher rents than are possible now. Again, just like we've heard before, rezoning leads to precedent set with many properties as you come into the neighborhood, that could change the neighborhood character. And we do have a significant lot size right behind our house of six acres that would be subject to rezoning, if you all were to consider it, which would add possibly a huge explosion of density. And it was broached to the Civic League years ago that this six acre lot be allowed to be developed into apartments by Breeden Company. It was proposed and opposed by our Civic League. Thank you.

Mr. Damon: Hello, everybody. I'm Wally Damon. I used to sit on the BAC with one or two of you. My wife and I live at 2242 Greenwell Road, just north, by about 400 feet of this project here. On the other side of Greenwell, we live in where the second driveway is, in the second mailbox on the right. This proposed things on the first one on the left. I am against the zoning change. I'm against any zoning change in Chesapeake Beach because none of it does us any good whatsoever. We need your help. We need some help holding on to some of our homes that we have. We don't have any attached homes on Greenwell Road at all. Not one. We don't have anything like that they were proposing right now. We live on the right side.

And the second home, the first home has one driveway, one home. The second driveway has one driveway, our home. The third one, one driveway, one home. The fourth one, the fifth one, the sixth one. The stuff on the other side is we have to, you know, pull out and drive with those people. Way too many houses on the other side. No one here has spoken about blocking the box where the fire department is. People go down and block the box all the time in front of the fire department. And those that don't block the box and sit back, they get passed by people who live in Baylake Pines or down by the bay. And if you sit there, you're going to get in a rear-end. I've seen one rear-end collision, okay?

But it's going to happen worse and worse. And on this one driveway, they're going to have available 24 cars? Is that right? This is wrong to treat us like this. We need your help. Chesapeake Beach and the Northampton Boulevard and Shore Drive Exchange, whoever is sitting on this planning commission for the next 10 or 15 years, you're going to be going through a whole lot of not being able to understand what's going on. There is so much going on that we need your help with, especially something like this. This is going to do nothing but add to the chaos that we have in Chesapeake Beach, Thorndike Court, Paragon Court, Wood Beach Landing, they're all on the left-hand side. They're all detached homes. If these, if this was detached homes that were being built, I'd say, go ahead and go for it. But we got way too much going on. We need your help, ladies and gentlemen, in Chesapeake Beach. And that's about the most I can say right there. My background is construction management, by the way.

Mr. Coston: Any questions from the commissioners? Thank you.

Mr. Damon: You're welcome.

Clerk: Our final speaker is Julie Ankles.

Mr. Coston: So that was the last speaker, then?

Clerk: Correct.

Mr. Bourdon: Mr. Chairman, First of all, I want to thank both Pastor Rob and Matt, and Kathy and Wally, who Kathy and Wally have known for close to 50 years. A couple of things. The existing units that are there, five of them, they managed to get their cars in and out for as long as the fire station's been there, and I'm also fairly certain that the fire department now has a technology that if they get a call and they have to dispatch, they turn the light green to get the traffic off of Greenwell Road. Because they have that technology today, so I don't know to what degree that box that was put down when they first built the fire station is crucial. And one more unit is what we're talking about. These will be attainable for ownership purposes, but again, it's location, the first and third and second rule in real estate.

The idea that a functionally obsolete, it's not going to be a situation where what's there now is going to do anything other than calling it affordable. It's not. Also, the kind of place you want people to live, and our job should be to both provide. As with the Concord Apartments, 100% affordable off Northampton Boulevard, a few miles west of here. That's where we have to do the affordable rental. But in terms of purchasing a home this close to Chesapeake Beach, that's what

this is. It's attainable and it's long-lasting. It's, they maintain, it's not individuals maintaining, it's a condo association maintaining everything. So it's a great neighbor.

This piece of property is the most deserving of an upzoning. It's adjacent to B-2, close to Shore Drive, and the on-ramp to Northampton Boulevard. As you get further into the neighborhood, it's all single family for the most part, if not, except for the ones that are adjacent to the north that I went through in the application. So I would assert that this sets the right precedent. Because nothing can be A-18 or A-24, any of those things, because those are going to be in the middle of a neighborhood. Unlike Pleasure House Road, which had A-18 and A-24 zoning all the way back in the late 60s and 70s, and that's 50, 60 years ago.

So I do understand that the one rezoning for the Windsong apartments was a big problem for folks in that area, and I'm certainly not here to argue that they're wrong in that. This is a long way from that, a mile and a half away from that, and 100 miles in terms of what it actually is. But I'm going to finish with one thing that I know everybody here will agree upon. We all were not aware of this active transportation plan. And the Active Transportation Plan recommendation or requirement of a 12-foot slip lane from Shore Drive to Chesapeake Beach on Greenwell Road.

Basically, a third lane of traffic, somehow that was going to be put on everybody's property who lived on Greenwell Road, on one side or the other. Because this one's on the west side. When you get up to the bridge tunnel, you can't even, there's no room for it. So it would be on the other side and have to take people's property and pave a 12-foot. They were nice enough in Parks and Rec to say that 11-foot would be okay. Pleasure House Road has brand new CIP, six-foot sidewalks. You know, I don't know where that came from. I don't think anybody in Chesapeake Beach or on Greenwell Road knows anything about that. And when it came as a comment on this application, I was flabbergasted. So anyway, we've got a six-foot sidewalk. Same thing, this will be on both sides of brand-new Pleasure House Road when that CIP is finished. I'm happy to answer any questions.

Mr. Coston: Commissioner Plumlee?

Mr. Plumlee: Mr. Bourdon, Mr. Baumgarten raised the issue of whether or not the neighborhood has been made aware sufficiently of this plan and been given an opportunity to weigh in, I'd like you to address that.

Mr. Bourdon: I didn't hear that, but maybe that was the intent. I didn't hear Matt say that. This was discussed, as I said, in the October meeting of the Civic League, the first time when I was there to discuss the Brikel application on Pleasure House Road, similar A-12 rezoning. But at the time, there was some interpretation issues as to whether it was A-12 or A-18, and that applied to this piece of property as well. So, but it was discussed, even though it wasn't, you know, I didn't have the plans for it. It was a part of the conversation and it was a long conversation. I went back in in November and provided the plans and but again, that was a busy agenda. They were nice enough to accommodate me.

And so I put all the information out there for everyone. And it was, you know, but they had to move along. So there wasn't a lot of feedback. We had some conversation afterwards, like I said,

with Pastor Rob. After the Bayfront Advisory in December, we sent the final plans late December, early January. I thought it was late December and requested if they if they wanted, because in November I said I'll be happy to come back if the chance, if the plans change, or just come back on another meeting. And made that offer and submitted the final version of the plans. And the response was, you know, we don't have a meeting in January. So that, and that's where we are here today. Anyway, I don't really know what that's. I think everyone is aware of it in the community. And if that, if that's something that somebody wants to do, I guess we can go back and talk some more.

Mr. Plumlee: But one follow up, sir, had there been consideration for duplex development as opposed to the current? And whether it would be compatible with these lots and how it would be configured?

Mr. Bourdon: Well, the simple problem is economics. I mean, if you want to have -- I don't want to disparage anybody or anything, but you have to purchase five units that people are renting them, and then they're paying a good amount of rent and having to do that. And then to do all the things that none of that stuff meet the current code. So now we have what I think most of you have heard this before, you know, to get a plan approved and to meet today's requirements for stormwater, everything we're requiring, put a six foot wide sidewalk in, et cetera, et cetera. 24 to 25% of the cost is regulation and dealing with all of the process. That has to be done. So we, and things like the Active Transportation Plan, slip lane, are things that just cause people to have to spend more time and more money to get to the point they can actually build something.

So it just isn't feasible, is the reality. You know, you're going to wind up maintaining these older duplexes for, triplex and duplex for another, you know, 10 or 12 years. And at. And the longer it goes, the more likely what they're concerned about becomes a reality, is that you get higher density. Because we don't have a redevelopment housing authority, so how are we going to get there? And the way we've done it in the past for a long, long time is marginal, especially in properties like this that are somewhat compromised because of the location. Once you get, you know, a few hundred yards off of a short drive back on Greenwell Road, you know, you're in good shape.

And that's why slip lane is not going to ever happen, in my opinion. But it's just economics. You can't make the numbers work because of all the cost involved in redeveloping. And they're substantial. It's not a greenfield redevelopment. We've got to tear everything down. There may be some asbestos in. I'm sure there probably is in some of the siding. So there's a lot of issues at the cost. And that's why most of the time you see this is a rarity to come in and ask for one more unit to do a new redevelopment.

Ms. Hippen: I would like to speak dollars and cents. A 30-year fixed mortgage at $450,000, if you get a 6.5% or 7% mortgage, the payment, just principal and interest, is going to be $2,800 or $3,000 in that neighborhood. If a person is making $20 an hour, their gross income is going to be $3,200 a month. If they're making $30 an hour, their gross income is going to be $4,800. A house payment adds taxes, insurance, and in this case, it would add condo fees. I make the statement to pitch for attainable housing.

Mr. Bourdon: I'll just simply say that it doesn't change your point at all, is that most purchasers, younger purchasers, this is what they might be able to afford if they have worked hard and saved their money and have a significant down payment that they can make. Or they have a parent or someone who will give them a second mortgage at a lower interest rate. Because that's this still, in this marketplace, in that area, that's, I mean, you move further down Greenwell Road, and again, unless it's a tear down or rebuild or something like that, it's even higher. So, I mean, it's all relative, but your point is well taken.

Mr. Coston: Any more questions? Thank you, sir.

Mr. Bourdon: Thank you.

Mr. Coston: So we'll open the floor for discussion or motion. Commissioner Schoonover.

Ms. Schoonover: I move that we approve the project.

Mr. Coston: It has been moved by Commissioner Schoonover that we approve. Is there a second?

Ms. Moorjani: Second.

Mr. Coston: Okay, it's been second by Commissioner Moorjani. We ready for the vote? Oh, some more discussion down there.

Mr. Camp: Yes, discussion.

Mr. Coston: Yes, sir.

Mr. Camp: Alright, a couple of items here that there was discussion during the prior agenda item about how these two differed. I'd like to point out that this particular site is three times larger in square footage than the one that we were talking about previously. Now, yes, there were three units proposed on that one and six on this. But the way that the math works out, there's a lot more room to do this kind of thing. And so if it turns out that I vote for this, I want to explain that I'm being consistent. When I look at this piece of Greenwell Road and this particular site, we are one parcel off of Shore Drive, an extraordinarily busy road.

The parcel in between is a fire station. It's not a quiet, bucolic kind of use there. On the other side of the street, it's been testimony, and it's on the maps, that you have a church occupying several acres. There are a couple of legacy single-family homes with lots of acres. If not this parcel, I have no doubt that at some point in the not terribly distant future, there will be other large parcels coming up on Greenwell Road that people may have ideas what to do about. For that reason, I don't believe that this particular parcel is the be-all and end-all of setting precedent. That, yes, it may be the first on this side of the Bay Bridge Tunnel, but it's going to come anyway when I look at the map. We know the churches and their lands are changing throughout our city, and not just the churches.

The other thing that I will say here is there was a side discussion about one of our city's 40 subsidiary plans that support the comprehensive plan, each of which takes a specific functional idea, if it's urban forest canopy, or it's people moving around without cars, or its strategic growth areas, all of these different ideas that there just isn't room in the comp plan to really detail out. And so they have their own plan. And those plans go through public thought and discussion for years before they're finally incorporated. And together, this whole fabric knits the quilt of how we might see our city someday. To say that those are just regulations that get in the way of building things, I think, disparages the very intentional planning idea that the people of this city have a say, so, not just in yes or no, but in how, in why, in many other aspects of the character of the city we live in. And I'm not going to get into it about a particular side path or sidewalk here. It's a different matter. But I will stand up very much for these plans that so many people in this city have felt are important to their way of life. And that our planning staff is charged with thinking about and integrating into these decisions. They're not just regulations. Thank you.

Mr. Coston: Any more discussion? Commissioner Mauch?

Mr. Mauch: It was stated that there's no A-12 zoning on the east side of Northampton. Can I get clarification from staff? Is that the case, or is there a –

Mr. Coston: What was your question?

Ms. Bookholt: There is A-12 zoning directly behind the church on this side of Northampton. Looks about a two acre plus or minus property, A-12 directly behind the church.

Mr. Mauch: And I also want to speak to the affordable housing. I think we are blessed and cursed in the same breath because we live in a desirable area, which makes it difficult to provide affordable housing or attainable housing to everybody, everywhere. I think that the free market society kind of dictates what the prices are in certain areas, because it's more desirable than others. And I have a difficult time trying to put my thumbprint on something and saying, just because it's market rate, it doesn't fit what is needed. Also, the discussion about attainable and affordable is real, and we need to have that, but we're in a desirable area. And, realistically, housing is a crisis in Virginia Beach. With the vacancy rate that we have, it's extremely low. So housing in general is a crisis here. It's where do we put it and how much in one area. I think that's the main thing.

Mr. Coston: Any more discussion? It has been moved by Commissioner Schoonover, seconded by Commissioner Moorjani, that we approve this item. Are we ready for the vote?

Clerk: The vote is open. By a recorded vote of 11 to 0, Item 7, Atlantic East Builders, LLC, has been recommended for approval.

Mr. Bourdon: Thank you all for your time, and I hope all the ladies have a wonderful Valentine's Day.

Vote Tally

Commission Member	AYE 11	NAY 0	ABS 0	ABSENT 0
Camp	X			
Cromwell	X			
Anderson	X			
Byler (Vice Chair)	X			
Schoonover	X			
Plumlee	X			
Hippen	X			
Cuellar	X			
Coston (Chair)	X			
Moorjani	X			
Mauch	X			

Proffers

Proffer 1

When the Property is redeveloped, it shall be improved with six (6) residential townhome condominium units with fencing, landscaping, access and parking substantially as shown on the two (2) exhibits entitled "GREENWELL RESIDENTIAL CONCEPT 2221 & 2223 GREENWELL ROAD, VIRGINIA BEACH-REZONING EXHIBIT", dated 06/30/2025, REV, DATE: DEC. 31, 2025, and "GREENWELL RESIDENTIAL CONCEPT 2221 & 2223 GREENWELL ROAD, VIRGINIA BEACH-REZONING EXHIBIT - LANDSCAPE PLAN", dated 6-30-2025, REV. DATE: DEC. 31, 2025, prepared by WPL, which have been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development and are incorporated herein by this reference (hereinafter "Concept Plan" and "Landscape Plan").

Proffer 2

The architectural design and features along with the exterior building materials and colors of the buildings depicted on the Concept Plan will be as depicted, designated and described on the exhibits entitled, "TRI~PLEX @ GREENWELL RD. EXTERIOR ELEVATIONS", Sheet P4 and Sheet P5 dated July 1, 2025, prepared by Mayfield Designs, Inc., and "RENDERING - TRIPLEX@ GREENWELL RD.", dated June 30, 2025, which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning and Community Development and are incorporated herein by this reference (the "Elevations" and "Rendering").

Proffer 3

When the Property is developed, the party of the first part shall record a Declaration submitting the Property to the Condominium Act of the Commonwealth of Virginia which shall include restrictions prohibiting the rental of any unit for a term of less than thirty (30) days and prohibiting the conversion and use of any garage within a unit from vehicular parking or storage space to living area. The Condominium Unit Owners' Association shall be responsible for maintaining all open spaces, common areas, landscaping and other improvements on the

Property as depicted on the Concept Plan. Membership, by all residential unit owners, in the Condominium Association shall be mandatory.

Proffer 4

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

Virginia Beach Planning Commission February 11, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Items #8 & 9 South Rosemont Storage, LLC
Recommendation: RECOMMENDED FOR 30-DAY WITHDRAWAL

Discussion

Mr. Coston: The next business for consideration is a request to withdraw or defer any items. Are there any items to be withdrawn? Are there any items to be deferred?

Mr. Bourdon: Good afternoon, Mr. Chairman, members of the Commission, Eddie Bourdon, Virginia Beach Attorney, representing South Rosemont Storage, LLC, on cases eight and nine. We all need a 30-day deferral on that, as was just advised by Ric Lowman, that there will need to be a same right-of-way reservation on the front of the property that will affect the layout of the proffered plan. I would thank Commissioner Camp for being at a meeting on Friday that that came up. And also, I want to thank Ric for jumping in and getting the information from Mr. Jarman. And lastly, Marchelle, because she picked this case up back in January, when Hayes left in December for a new assignment, new job. So, it came, it came to her when something like this should have been figured out a lot sooner than that, so, but we're good. We'll be back next month, please. Thank you.

Mr. Plumlee: Mr. Chair. I move to defer items eight and nine for 30 days.

Mr. Camp: Second.

Mr. Coston: It has been moved by Commissioner Plumlee and seconded by Commissioner Camp, that these two items be deferred.

Clerk: The vote is open. By a vote of 11 to 0, items 8 and 9 have been recommended for 30-day deferral.

Vote Tally

Commission Member	AYE 11	NAY 0	ABS 0	ABSENT 0
Camp	X			
Cromwell	X			
Anderson	X			
Byler (Vice Chair)	X			
Schoonover	X			
Plumlee	X			
Hippen	X			
Cuellar	X			
Coston (Chair)	X			
Moorjani	X			
Mauch	X			

Virginia Beach Planning Commission February 11, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #10 MTSF, Inc.
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: Thank you. The next item on the consent agenda is item 10, and that is MTSF Incorporated. Is there a representative here today to speak on this item? Welcome. Please state your name for the record.

Mr. Schmidt: Mr. Chair, Madam Vice Chair, my name is Greg Schmidt with Kimley Horn. I'm the agent on behalf of the applicant. I believe, you know, there has been some discussion related to condition number five. And I believe there may be a modified condition that will be read following this.

Ms. Byler: Are all of the conditions acceptable to you?

Mr. Schmidt: Other than condition number five is currently written. That's correct.

Ms. Byler: Mr. Chair, there seems to be a dispute whether or not the conditions are acceptable. Should this matter be removed so that it can be heard?

Mr. Coston: Yes.

Ms. Byler: We will remove this from the consent agenda and it will be that.

Mr. Plumlee: I think it may be a misunderstanding.

Ms. Alcock: Yeah, if I can make a quick point of clarification, what, Mr. Schmidt is referencing are the conditions, the modified conditions that were discussed during informal, which specified no bulk storage within 200 feet of that northwest or northeast corner of the site. No bulk storage within 15 feet of the perimeter fencing and that the material shall not be stacked higher than 15 feet.

Mr. Schmidt: Those conditions are acceptable.

Ms. Byler: Seeing that all conditions are acceptable, thank you. You may be seated.

Mr. Schmidt: Thank you.

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

Mr. Anderson: Thank you, Madam Vice Chair. The applicant, MTSF Incorporated at 207 Parker Lane at the site. Shall be developed in substantial conformance to the conceptual site layout entitled Proposed Bulk Storage Yard, dated 12-1-2025, Prepared by Kimley Horn, which has been exhibited in the Virginia Beach City Council and is on file in the Department of Planning and Community Development. Noting that the conceptual plan shall be updated to prohibit outdoor storage within 200 feet of the northeast corner of the property and within 15 feet of any other perimeter fencing. The entrance gate to the site shall consist of a seven foot tall chain link with three strand barbed wire and screen with a dark-colored mesh. The mesh on the entrance gate shall be installed and maintained in good condition. Free of holes, tears, and fraying, for the duration of the use of the site as a bulk storage yard. All outdoor lights shall comply with the following, shall be shielded to direct light and glare into the premises. Said lighting and glare shall be deflected, shaded, and focused away from all adjoining property. The outdoor storage materials shall not be stacked higher than 15 feet in the required category. Six screening surrounding the bulk storage shall be installed and maintained for the duration of the use of the site of the bulk storage. For that reason and approval from the client, I'll put it on the consent agenda.

Ms. Byler: Thank you, Commissioner Anderson.

(The following dialogue reflects the discussion to approve the minutes as a part of the consent agenda in its entirety, which may not have directly followed the above discussion in this document)

Ms. Byler: Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda. Agenda Item 1, 4, 10, 13, 15, 16, 17, and 18, plus the records of the minutes.

Mr. Coston: Thank you. Do I have a motion to approve by consent, as read by the vice chair?

Mr. Plumlee: Moved by consent.

Mr. Hippen: Second.

Mr. Coston: It has been moved by Commissioner Plumlee and seconded by Commissioner Hippen that these items be accepted. Is there anyone abstaining on any of the items on this consent agenda??

Mr. Plumlee: Excuse me, I am abstaining with the number of commissioners on the visit in February. Otherwise, I've got no abstention from any application.

Ms. Hippen: And I am abstaining from the site visit in February.

Ms. Byler: Yep, the same.

Mr. Coston: Thank you, same. So we've had the motions made first and seconded. Madam Clerk, we're ready for the vote.

Clerk: The vote is open. By a recorded vote of 11 to 0, with all aforementioned abstentions, all aforementioned minutes, and items 1, 4, 10, 13, 15, 16, 17, and 18 have been recommended for approval by consent.

Mr. Coston: Thank you. If you had an application that was on the consent agenda, your request will now be scheduled for an upcoming city council meeting. Staff will contact you about the date. For those applicants on the consent agenda, thank you for your participation, and you may remain in the meeting either virtually or in person, but you are free to leave.

Vote Tally

Commission Member	AYE 11	NAY 0	ABS 0	ABSENT 0
Camp	X			
Cromwell	X			
Anderson	X			
Byler (Vice Chair)	X			
Schoonover	X			
Plumlee	X			
Hippen	X			
Cuellar	X			
Coston (Chair)	X			
Moorjani	X			
Mauch	X			

Conditions

1. The site shall be developed in substantial conformance to the conceptual site layout entitled, “Proposed Bulk Storage Yard”, dated 12/01/2025, prepared by Kimley Horn, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.

2. The entrance gate to the site shall consist of a seven-foot-tall chain link with three strand barbed wire and screen with a dark colored mesh.

3. The mesh on the entrance gate shall be installed and maintained in good condition, free of holes, tears, and fraying, for the duration of the use of the site as a Bulk Storage Yard.

4. All outdoor lights shall comply with the following:

    a. Shall be shielded to direct light and glare onto the premises, said lighting and glare shall be deflected, shaded, and focused away from all adjoining property.

    b. Lighting fixtures shall not be erected any higher than fourteen (14) feet.

5. The outdoor storage materials shall not be stacked higher than the fence.

6. The required Category VI screening surrounding the Bulk Storage Yard shall be installed and maintained for the duration of the use of the site as a Bulk Storage Yard.

7. The hours of operation shall be from 7:00 a.m. to 7:00 p.m., Monday through Saturday.

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

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

Virginia Beach Planning Commission February 11, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #11 Oceana Development LLC
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Clerk: Our next item is Item 11, Oceana Development, LLC.

Mr. Schmidt: Mr. Chair, Madam Vice Chair, members of the Commission, good to see you again. My name is Greg Schmidt, again with Kimley-Horn. We are the agent on behalf of the applicant for a conditional use permit for outdoor storage yard or bulk storage yard. This site is located in the Oceana East Industrial Park, off of Progress Lane. It has been zoned I-1 since 2010. We were here no more than 30 days ago. We have since worked, yeah, there's the plan, we have since worked to try to address some of the concerns that were brought up in the previous hearing. Most notably, I want to break this site into kind of two discussion points. What you see where the building is located in the parking is a by-right use in the I-1 zoning district.

What we are asking for the conditional use permit for is for the bulk storage yard. Now, these two things could be separated, and we could have come forth for the bulk storage yard by itself. I'm a local engineer, resident of Virginia Beach, the developer, the property owner, are local to Virginia Beach. We want to be transparent in what we are presenting today. So we showed the whole package for what's needed to facilitate the entire development. And where much of the conversation had gone in our prior presentation at Planning Commission was to focus on that by-right use. And we acknowledge that there could be a potential impact to adjacent residences.

We've worked hard to provide enhanced landscaping along that proximal parking lot and since last meeting, we've added the double row of evergreen shrubs. We've added an eight foot tall privacy fence along the neighbors that are most near the parking lot and the building. And we've actually provided only, you know, five additional feet of buffer area along that area, and that helps us to facilitate that enhanced landscape buffer. Everything else that is shown in the lime green color is going to be preserved. We are not impacting that. We are not cutting down trees in that area.

Everything will remain in its natural, mature, vegetated state. So to go to the outdoor storage yard, when this rezoning came through, there were proffers, and that's noted in the staff report. When the property was originally rezoned I-1, there was a 100-foot buffer requirement from the Nottingham Estates neighborhood. We are providing more than double that to the outdoor storage yard. And that more than double of that is comprised of wetland area, floodplain area, and resource protection area, all of which, again, is to be preserved. So, in lieu of the 100-foot requirement that was in the proffers for the rezoning, we're providing a minimum of 200 feet, and that 200 feet actually goes up to around 280 feet at the largest point. There was also a lot of discussion around the rear of the building.

We've since adjusted the fence line at the rear of the building, where the outdoor storage yard is located on that bottom right corner of the structure. That allows access direct to the warehousing portion to the storage yard,so folks wouldn't have to go outside that gate. They could operate with inside the bulk storage yard and get into and out of the building from that side. So, you know, I know we're here today to talk about land use, and I had mentioned this previously. The site is in an industrial park. It is zoned I-1. It is in the APZ-2 zone, and the AICUZ is greater than 75 dB. I can't think of another use in this district, with those constraints, that would be more applicable, and I do feel that with the intentionality around design and locating what we are asking the conditional use for, to be far from the residences and maintaining that mature vegetated buffer, that there would be another use that's more compatible in this district for this particular property. With that, I'll stand by for questions.

Mr. Coston: Commissioner Hippen.

Ms. Hippen: How you doing?

Mr. Schmidt: How you doing?

Ms. Hippen: So we're glad to see you, too. Okay. So as we're looking at this picture, that's up, the lower left side, are you still going to be pulling vehicles around on that side? That was the question that I asked about last time. I know you remember.

Mr. Schmidt: That's right. And what I have to tell you in in front of the public, in front of the commission here is it is possible and likely that yes, there will be vehicles maneuvering behind the building. The nexus of why we have that rear drive aisle is a requirement of the Fire Department to have access to the rear of the building.

Ms. Hippen: Okay, and I remember that that's for fire access, but are you going to be using it for other than emergency access? Because that's what residents spoke about when we last talked.

Mr. Schmidt: Yes, we will be using it. And in a by-right scenario, we could use that as well. So it is not unique to the outdoor storage yard. It is what is permitted in the I-1 zoning district for this particular property.

Ms. Hippen: Okay, thank you.

Mr. Coston: Commissioner Camp?

Mr. Camp: Hi, thanks for being back. Help me reconcile what I think I heard during your initial presentation when you're talking about the lay down yard, the bulk storage yard. Did I hear you say that with adjustments to the fencing and gates, that now you can access the back of the building through the lay down yard? And do I understand that to mean that might be the way you choose to direct traffic as the preferred route?

Mr. Schmidt: So, to be abundantly clear, if you look at that bottom right-hand corner of the building, there is an overhead door.

Mr. Camp: Yes, sir.

Mr. Schmidt: That overhead door was previously located outside of the outdoor storage yard.

Mr. Camp: Yes.

Mr. Schmidt: We've pulled that overhead door into the outdoor storage yard so that access can occur within the outdoor storage yard without having to use the back as much as possible.

Mr. Camp: Thank you. I appreciate that explanation as well as the modification, which is responsive to some of the concerns that we previously heard. My question remains at the center rear of the building. You have another point of entry into the building, correct?

Mr. Schmidt: That's correct.

Mr. Camp: And is that where you had, I believe, said last time that box trucks or such deliveries for parts into your operations might arrive. Would those primarily be directed around, as we see it depicted here, the left side of the building to get there, or would those primarily be directed through the lay down yard on the right side of the building to get there?

Mr. Schmidt: The operations of the facility, the reason that we have an overhead door on the side and an overhead door on the back is we want to limit the amount of U-turns of equipment that are happening inside the building. So similar to a site, we have to have some circulation through the building. As I had stated last time, the rear of the building is not designed to permit or allow, you cannot fit a semi-truck back there, but it is possible, and again, I have to be honest and transparent here, it is possible that a box truck could maneuver from left to right, or right to left.

Mr. Camp: Alright, the reason that I'm asking is if the applicant was primarily directing the truck flow around the right side of the building, you're further away from the houses. If you're suggesting that, well, it could go either, they're both available, trucks will go whichever way they find it convenient, well, it's less protective to those houses. That's what I'm trying to elicit here.

Mr. Schmidt: Yeah, understood. I think, you know, to your point, Commissioner Camp, it would be the preference that most of that truck traffic is entering on the two gates along the shared access road with the existing industrial use, because we have that direct access to that overhead door within the yard.

Mr. Camp: Thank you.

Mr. Coston: Any further discussion? Any speakers?

Clerk: Our first speaker is Marion Dorn, followed by Jorge Flores. Marion Dorn, followed by Jorge Flores. Okay, our next speaker is Jorge Flores, followed by Heather Cook.

Mr. Flores: Good afternoon, my name is Jorge Flores. I live in the Evergreens. First of all, I'd like to apologize for last, our last visit was a little emotional. I'm a retired Navy, so although in the Navy I learned how to adjust to changes, it is a little bit different to accept any changes on a home. So I was not prepared for that. When the speaker mentioned about our community being on the industrial home, it kind of triggered, because although they're the one who build our community. But one of the things that I wanna talk about is that our concerns are the 25 foot buffer that they were talking about, right?, so if they, like I said before, if they, if they do remove those trees and they plant new, new trees.

I've been trying to plant trees on that on our property and they just don't stay unless they're pines. So if they put any other, any other vegetation in there, what? What's the plan? If that vegetation dies, who's going to replace it? I know he's talking about fences. We already have a fence. And a little more concerned now when I look at the picture. Because now it looks like our park, where all the kids from our community play, is gonna be exposed to that particular building. And although he said that they're not gonna use the back of the building as much as they want to, we already have an issues on the opposite side. When they have a landing area, just like the one they try to build on the right side. And you can hear machineries starting around five o'clock in the morning. And the other thing is the building, our concern is the corner of the building. Our neighbor Davis, which is in the back, her house is right there, on that corner. So if it's 25 feet from that front of her fence to that corner of that building. That means that the access that they're going to build around that building is going to be at least 15 feet. So that's going to leave her about 10 feet, which is going to expose her to that noise in there.

And I can almost guarantee that those trucks are going to go in that area because that's where the other parking lot is going to be. So because the other opposite is contingency, right? So they are more than likely going to use that parking lot. So she's going to have all the traffic in there. So that is one of those concerns that we have. I mean, I know we cannot request to move, we would like to get to move the building to the other side. They have huge area on the opposite side. I don't understand why they put it so close to our community. But we would request for the builder to leave the trees that are currently in there. Instead of knocking them down, because they're knocking them down, they're being exposed to everything. We already have that building all the way up in the top of the screen.

The lights from that building, we can actually see it on our screen. So when they do put the lights on her building, our neighbor Davis is going to be lit up. So more than likely, she's going to have to change the windows to put darker windows, because more than likely, during the night it's going to be very bright in there because those buildings have a bright light in there, so it's going to be lit up. But primary will be the concern will be the park, because that's where small kids play. And I do have had an incident on my house, although I've been in Navy. So most of the time we were not there. We had several people they were working on the other side, coming into my neighbors. I was in the back one time and one of the guys that were working in there crawled under the fence just to see what our property looks like. And I'm afraid that that's going to happen. The same thing is going to happen if that vegetation gets removed from the park. Now our kids, which we know, we have about five little girls that play in that area.

Mr. Coston: Excuse me, sir. Your time has expired. Do any of the commissioners have any questions?

Ms. Hippen: Sir, you said, how are you doing, shipmate?

Mr. Flores: Pretty good.

Ms. Hippen: Thank you. Okay, so you said something about noise at 5 a.m. in the morning?

Mr. Flores: Yes, ma'am. Opposite side is the same, right? Because the Miller group is gonna be building a different building on the opposite side. So they're gonna surround us with that. And they had a landing area in it. It's not the Miller group yet, because somebody else has it rented. And those people, they're moving machinery around 5 o'clock in the morning. Because of course, they gotta go pick up materials and to start work, and more than likely, the work starts up at 7. So they go pick up the material around 5 o'clock, and you can hear that noise in there.

Ms. Hippen: And the reason why I asked that is because it states in the report from the staff that the proposed hours of operation are 7:00 a.m. to 3:30 p.m.

Mr. Flores: They do not abide by that. 5 o'clock in the morning, they go pick it up, and it looks like somebody's building a lot. A couple times, I had to actually go look over the fence, see what they're doing. It looked like a building, something there, but it's not. They're just picking up material. So that's the same thing that's going to happen on the other side.

Ms. Hippen: Okay, thank you.

Mr. Coston: Commissioner Schoonover.

Ms. Schoonover: It was my understanding that they put the building on this side of the property to keep all of the more concerning activity away from the houses. That was my understanding. Is that, was that your understanding as well?

Mr. Flores: Where they place it at right now?

Ms. Schoonover: Yeah, it was my understanding that the activity, the majority of it that would be problematic is supposed to take place over in the space where they're talking and putting the storage yard. Was that your understanding as well? Because that was how it was explained to me.

Mr. Flores: No. Because our understanding is that's a contingency. It's going to be for a couple years, and then they're going to start using it.

Ms. Schoonover: Well, we're looking at the storage yard. That's the part we're doing. The other part is happening on its own. But what it was explained, I didn't know if this had been something you had explained to you, but I was told when we were asking about this that they thought the most activity would happen in the storage yard space, which is why they placed it farther away. Was that not your understanding?

Mr. Flores: No, that's not what we understood.

Ms. Schoonover: Had you spoken to them about it at all, out of curiosity?

Mr. Flores: No. I didn't even receive the actual form for this meeting today. One of my neighbors received it, and that's how I came. And the other, Stanley, which is right behind it, he just left because he had to go.

Mr. Coston: Commissioner Mauch.

Mr. Mauch: I just want to address one of the concerns that he had raised, and lighting was a concern.

Mr. Flores: Yes, yes, sir.

Mr. Mauch: I think that's understandable. One of their conditions is for all outdoor lighting. It shall comply with the following. It shall be shielded to direct light and glare onto the premises. Onto the premises, said lighting and glare shall be deflected, shaded and focused away from all adjoining properties. And lighting fixtures shall not be erected higher than 14 feet tall. I just wanted to let you know that they have taken, the staff has conditioned this to take that into consideration, so there wouldn't have to be alterations from the resident side.

Mr. Flores: I understand that, but like I said during the summer, like right now, you can I can actually see the other building and it's extremely bright and that is a lot farther than the new building, farther than the new building that they're gonna put in there. So during the summer, it's a little bit less because of the vegetation. But they cut the trees, and I'm pretty sure that those trees, whatever they plant, are not gonna grow. So we are gonna be living with that for a long, long time. And I don't know if somebody's gonna be replacing those trees until they take off or not, that was one of the questions that neighbors had. What is the plan to replace those trees in an event that they do die.

Mr. Coston: So, any further questions? Thank you.

Mr. Flores: Thank you for your time.

Mr. Coston: Excuse me. Wait a minute. Come back. Where is your house?

Mr. Flores: So I live right, I live, I live right across that, like at the middle, at the middle, yes, on the opposite side of the cul-de-sac.

Mr. Plumlee: On the other side?

Mr. Flores: Yes, and I see it from my house.

Mr. Coston: So you do not back up to the property? But your front of your house can see the lights from across the street?

Mr. Flores: Yes, yes, sir. So I can actually see the lights from my house.

Mr. Coston: Okay, thank you.

Clerk: The final speaker is Heather Cook.

Ms. Cook: Hi, good afternoon. My name is Heather Cook and I live in a home that is in Nottingham Estates, which backs up right to the bulk storage yard, proposed bulk storage yard at 464 Progress Lane. Our neighborhood was built in the 70s and has been a stable residential community for over 50 years. We're not a new development built next to industry and or a long-standing neighborhood that relies on the city's zoning standards to ensure reasonable separation between industrial uses and homes.

My primary concern is that key information is missing from this application. First, the applicant is requesting a deviation from the required screening along the northeast residential boundary. Instead of a solid privacy fence with landscaping, they're proposing chain link fencing and reliance on existing vegetation. Chain link fencing does not block views, reduce noise or shield lighting. If opaque screening is required by ordinance for bulk storage yards, that standard should not be waived where homes are directly impacted.

Second, the traffic analysis is incomplete. The report states there's no traffic count available and no trip generation data for lay down yards. The estimate of 42 daily trips appears based on the warehouse, not contractor yard operations. Without a formal traffic study, we don't know how many trucks will operate daily, what types of vehicles, or what peak hours impact may occur.

Third, the operational scope is unclear. The report lists possible materials, but says including, but not limited to. There are no defined limits on equipment type, outdoor repair activity, or stacking height in feet. Finally, there is no noise study and no photometric lighting plan demonstrating protection of adjacent homes. For these reasons, I respectfully request that the application be deferred until additional studies and clear protections for residential neighbors are provided. This is not opposition to economic growth. It is a request for responsible development that respects a 50-year-old neighborhood and upholds the standards already written into the ordinance. Thank you for your time.

Mr. Coston: Are there any questions of the speaker?

Ms. Hippen: So I read your statement before you started speaking, and I underlined a couple of things in the staff report. The bulk storage yard will be enclosed by Category VI screening that consists of a minimum six foot tall solid fence with Category I plantings. The place that they want to put the chain link fencing is, if you can see the picture, is where they preserve the natural habitat. And I just wanted to clarify that for you.

Ms. Cook: Yes, I did notice that. And I really appreciate how much that they're preserving beyond, I think, what the gentleman stated, beyond the 100 required. My concern, though, is what the other gentleman stated in that the upkeep of those trees are not guaranteed, right? We have aging forest and things like that. But also, given the season, or depending on the season, you're still going to have impact through those trees. I can see the same dormant building that's there now and the lighting that was referred to as well. So I think if there were some considerations for that also, along with the lighting and understanding what impacts that will play. I don't know if the Dorman building has the same type of lighting with the shielding going on, but if they do, it's definitely not helping. It shines straight through the trees.

Mr. Coston: When he comes back to rebut, I will ask him.

Ms. Cook: Okay, thank you.

Mr. Coston: Commissioner Camp.

Mr. Camp: Yes, ma'am. Please help me understand where your home is. I believe, I heard you say that your home is adjacent to the lay down storage yard, which is the gray area on the map that we're able to see and look at. I don't see any houses alongside that. So please help me here.

Ms. Cook: Oh yeah, for sure. You can't see from this particular image, but we are the neighborhood north of The Evergreens and the Bullock Trail, which is depicted here. So my property backs up to that green line, where the preservation is about, I think it's like 200 feet. Do you see where that retention pond is?

Mr. Camp: I do, ma'am. I now understand where you're talking about. Okay, thank you so much.

Mr. Coston: Any further questions? That was the last speaker.

Mr. Schmidt: Thank you all. And I do appreciate the residents providing feedback. I do want to be clear on one thing. We did send out door hangers on 20 of the adjacent property owners. I think four or five of them had reached out to provide feedback. And some of that feedback is what drove the reasons why we have things laid out the way they are. So if they weren't adjacent or a couple houses in, we didn't do the door hangers, but we did talk to a number of the folks that do butt up to the property line. Related to maintenance of landscaping, once if this is approved, that's an enforceable action. This plan has to be maintained by the property owner, by the tenant. We cannot allow plants to run fallow and to not upkeep with the buffer that is conditioned as part of this application. So that is something that is enforceable by the city.

Related to the lighting, as Commissioner Mauch had pointed out, that is something in a lighting photometric plan that is submitted at the site development plan phase is reviewed extensively by the Development Services Center and the Planning Department. So all the conditions that are laid out for lighting, that photometric study is done as part of that process and reviewed by city staff prior to allowing this site to move forward into construction. Related to the use, that's to the west, that is a manufacturing facility. So that is Dorman, is what the business that operates out of that

facility. That facility does at times operate 24 hours. As Commissioner Hippen had pointed out, our hours of operation are limited 7 to 3:30 for the outdoor storage yard.

So again, if that is being violated by the tenant, if this is to be approved, that is also an enforceable offense by the zoning department. So I just wanted to make some of those things clear. And I do apologize in the last hearing about confusing some of the residents related to my discussion on the APZ zone, so I do apologize for that. But, you know, I want to make one final thing abundantly clear. At this time, the applicant is the property owner and will be overseeing the maintenance, the operations of their facility. This is not a merchant developer that is building this and then selling it to somebody else. That's not part of this process. So I do want to make that clear, as I know that question had come up to some of the planning staff members from residents as well.

Ms. Hippen: So there was one more thing that the last speaker addressed, and that was -- and I see it in the recommended conditions. Outdoor storage materials shall not be stacked higher than the privacy fence or the chain link fence. I just wanted to highlight that for you.

Mr. Schmidt: Yes, ma'am. Thank you.

Mr. Coston: Ms. Schoonover?

Ms. Schoonover: I just want to clarify, since there seemed to be some confusion by people who were monitoring this project, it was my understanding that you all had chosen to put the building where you put it, for the benefit of the residents. Is that correct?

Mr. Schmidt: That's correct.

Ms. Schoonover: That was my understanding as well. And you are purely showing us that part of the project that is unrelated to our vote today for full transparency, correct?

Mr. Schmidt: That's correct.

Ms. Schoonover: And it was also my understanding that you tend to have very little, if any, activity in that lower level space which you've referred to in reference to the fire activity. You're expecting most of it to happen in the top, correct?

Mr. Schmidt: That's correct.

Mr. Schoonover: It's also my understanding that you intend for this to basically be someplace where we're going to kind of go periodically, pick things up, drop things off, and not, you know, things happening 24-7 in a very active way, more just pick up and drop off, right?

Mr. Schmidt: That's correct.

Mr. Coston: Vice Chair Byler has a question.

Ms. Byler: Thank you, sir. I think my question goes to staff. It's more procedural. And it's come up in other applications also, but I just want to know how we handle this. So I assume that once we vote and then staff turns over our recommendation to City Council, planning's out. So then city council does whatever city council does. And assuming that they approve something, then city council's out. Then my assumption is it goes to permits and inspections to oversee the construction and to make sure everything is done the way that we've all agreed it will be done, including fencing, lighting, buffers, plantings, etc. After that, I don't know that there's any enforcement in place. So then the neighbors feel like, well, these plants are going to die. Well, the lights are going to change. Well, it's going to be a continuous nightmare. You guys are out and we're stuck with it. So what does a neighbor do to make sure there is enforcement after the fact, should there be violations?

Ms. Sabo: Yeah, hi. Before the permits are finalized on site, one of our zoning inspectors will go out and confirm that it meets all of the standards, all of the zoning ordinance, and it meets the plan that was approved. And that it meets all the conditions or proffers that were listed in the conditional use permit and the rezoning. Of course, things can change as, you know, the moment that that property is done being developed, things can happen and maybe fall out of compliance down the line. We do try and check on properties depending on the type of development. We will go out and check on properties throughout the year, but if neighbors have any issues, if they're noticing that there's something that's out of compliance, the fences come down, if there's landscaping has died, they can absolutely call 311 and put in a complaint. And then our inspectors go out and check and make sure again that it's compliant with the proffers and conditions.

Ms. Byler: So, Mr. Flores and others have raised the issue about the lighting and, you know, some encroachment directly onto their property. So if this, for example, gets approved, city council approves it, it gets built, and then a year from now, it becomes a problem. So then, Mr. Flores and his neighbors, what, pick up the phone and dial 3-1-1?

Ms. Sabo: Yes, ma'am.

Ms. Byler: And that goes to?

Ms. Sabo: That would go to my staff, and they would, we have a zoning inspection supervisor, and she has a wonderful team that would go out, and within the next couple of days, for lighting inspections, we need to make sure that we're out there, you know, when it's dark, so scheduling that may take an extra day or so, but we'll get somebody out there to check and make sure that if they are in compliance, or if they're not, then we will work with the property owner to bring that property into compliance. Or go down the path of enforcement, so notice violations.

Ms. Byler: So if Mr. Flores says 5 a.m. It's allowed and he calls 3-1-1, you're going to send zoning enforcement out there, inspectors, to check at 5 a.m. to make sure it's not loud?

Ms. Sabo: If we are referring to lighting, yes, we will have somebody that goes out first thing in the morning. If it's a noise ordinance issue, then we work with police that would have somebody go out. And if there is a noise ordinance issue that is also a zoning issue, we'll work with them to be able to handle that enforcement.

Ms. Byler: I appreciate knowing there's a procedure in place. Thank you.

Mr. Coston: Anymore? Okay.

Mr. Anderson: Commissioner, this is my district, and I'd just like to say that we've worked very closely with the client and Mr. Schmidt on addressing the homeowners' issues, with the buffering, the 8 foot fence that was not proposed earlier because the residents wanted that to have more security and site. But I also would like to go back to one of the other applications, where I had my first house in Pocahontas Village. When I moved in, all of a sudden there was a hotel being built right behind me and we had light issues. The owner was very good about working with our street on redoing the light. So I hope that the Miller group will be, and I know they will, because they've done a lot of things to clean up there, to be good neighbors for these, if they can sit down and make sure the lighting on the building, when that is built, to be in accordance with, to help the neighbors. So I think they will be good neighbors. And what I'd like to, I'd like to submit for approval for this agenda item.

Mr. Coston: Do I hear a second?

Mr. Schoonover: Second.

Mr. Coston: So it has been moved by Commissioner Anderson and seconded by Commissioner Schoonover. Are we ready for questions?

Mr. Plumlee: One quick comment, Mr. Chairman, if I may, on this. I'm going to support it. What we're looking at is the bulk storage yard. It could have totally been the applicant's choice to simply build what they're showing you where the building is, without coming here, without adding any of the additional buffering, the limitations on traffic flow. They've done that by bringing that into the discussion with the bulk storage yard. And that has made this a better application for the neighbors. In fact, the delay that we did for 30 days last month has made this a better application. So I want to support it and I want people to understand the effort that goes into this process. Thank you.

Mr. Coston: Commissioner Mauch.

Mr. Mauch: I do want to echo Commissioner Plumlee's comments, and I do think that they have gone above and beyond to try to address some of the concerns. And I thank the applicant.

Mr. Coston: So are we ready? For the question?

Clerk: The vote is open. By a recorded vote of 11 to 0, Item 11 Oceana Development, LLC has been recommended for approval.

Vote Tally

Commission Member	AYE 11	NAY 0	ABS 0	ABSENT 0
Camp	X			
Cromwell	X			
Anderson	X			
Byler (Vice Chair)	X			
Schoonover	X			
Plumlee	X			
Hippen	X			
Cuellar	X			
Coston (Chair)	X			
Moorjani	X			
Mauch	X			

Conditions

1. The site shall be developed in substantial conformance to the conceptual site plan entitled, "PROGRESS LANE CONCEPT", dated 12/11/2025, prepared by Kimley Horn, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.

2. The outdoor storage materials shall not be stacked higher than the privacy fence or chain-link fence.

3. The fencing styles shall be in substantial conformance, per the Planning Director or their designee, to the fence renderings exhibited to the Virginia Beach City Council and on file with the Department of Planning and Community Development.

4. All outdoor lights shall comply with the following:

    a. 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.

    b. Lighting fixtures shall not be erected any higher than fourteen (14) feet.

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

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

Virginia Beach Planning Commission February 11, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #12 Loni Brown
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Clerk: Our next item is Item 12, Loni Brown.

Mr. Coston: Please state your name for the record.

Ms. Brown: My name is Loni Brown.

Mr. Coston: Go ahead.

Ms. Brown: So thank you for the opportunity to speak with you today. A little about me, I earned my green thumb growing up in Mississippi. But I am now seeking approval to operate Tiny Sprouts Academy, which will be a 24-7 family day home that is rooted in education, sustainability, and strong community support. So my program is more than traditional child care. It is a nurturing, home-based learning environment, where children grow their own herbs, fruits, vegetables. Through hands-on gardening, they'll learn responsibility, patience, teamwork, and where their food truly comes from. They start seeds in trays and hydroponic systems indoors, care for them daily until they sprout, then transplant those to raised garden beds, grow bags and vertical planters outdoors, then harvest their crops all while participating in age-appropriate activities and lessons about nutrition and healthy eating. These experiences build confidence and life skills that extend far beyond the garden. Another thing that makes my program unique is that I provide flexible 24-7 care to service families who work non-traditional hours or stand duty, especially shift workers, healthcare professionals, military families, and first responders. So I'll accept child care subsidies and Mccyn programs for the military and first responder families. Ensuring that those who serve our community and our country have access to reliable, high-quality child care when they need it the most.

I also want to address the broader economic realities many families are facing. With ongoing reductions and uncertainty surrounding programs like SNAP and TANF, many households are experiencing increased food insecurity and financial strain. My program directly responds to those challenges because we will be growing, canning, and safely storing herbs, fruits, and vegetables. We can help supplement meals within the daycare and create rainy day reserves. When possible, we will also donate fresh or preserved foods to families in need within our community. This initiative teaches children sustainability while also modeling community responsibility. They will see firsthand what it means to grow food, preserve it, and share it.

We are not only supporting working parents with flexible care, we are helping strengthen food resilience at a neighborhood level. My goal is to create a safe, enriching environment that supports working families, empowers children with practical life skills, and gives back to the community in meaningful ways. That being said, the max for licensing purposes is 12 children. My children,

well, my children, there are three of them, and you have recommended eight. I'm asking to be allowed to care for nine because the DLE requires 35 square foot of space per toddlers and 25 for infants for free movement and active play indoor and out. Thank you for your time and consideration and I look forward to answering any questions.

Mr. Coston: Commissioner Plumlee.

Mr. Plumlee: Ms. Brown, thank you for coming in. I don't think there was anyone here opposing this. Is that correct?

Clerk: There are no speakers.

Mr. Plumlee: There are no speakers in opposition. The question was coming down to the staff had recommended eight children in addition to your three children, and you have requested that we consider nine children at this location. Can you go into a little bit more detail as to why you believe you can properly care for nine children in addition to your own children?

Ms. Brown: So growing up, as I mentioned, in Mississippi, it was actually 11 of us in my house. So it's not something that is unfamiliar to me. It's already a lot of fun as it is, being that it's three of them. But I think that I can handle it, and I'm looking forward to finding someone to help support that and assistance.

Mr. Coston: Commissioner Camp.

Ms. Camp: Good afternoon. Again, I commend you for coming up by yourself and working through this. I have a couple of questions for you. The application you originally submitted asked for permission to have 12 children as clients, in addition to your own three, so 15 children on the premises. And we just walked through the staff's recommendation and your desire now for nine. When I toured the site, 15 children, or 11 as we count them, are a lot of kids for the site that I see here. Can you tell me in the front yard, do you plan any improvements other than the fencing?

Ms. Brown: Yes. So on the left side is where the garden beds will be, the raised garden beds. And then along the patio, that's where we're going to have the vertical towers. And that right side is bigger. So I'm going to play some things for them to play there. Some seesaws, some up-down roller coasters. We're going to have some imaginative and dramatic play. So there'll be some outdoor mud kitchens, barbecue grills, and playhouses along the side as well. So coming from the side up to the front, that whole area will be for them to play.

Ms. Camp: You are very ambitious for the yard, as I see it with all of those things in this space. When I saw that large stump in the front yard that we can see to the left, by the porch, and in the back. With the three parking spaces taking up a lot of that area that is open right now, and then all the things you're describing, it's a lot of stuff in that yard to me. My second question is, you're offering to provide a service that I would say is very needed in our community, and I don't see too often, which is the overnight child care for those who work other shifts. I commend you for that. If you were describing providing child care services for your own three kids, plus eight or nine clients, and in your application, you're talking about doing it 24-7. For some of them, some one

shift, some another shift, are you going to be in the home the whole time? Do you sleep? Do you work? How is that supposed to work?

Ms. Brown: Yes, so during the daytime, of course, I will be there unless there is an appointment that I have to take. So that is where an assistant will come in. And at night, I'm going to drastically reduce that number. So it will be four outside of my own children. So that will be a total of seven. And I'm allowed by the Department of Education to sleep when the children sleep. So once it's bedtime for them, it's bedtime for me.

Ms. Camp: Does that work in your house? All the kids go to sleep at the same time when you say so?

Ms. Brown: Believe it or not, they are actually pretty good with that.

Ms. Camp: Because you have money to make, teaching a lot of other kids how that really works. Alright, one more question for you. You know what, I'm going to hold off, and we'll just yield to some other folks.

Mr. Coston: Thank you. Commissioner Byler.

Ms. Byler: Thank you for coming, Ms. Brown. There may be more discussion, so don't feel like my word's the last word by any means. But let me say, this is in my district, District 4. I think it's something, as Commissioner Camp said, great demand. We really need it. I personally am a strong supporter of small women and minority business owners, and I applaud what you're doing. I think it's terrific. I feel like the marketplace is going to, in part, control whether or not you have too many children. And I feel like social services and their licensing process is going to make sure that you don't have to meet children. So I don't feel the burden on my shoulders to be concerned. If you're approved for eight or nine, it's not really my concern, but I would make a motion that your application be approved with the nine children that you've asked for.

Mr. Coston: Well, we still have a few questions.

Ms. Hippen: I just have a couple quick questions, okay? First of all, I salute the fact that you want to do this, okay? But if you're one of 11, I think you'll be okay. How many bedrooms in your house?

Ms. Brown: Three.

Ms. Hippen: Okay. And the ages of your kids, just the range.

Ms. Brown: Four to 16 months.

Ms. Hippen: Wow. Okay. You definitely take my heart. So 16 months to four years old. And is that the age group that you're looking at taking care of?

Ms. Brown: Yes, up to five.

Ms. Hippen: Up to five. Okay. God bless you.

Mr. Coston: Ms. Schoonover?

Ms. Schoonover: I'll be very quick. Have you already been in discussions with the Department of Health and so forth about the space? I was just concerned about it meeting their standards. And I know you mentioned the square footage. I was looking it up as we were on the site. Because I was just amazed that we were going to be able to fit that many children in that space. I've done a lot of things with children in bulk as well. So I do understand that you can make things happen, but it's the square footage per space that's usable for the children, not counting other spaces such as bathrooms and kitchens. Have you been in contact with them? You already know all those rules and you're ready to go with that?

Ms. Brown: Yes, ma'am. I've been following the family day home standards.

Ms. Schoonover: Okay. That was just my big concern. Thank you.

Ms. Hippen: Okay. I'd like to call the question, please.

Mr. Coston: Oh, she wants to vote. Okay. Are we ready for the vote?

Mr. Camp: Is there a discussion? Oh, she called the question.

Mr. Coston: If you have a question, Commissioner Camp.

Mr. Camp: I do not have a question. I have a discussion, comment, but if procedurally I've missed my window, that's fine.

Clerk: The vote is open. By a recorded vote of 10 to 1, item 12, Loni Brown, has been recommended for approval.

Ms. Brown: Thank you.

Vote Tally

Commission Member	AYE 10	NAY 1	ABS 0	ABSENT 0
Camp		X		
Cromwell	X			
Anderson	X			
Byler (Vice Chair)	X			
Schoonover	X			
Plumlee	X			
Hippen	X			
Cuellar	X			
Coston (Chair)	X			
Moorjani	X			
Mauch	X			

Conditions

1. Arrival and departure times shall be staggered to avoid vehicular congestion.

2. Any parking for the Family day-care home shall utilize the on-site parking spaces or available public parking. Vehicles shall not be parked within the alley.

3. There shall be only one Home Occupation operating on the property at a time, such as the Family Care-Day Home associated with this Conditional Use Permit.

4. The Family Day-Care Home shall be limited to a total of nine (9) children, in addition to the 3 children living in the home currently.

5. The final number of children permitted to stay overnight at the Family Day-Care Home shall be determined by the Department of Education, in accordance with all applicable regulations and guidelines, but not to exceed the number granted under Condition 4 of this Conditional Use Permit.

6. No more than one (1) additional employee/volunteer, who does not reside in the home, shall assist with the operation of the Family Day-Care home at any one time.

7. Any sign identifying the home occupation shall be non-illuminated, not more than (1) square foot in area and mounted flat against the residence.

8. The applicant shall maintain a license with the Commonwealth of Virginia for childcare. Failure to maintain a Family Day-Care Home license may result in revocation of the Family Day-Care Home Conditional Use Permit.

9. The outdoor play area shall be completely enclosed with a fence at least four feet in height. Any new fencing shall be a minimum of four feet in height and constructed of a non-climbable, maintenance-free material, such as vinyl plank or composite, and shall be

maintained for so long as this Conditional Use Permit is active. The fencing proposed along Baker Road shall be no taller than 4-feet, be no more than 50% opaque, and shall include Category I landscape on the interior of the fence in accordance with Sections 201(e)(1) and 201(e)(1a) of the Zoning Ordinance.

Privacy screening shall be installed along the existing chain-link fencing and shall be maintained in good condition, free of holes, tears, or fraying. Should the chain-link fence be replaced, any new fencing shall be constructed of a non-climbable, maintenance-free material to match the new fencing proposed with this request.

10. The site shall be developed in substantial conformance to the conceptual site plan entitled, "Physical Survey of Site 1 Lot 4 Subdivision of Lake Edward West […] Exclusively for Tiny Sprouts Academy, LLC, Revised 01/23/2026", dated 1 January 2026, as prepared by Fox Land Surveying, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.

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.

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

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

Virginia Beach Planning Commission February 11, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #13 Cosmic Cure
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next item is Item 13, Cosmic Cure. Is there a representative here today to speak on this item? Welcome. Please state your name for the record.

Mr. Ensley: My name is Mike Ensley, owner of Cosmic Cure.

Ms. Byler: Thank you, sir. Are the conditions acceptable to you?

Mr. Ensley: Yes, ma'am.

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

Ms. Cuellar: Thank you, Madam Vice Chair. The applicant, Cosmic Cure, LLC, is requesting a conditional use permit to operate a traditional tattoo parlor on this B2 community business zone parcel, where tattoo parlors are conditionally permitted. The property is located in the Rosemont Strategic Growth Area. There is no known opposition. Staff is recommending for approval and the Planning Commission concurs and has placed it on the consent agenda.

Ms. Byler: Thank you, Commissioner Cuellar.

(The following dialogue reflects the discussion to approve the minutes as a part of the consent agenda in its entirety, which may not have directly followed the above discussion in this document)

Ms. Byler: Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda. Agenda Item 1, 4, 10, 13, 15, 16, 17, and 18, plus the records of the minutes.

Mr. Coston: Thank you. Do I have a motion to approve by consent, as read by the vice chair?

Mr. Plumlee: Moved by consent.

Mr. Hippen: Second.

Mr. Coston: It has been moved by Commissioner Plumlee and seconded by Commissioner Hippen that these items be accepted. Is there anyone abstaining on any of the items on this consent agenda??

Mr. Plumlee: Excuse me, I am abstaining with the number of commissioners on the visit in February. Otherwise, I've got no abstention from any application.

Ms. Hippen: And I am abstaining from the site visit in February.

Ms. Byler: Yep, the same.

Mr. Coston: Thank you, same. So we've had the motions made first and seconded. Madam Clerk, we're ready for the vote.

Clerk: The vote is open. By a recorded vote of 11 to 0, with all aforementioned abstentions, all aforementioned minutes, and items 1, 4, 10, 13, 15, 16, 17, and 18 have been recommended for approval by consent.

Mr. Coston: Thank you. If you had an application that was on the consent agenda, your request will now be scheduled for an upcoming city council meeting. Staff will contact you about the date. For those applicants on the consent agenda, thank you for your participation, and you may remain in the meeting either virtually or in person, but you are free to leave.

Vote Tally

Commission Member	AYE 11	NAY 0	ABS 0	ABSENT 0
Camp	X			
Cromwell	X			
Anderson	X			
Byler (Vice Chair)	X			
Schoonover	X			
Plumlee	X			
Hippen	X			
Cuellar	X			
Coston (Chair)	X			
Moorjani	X			
Mauch	X			

Conditions

1. The Conditional Use Permit for a Tattoo Parlor applies solely to 3615 Virginia Beach Boulevard.

2. The applicant must comply with Chapter 23-51 of the City Code prior to obtaining a business license for the Tattoo Parlor.

3. Tattooing shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.

4. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar signage installed on the exterior of the building or in any window, or on the doors. Window signage shall not be permitted. A separate sign permit shall be obtained from the Department of Planning & Community Development for the installation of any new signs.

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

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

Virginia Beach Planning Commission February 11, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #14 Matt Nelson
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Clerk: Our next item is item 14, Matt Nelson.

Mr. Coston: Alright. Please state your name for the record.

Mr. Nelson: My name is Matt Nelson. And I am here, I am the applicant and the owner of Station Tattoo. I've been tattooing for 16 years up and down the East Coast, and my studio will be art-centric and community-minded. I am respectfully requesting approval of the conditional use permit for a tattoo studio at 2260 Seashore Shoppes in the B-2 Community District. I'd like to briefly explain who we are, what we are proposing, how the project complies with the city requirements, and why this is a low-impact appropriate for this location. Station Tattoo will be a professional, health-regulated tattoo studio occupying an existing 1,238-square-foot in-line tenant space in a multi-tenant retail center. This space requires only minor interior modifications. No structural changes or exterior building alterations.

We plan to have a maximum of five tattoo artists working at any one time, plus one or two front desk staff. Total six to seven employees. We will operate Monday through Sunday, 11 a.m. to 6 p.m. and we will accept both appointments and walk-ins to keep the business orderly and predictable. Maximum client occupancy, including artists and waiting guests, will be 12 people at any time. This modest scale helps keep activity low and manageable, and ensure parking for neighbors. Parking is fully accommodated. The existing shopping center provides 84 striped parking spaces and a shared lot.

The city parking requirements for personal service uses is one space per 200 square feet, plus two additional spaces. For our 1,238 square foot space, that calculates to six required spaces, one per artist. We far exceed this with the 84 spaces already available. Health and safety are our top priority. The studio will operate at a 100% clean room environment. All needles and equipment will be single-use and disposable. Hand-washing stations and sharps containers at every station. Proper biohazard waste disposal protocols. All artists will be certified by the Virginia Department of Health and Professions, and certifications will be displayed at each station. The studio will be inspected by both the Virginia Department of Health and the Virginia Beach Health Department.

This location is well suited for the use. The site is in a commercial corridor with surrounding retail restaurants and office tenants. No residential units directly adjacent. The modest scale, limited hours, appointment and walk-in model, and small maximum occupancy minimize any potential impact on traffic, parking and neighboring properties. Station Tattoo will fill a current vacant space, add a creative, professional business to the corridor, and provide a regulated personal service use that is compatible with the other tenants in the center. We are happy to accept reasonable conditions that the Commission believes are appropriate, such as confirming the 6 p.m.

closing for walk-ins, maintaining the 12-person occupancy limit, or any additional signage or operational clarifications. Thank you very much for your time and consideration. I respect requests of the Commission, recommend approval for the conditional use permit, and I am happy to answer any questions.

Mr. Coston: Any questions?

Ms. Cuellar: I have a question.

Mr. Coston: Commissioner Cuellar. Hey, Mr. Nelson, how are you today?

Mr. Nelson: I'm well, how are yourself?

Ms. Cuellar: Good, thanks for coming down. First of all, I want to thank you. Your business is in my district, and I thank you for the clarification on your hours. I worked with our planning department team, Kristin Bauer, on that. Could you please explain to the commission what type of community outreach that you've done?

Mr. Nelson: Yes, I have emailed all the civics leagues that I could find, which were about 10 of them. I've got one response from one of them, whom I can't remember their name. And I have contacted all the businesses around me in that shopping center and I do have all their signatures.

Ms. Cuellar: So we saw your petition. So the nine signatures and the civic leagues is who you reached out to?

Mr. Nelson: Yes, ma'am.

Ms. Cuellar: Okay. Thank you very much.

Mr. Nelson: Absolutely.

Mr. Coston: Any more questions? Do we have any speakers?

Clerk: We have one speaker, Richard Munk.

Mr. Coston: Have a seat for a moment.

Mr. Nelson: Thank you very much.

Clerk: There via WebEx.

Mr. Munk: Can you hear me?

Mr. Plumlee: We can hear you. Go ahead.

Mr. Munk: Oh, yes. Richard Munk here. I'm at 2830 Shore Drive, almost directly across the street from where this proposed tattoo parlor is supposed to be. I'd just like to point out that I made a Google search, and within 10 miles of this proposed site, there are 18 tattoo parlors, and with the possible Rosemont Road tattoo parlor that was talked about earlier, that would make 19 within 10 miles of this tattoo parlor. And just to point out also that there's another tattoo parlor within the area there, a little over a quarter mile away. I'm just wondering, do we really need another tattoo parlor? That's all I have.

Ms. Cuellar: Thank you very much.

Mr. Coston: Do we have any questions for our speaker? Do you want to come back up? Okay, good. So do we?

Ms. Cuellar: I'd like to go ahead and make a motion to support this application. I believe Mr. Nelson has gone through the application process with due diligence. He's reached out to the community. The staff is recommending it for approval. And I've not received any letters of opposition, other than our speaker here today, who just wanted to point out the number of tattoos within a 10 mile radius.

Ms. Hippen: I second that.

Mr. Coston: It has been moved by Commissioner Cuellar and seconded by Commissioner Hippen that we approve this item. Are we ready for the question?

Clerk: The vote is open. By a recorded vote of 11 to 0, item 14, Matt Nelson, has been recommended for approval.

Vote Tally

Commission Member	AYE 11	NAY 0	ABS 0	ABSENT 0
Camp	X			
Cromwell	X			
Anderson	X			
Byler (Vice Chair)	X			
Schoonover	X			
Plumlee	X			
Hippen	X			
Cuellar	X			
Coston (Chair)	X			
Moorjani	X			
Mauch	X			

Conditions

1. The Conditional Use Permit for a Tattoo Parlor applies solely to 2260 Seashores Shoppes Shopping Center.

2. The applicant must comply with Chapter 23-51 of the City Code prior to obtaining a business license for the Tattoo Parlor.

3. Tattooing shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.

4. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar signage installed on the exterior of the building or in any window, or on the doors. Window signage shall not be permitted. A separate sign permit shall be obtained from the Department of Planning & Community Development for the installation of any new signs.

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

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

Virginia Beach Planning Commission February 11, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #15 Vinh Le
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next item on the consent agenda is item 15, Vinh Le. Is there a representative here today to speak on this item? Welcome, madam. Please state your name for the record.

Ms. Sims: My name is Tiara Sims.

Ms. Byler: Thanks for coming today. Are the conditions acceptable to you?

Ms. Sims: Yes, they are.

Ms. Byler: Thank you. You may be seated. Is there any opposition to this item being placed on the consent agenda? Hearing none, I have asked Commissioner Moorjani to read this into the record.

Ms. Moorjani: The applicant, Mr. Vinh Le, is seeking a conditional use permit for a tattoo parlor in a 1,400 square foot suite in the Timberland Shopping Center. The business will employ up to 10 employees. This is a reasonable request and we have not received any opposition. Therefore, we ask this to be added to the consent agenda.

Ms. Byler: Thank you, Commissioner Moorjani.

(The following dialogue reflects the discussion to approve the minutes as a part of the consent agenda in its entirety, which may not have directly followed the above discussion in this document)

Ms. Byler: Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda. Agenda Item 1, 4, 10, 13, 15, 16, 17, and 18, plus the records of the minutes.

Mr. Coston: Thank you. Do I have a motion to approve by consent, as read by the vice chair?

Mr. Plumlee: Moved by consent.

Mr. Hippen: Second.

Mr. Coston: It has been moved by Commissioner Plumlee and seconded by Commissioner Hippen that these items be accepted. Is there anyone abstaining on any of the items on this consent agenda??

Mr. Plumlee: Excuse me, I am abstaining with the number of commissioners on the visit in February. Otherwise, I've got no abstention from any application.

Ms. Hippen: And I am abstaining from the site visit in February.

Ms. Byler: Yep, the same.

Mr. Coston: Thank you, same. So we've had the motions made first and seconded. Madam Clerk, we're ready for the vote.

Clerk: The vote is open. By a recorded vote of 11 to 0, with all aforementioned abstentions, all aforementioned minutes, and items 1, 4, 10, 13, 15, 16, 17, and 18 have been recommended for approval by consent.

Mr. Coston: Thank you. If you had an application that was on the consent agenda, your request will now be scheduled for an upcoming city council meeting. Staff will contact you about the date. For those applicants on the consent agenda, thank you for your participation, and you may remain in the meeting either virtually or in person, but you are free to leave.

Vote Tally

Commission Member	AYE 11	NAY 0	ABS 0	ABSENT 0
Camp	X			
Cromwell	X			
Anderson	X			
Byler (Vice Chair)	X			
Schoonover	X			
Plumlee	X			
Hippen	X			
Cuellar	X			
Coston (Chair)	X			
Moorjani	X			
Mauch	X			

Conditions

1. The Conditional Use Permit for a Tattoo Parlor applies solely to 4239 Holland Road, Suite 712.

2. The applicant must comply with Chapter 23-51 of the City Code prior to obtaining a business license.

3. Tattooing shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.

4. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar signage installed on the exterior of the building or in any window, or on the doors. Window signage shall not be permitted. A separate sign permit shall be obtained from the Department of Planning & Community Development for the installation of any new signs.

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

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

Virginia Beach Planning Commission February 11, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #16 Justin Brown
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next item on the consent agenda is item 16, Justin Brown. Is there a representative here today to speak on this item?

Ms. Huffox: Yes, this is Caitlin Huffox on the webinar.

Ms. Byler: Thank you for joining us virtually. Are the conditions acceptable to you?

Ms. Huffox: Yes, they are.

Ms. Byler: Is there any opposition to this item being placed on the consent agenda? Hearing none, I have asked Commissioner Plumlee to read it.

Mr. Plumlee: This request for short-term rental is by Justin Brown. The address is 428 21st Street. It's for short-term rental, and it meets all the requirements of the city's ordinance. For that reason, there is not opposition that's been placed on the consent agenda.

Ms. Byler: Thank you, Commissioner Plumlee.

(The following dialogue reflects the discussion to approve the minutes as a part of the consent agenda in its entirety, which may not have directly followed the above discussion in this document)

Ms. Byler: Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda. Agenda Item 1, 4, 10, 13, 15, 16, 17, and 18, plus the records of the minutes.

Mr. Coston: Thank you. Do I have a motion to approve by consent, as read by the vice chair?

Mr. Plumlee: Moved by consent.

Mr. Hippen: Second.

Mr. Coston: It has been moved by Commissioner Plumlee and seconded by Commissioner Hippen that these items be accepted. Is there anyone abstaining on any of the items on this consent agenda??

Mr. Plumlee: Excuse me, I am abstaining with the number of commissioners on the visit in February. Otherwise, I've got no abstention from any application.

Ms. Hippen: And I am abstaining from the site visit in February.

Ms. Byler: Yep, the same.

Mr. Coston: Thank you, same. So we've had the motions made first and seconded. Madam Clerk, we're ready for the vote.

Clerk: The vote is open. By a recorded vote of 11 to 0, with all aforementioned abstentions, all aforementioned minutes, and items 1, 4, 10, 13, 15, 16, 17, and 18 have been recommended for approval by consent.

Mr. Coston: Thank you. If you had an application that was on the consent agenda, your request will now be scheduled for an upcoming city council meeting. Staff will contact you about the date. For those applicants on the consent agenda, thank you for your participation, and you may remain in the meeting either virtually or in person, but you are free to leave.

Vote Tally

Commission Member	AYE 11	NAY 0	ABS 0	ABSENT 0
Camp	X			
Cromwell	X			
Anderson	X			
Byler (Vice Chair)	X			
Schoonover	X			
Plumlee	X			
Hippen	X			
Cuellar	X			
Coston (Chair)	X			
Moorjani	X			
Mauch	X			

Conditions

1. The following conditions shall only apply to the dwelling unit addressed as 428 21st 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. 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.

4. All required parking spaces, including off-site spaces, shall be subject to review and approval by the Zoning Administrator and shall be available for use by the Short Term Rental occupants at all times.

5. 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.

6. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.

7. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.

8. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.

9. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
    a) A completed Department of Planning and Community Development Short Term Rental Zoning 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.

10. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.

11. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.

12. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.

13. Accessory structures shall not be used or occupied as Short Term Rentals.

14. No signage, except architectural signs naming the structure or other signs as permitted under Sec. 211 shall be permitted 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. The sign required by this section shall include the owner or property manager's contact information.

15. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.

16. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars ($1,000,000) underwritten by insurers acceptable to the City.

17. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.

18. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, 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).

19. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property at any time or times during the permitting process. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in effect at the time 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, 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order, and 4) a document showing the required parking approved by the zoning administrator posted in the unit.

a) A property inspection is required when an operator first applies for a short term rental permit and a subsequent inspection shall occur every five (5) years. In years when an inspection is not required, the property owner or their representative shall submit an attestation to the Department of Planning and Community Development confirming that the short term rental is in compliance with the requirements set forth in this section. If the planning department has good cause to believe that a safety violation exists on the property, it shall conduct an inspection prior to renewing the permit.

b) 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 permit process.

20. A structural safety inspection report shall be provided to the city every five (5) years indicating all exterior stairways, decks, porches, and balconies with a finished height more than 30 inches above ground level have been inspected by either a licensed design professional, or a licensed and insured Class A, B, or C general contractor qualified to perform such inspection and are safe for use. The report must confirm the structure has been built to the applicable residential building code standards and are free of observable damage that would render the structure unsafe for use. However, said report shall not be required for an initial period of five (5) years for new construction inspected at the time of completion by the City's Permits and Inspections Division.

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

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

The applicant shall prepare and maintain, to the satisfaction of the City of Virginia Beach's Fire Marshal's Office, a fire safety and evacuation plan in accordance with Chapter 4 of the Virginia Statewide Fire Prevention Code.

Virginia Beach Planning Commission February 11, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #17 Aaron Hall
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: Thank you, Commissioner Plumlee. The next item on the consent agenda is item number 17, Aaron Hall. Is there a representative here?

Clerk: They should be on WebEx.

Ms. Atkinson: Hi, can you hear?

Ms. Byler: Yes, we can hear you now.

Ms. Atkinson: Okay, I am sorry. This is Shepard Atkinson on Webex.

Ms. Byler: Thank you for joining us virtually today. Are the conditions acceptable to you?

Ms. Atkinson: Yes, ma'am, they are.

Ms. Byler: Is there any opposition to this item being added to the consent agenda? Hearing none, I've asked Commissioner Plumlee to read it into the record.

Mr. Plumlee: The applicant, Aaron Hall, has applied for conditional use permit at 516 22nd Street, Unit 200. Our wonderful staff has indicated that it meets each and every requirement of the city's zoning ordinance. There is no opposition, and the Planning Commission found it best to place it on the consent agenda.

Ms. Byler: Thank you, Commissioner Plumlee.

(The following dialogue reflects the discussion to approve the minutes as a part of the consent agenda in its entirety, which may not have directly followed the above discussion in this document)

Ms. Byler: Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda. Agenda Item 1, 4, 10, 13, 15, 16, 17, and 18, plus the records of the minutes.

Mr. Coston: Thank you. Do I have a motion to approve by consent, as read by the vice chair?

Mr. Plumlee: Moved by consent.

Mr. Hippen: Second.

Mr. Coston: It has been moved by Commissioner Plumlee and seconded by Commissioner Hippen that these items be accepted. Is there anyone abstaining on any of the items on this consent agenda??

Mr. Plumlee: Excuse me, I am abstaining with the number of commissioners on the visit in February. Otherwise, I've got no abstention from any application.

Ms. Hippen: And I am abstaining from the site visit in February.

Ms. Byler: Yep, the same.

Mr. Coston: Thank you, same. So we've had the motions made first and seconded. Madam Clerk, we're ready for the vote.

Clerk: The vote is open. By a recorded vote of 11 to 0, with all aforementioned abstentions, all aforementioned minutes, and items 1, 4, 10, 13, 15, 16, 17, and 18 have been recommended for approval by consent.

Mr. Coston: Thank you. If you had an application that was on the consent agenda, your request will now be scheduled for an upcoming city council meeting. Staff will contact you about the date. For those applicants on the consent agenda, thank you for your participation, and you may remain in the meeting either virtually or in person, but you are free to leave.

Vote Tally

Commission Member	AYE 11	NAY 0	ABS 0	ABSENT 0
Camp	X			
Cromwell	X			
Anderson	X			
Byler (Vice Chair)	X			
Schoonover	X			
Plumlee	X			
Hippen	X			
Cuellar	X			
Coston (Chair)	X			
Moorjani	X			
Mauch	X			

Conditions

1. The following conditions shall only apply to the dwelling unit addressed as 516 22nd Street, Unit 200, 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. 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.

4. All required parking spaces, including off-site spaces, shall be subject to review and approval by the Zoning Administrator and shall be available for use by the Short Term Rental occupants at all times.

5. 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.

6. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.

7. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.

8. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.

9. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.

    a) A completed Department of Planning and Community Development Short Term Rental Zoning 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.

10. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.

11. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and

31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.

12. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.

13. Accessory structures shall not be used or occupied as Short Term Rentals.

14. No signage, except architectural signs naming the structure or other signs as permitted under Sec. 211 shall be permitted 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. The sign required by this section shall include the owner or property manager's contact information.

15. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.

16. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars ($1,000,000) underwritten by insurers acceptable to the City.

17. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.

18. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, 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).

19. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property at any time or times during the permitting process. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in effect at the time 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, 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order, and 4) a document showing the required parking approved by the zoning administrator posted in the unit.

a) A property inspection is required when an operator first applies for a short term rental permit and a subsequent inspection shall occur every five (5) years. In years when an inspection is not required, the property owner or their representative shall submit an attestation to the Department of Planning and Community Development confirming that the short term rental is in compliance with the requirements set forth in this section. If the planning department has good cause to believe that a safety violation exists on the property, it shall conduct an inspection prior to renewing the permit.

b) 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 permit process.

20. A structural safety inspection report shall be provided to the city every five (5) years indicating all exterior stairways, decks, porches, and balconies with a finished height more than 30 inches above ground level have been inspected by either a licensed design professional, or a licensed and insured Class A, B, or C general contractor qualified to perform such inspection and are safe for use. The report must confirm the structure has been built to the applicable residential building code standards and are free of observable damage that would render the structure unsafe for use. However, said report shall not be required for an initial period of five (5) years for new construction inspected at the time of completion by the City's Permits and Inspections Division.

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

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

The applicant shall prepare and maintain, to the satisfaction of the City of Virginia Beach's Fire Marshal's Office, a fire safety and evacuation plan in accordance with Chapter 4 of the Virginia Statewide Fire Prevention Code.

Virginia Beach Planning Commission February 11, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #18 Rayapu Reddy Tumma and Jyothi Salibindla
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: Thank you, Commissioner Plumlee. And the last item on the consent agenda is a bit of a struggle for me, but I'll do the best I can. It is agenda item 18, Tumma and Salibindla. Is there a representative here today to speak on this item? Thank you, madam. Please state your name for the record.

Ms. Salibindla: Hi, everyone. My name is Jyothi Salibindla. I'm an applicant.

Ms. Byler: Thank you, ma'am. Are the conditions acceptable to you?

Ms. Salibindla: Yes.

Ms. Byler: Thank you. You may be seated.

Ms. Salibindla: Thank you.

Ms. Byler: Is there any opposition to this item being placed on the consent agenda? Hearing none, I've asked Commissioner Plumlee to read this item into the record.

Mr. Plumlee: The applicants, Tumma and Salibindla are requesting a conditional use permit for short-term rental. The address is 413 21st Street. It has been confirmed this application meets all the requirements of the zoning ordinance. There is no opposition to this application, and the Planning Commission has deemed it best to be placed on the consent agenda.

Ms. Byler: Thank you, Commissioner Plumlee. Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda. Agenda Item 1, 4, 10, 13, 15, 16, 17, and 18, plus the records of the minutes.

Mr. Coston: Thank you. Do I have a motion to approve by consent, as read by the vice chair?

Mr. Plumlee: Moved by consent.

Mr. Hippen: Second.

Mr. Coston: It has been moved by Commissioner Plumlee and seconded by Commissioner Hippen that these items be accepted. Is there anyone abstaining on any of the items on this consent agenda??

Mr. Plumlee: Excuse me, I am abstaining with the number of commissioners on the visit in February,. Otherwise, I've got no abstention from any application.

Ms. Hippen: And I am abstaining from the site visit in February.

Ms. Byler: Yep, the same.

Mr. Coston: Thank you, same. So we've had the motions made first and seconded. Madam Clerk, we're ready for the vote.

Clerk: The vote is open. By a recorded vote of 11 to 0, with all aforementioned abstentions, all aforementioned minutes, and items 1, 4, 10, 13, 15, 16, 17, and 18 have been recommended for approval by consent.

Mr. Coston: Thank you. If you had an application that was on the consent agenda, your request will now be scheduled for an upcoming city council meeting. Staff will contact you about the date. For those applicants on the consent agenda, thank you for your participation, and you may remain in the meeting either virtually or in person, but you are free to leave.

Vote Tally

Commission Member	AYE 11	NAY 0	ABS 0	ABSENT 0
Camp	X			
Cromwell	X			
Anderson	X			
Byler (Vice Chair)	X			
Schoonover	X			
Plumlee	X			
Hippen	X			
Cuellar	X			
Coston (Chair)	X			
Moorjani	X			
Mauch	X			

Conditions

1. The following conditions shall only apply to the dwelling unit addressed as 413 21st 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. 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.

4. All required parking spaces, including off-site spaces, shall be subject to review and approval by the Zoning Administrator and shall be available for use by the Short Term Rental occupants at all times.

5. 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.

6. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.

7. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.

8. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.

9. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
    a) A completed Department of Planning and Community Development Short Term Rental Zoning 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.

10. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.

11. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.

12. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.

13. Accessory structures shall not be used or occupied as Short Term Rentals.

14. No signage, except architectural signs naming the structure or other signs as permitted under Sec. 211 shall be permitted 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. The sign required by this section shall include the owner or property manager's contact information.

15. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.

16. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars ($1,000,000) underwritten by insurers acceptable to the City.

17. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.

18. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, 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).

19. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property at any time or times during the permitting process. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in effect at the time 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, 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order, and 4) a document showing the required parking approved by the zoning administrator posted in the unit.

a) A property inspection is required when an operator first applies for a short term rental permit and a subsequent inspection shall occur every five (5) years. In years when an inspection is not required, the property owner or their representative shall submit an attestation to the Department of Planning and Community Development confirming that the short term rental is in compliance with the requirements set forth in this section. If the planning department has good cause to believe that a safety violation exists on the property, it shall conduct an inspection prior to renewing the permit.

b) 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 permit process.

20. A structural safety inspection report shall be provided to the city every five (5) years indicating all exterior stairways, decks, porches, and balconies with a finished height more than 30 inches above ground level have been inspected by either a licensed design professional, or a licensed and insured Class A, B, or C general contractor qualified to perform such inspection and are safe for use. The report must confirm the structure has been built to the applicable residential building code standards and are free of observable damage that would render the structure unsafe for use. However, said report shall not be required for an initial period of five (5) years for new construction inspected at the time of completion by the City's Permits and Inspections Division.

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

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

The applicant shall prepare and maintain, to the satisfaction of the City of Virginia Beach's Fire Marshal's Office, a fire safety and evacuation plan in accordance with Chapter 4 of the Virginia Statewide Fire Prevention Code.