Virginia Beach Planning Commission January 14, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Intro & Minutes Approval

Discussion

Mr. Mauch: 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 the City Attorney, followed by Planning Commission 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, Planning Commissioner for District One, Kempsville.

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

Mr. Anderson: Good afternoon, Mike Anderson, District Three.

Ms. Byler: Kathryn Byler, District Four, which is beautiful Town Center and all of the areas surrounding it up to the Norfolk border.

Mr. Coston: John Coston, representing District Nine.

Ms. Cuellar: Holly Cuellar, District Eight.

Mr. Plumlee: Bryan Plumlee, beautiful District Six, from historic Seatac to the North End of Virginia Beach.

Ms. Hippen: Susan Hippen, District Seven, Centerville, Salem, Glenwood, Level Green.

Ms. Schoonover: Katherine Schoonover, District Five.

Ms. Moorjani: Neena Moorjani, District 10.

Ms. Alcock: Kaitlyn 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, our Zoning Administrator Hannah Sabo. With our planning administration team, we have Marchelle Coleman, Alexis Bailey, and Kristin Bauer. With our zoning team, we have Laine Harrington and Kara McLane.

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. I 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 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 believes are unopposed and which have a 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 the City Council. The commission thanks you for your attendance and we hope that your experience here today leaves you feeling that you have been heard and treated fairly. Thank you.

Mr. 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: Thank you. The next order of business is our Consent Agenda, and I'm going to turn that over to the Vice Chair to run that portion of this 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 items for consideration today are several sets of Planning Commission minutes, and I've asked Commissioner Camp to read these into the record.

Mr. Camp: Thank you, Madam Vice Chair. This portion of the Consent Agenda is a motion to approve the minutes of the following Planning Commission meetings as revised, with individual abstentions to be noted. These are the minutes of the December 10th, 2025 informal session, with Commissioner Hippen abstaining, the minutes of the December 10th, 2025 formal session with Commissioner Hippen abstaining, and the minutes of the January 8th, 2026 site visit, with Commissioners Cromwell and Plumlee abstaining. Thank you.

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. Chair Coston, that was the last item on the Consent Agenda. The Planning Commission places the following applications on the Consent Agenda: Agenda Items 2, 3, 4, 6, 8, 9, 11, 12, and the minutes.

Mr. Coston: Thank you, Vice Chair Byler.

Ms. Byler: I move that these items be placed on the Consent Agenda and approved by consent.

Ms. Hippen: Second.

Mr. Coston: It has been moved by the Vice Chair Byler and seconded by Commissioner Hippen that these items be approved on the Consent Agenda.

Clerk: The vote is open.

Mr. Plumlee: I need to note, I'm abstaining, in addition to the minutes as pointed out by Commissioner Camp for the site visit in January. I am abstaining from Items 6, 9, and 12 for reasons set forth in letters that were filed with the City Attorney's office.

Clerk: The vote is open. By recorded vote of 10 to zero, with all aforementioned abstentions, all aforementioned minutes and Items 2, 3, 4, 6, 8, 9, 11, and 12 have been recommended for approval by consent.

Vote Tally

Commission Member	AYE 10	NAY 0	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			

Virginia Beach Planning Commission January 14, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #1 City of Virginia Beach
Recommendation: RECOMMENDED FOR 60-DAY DEFERRAL

Discussion

Clerk: Our first item is Item 1, City of Virginia Beach.

Mr. Reed: Good afternoon I'm Mark Reed, Planner with the Department of Planning and Community Development. Item 1, is an ordinance to remove the Historic and Cultural District zoning overlay from the Nimmo Church Historic and Cultural District. It would remove that overlay from two parcels. The district is located at the intersection of Princess Anne Road and General Booth Boulevard. It contains two parcels: the parcel to the west is a commercial parcel with a Royal Farms convenience store, gas station, and car wash; the other, larger parcel is the Nimmo Church parcel, which includes open space, a cemetery, and a community garden.

Just a little farther out of the image, outlined in blue, is the parcel line for Nimmo Church, and you can see the density of development that is currently around it. On the left, you see the church; the section immediately behind the steeple is the earliest or most historic section, built in the 1790s. The steeple was built in the 1890s, and there are several 20th-century additions around that connect to the historic part of the building. This gives a view of the open space with the building and the cemetery in the distance. On the other parcel is the Royal Farms, fairly newly constructed within the last few years. It's a convenience store, car wash, and gas station.

There have been some letters: one in support of the ordinance from Nimmo Church. They note the expensiveness, the cost of materials, that they anticipate the Historical Review Board would require for maintenance of siding, windows, etc., or replacement of these items for the building. There are two in opposition: one from the Historical Review Board, who notes that this would set a bad precedent for the historic and cultural districts to remove this zoning overlay; and one from the Historic Preservation Commission, which notes that typically to remove such an overlay, you would expect that the building would either no longer exist, would have been demolished, or would have had damage to it that would have reduced or eliminated its historical significance, and they note that is not the case with this building.

Mr. Coston: Are there any questions from the commission for our presenter?

Mr. Plumlee: Mr. Reed, last meeting I'd asked about the historical significance of this structure, whether it had been archived in photographs, what its historical significance was, and you did a very nice job of laying that out. Do you mind, again for those in attendance who were not present at our last hearing on this subject, would you mind going through some of those significant historical artifacts?

Mr. Reed: Certainly, I'm happy to do so. First of all, like many of our historic resources in Virginia Beach, it has been surveyed, and that survey information is in the state Virginia Cultural

Resource Information System. So there's descriptive information, some photographs, etc., that are in our state system to document the property. As I noted, the oldest portion of the building was built in the 1790s. Prior to that, on the property which was donated to the church by the Nimmo family—and they've retained that name—there were camp meetings that were held on the site before the building was constructed. It is considered to be the oldest continually meeting Methodist congregation in Virginia. In the 1840s, they added a balcony into the church specifically for the enslaved African-American population to be able to attend. During the Civil War, it was used as a hospital by the Union troops, and I think that they have actually found some writings on the walls that were done during that occupation, so that's kind of a unique historic artifact in the church. After the Civil War, the African-American population that had attended that church then created their own church nearby, so it helped to spawn another church at that time.

Mr. Camp: Thank you. In the same spirit, Mr. Reed, to bring our comments together into one record for review and for those in attendance today, I'd like to briefly touch on two items that were mentioned at the December hearing. First, if I understand correctly from our informal, could you verify there is no current request from the church for accommodation of any particular or specific modification to the building? Is that correct?

Mr. Reed: That's correct. We have not received an application for any maintenance, repairs, or other type of activity for the property.

Mr. Camp: There is a record in the past of such requests, and if I recall correctly, those were heard by various boards, they were taken up to City Council for final decision, and if the applicant had not been satisfied, an appeals process was in place for them to appeal. Is that generally correct?

Mr. Reed: Since the Historic and Cultural District was established in 1980, there have been several applications from the church that have come forward—various levels of involvement, some for building additions, some simply to replace a shed on the property that's been damaged—but, yes, any denial would have had the opportunity for them to appeal that to the City Council.

Mr. Camp: Thank you. And then lastly, we touched last time on the idea of the building separately from the current occupancy and use—the church congregation—and the question was asked: in a historic district such as this one, can the building be used for other things and still be compliant with the historic district requirements?

Mr. Reed: Yes, it can. The ordinance allows for various types of commercial activities. It could certainly be used for residential; the property itself is currently zoned R-20. But the building could be rehabilitated into a multi-family type of situation, but it also could be used for various businesses—a restaurant, for example.

Mr. Camp: Very good. So in terms of our deliberations today, to be clear, we're talking about the structure, which obviously has been historically used for this one purpose, but that doesn't necessarily have to bind our thinking about this decision—that it could only be used for one purpose in the future.

Mr. Reed: That's correct.

Mr. Camp: Thank you, sir.

Mr. Plumlee: Just to clarify, because the name of the ordinance is "to remove the GPINs identified from the Nimmo Church Historic and Cultural District," that is the title. My understanding is that would essentially do away with the district entirely; it's not removing it from -- it's taking away the district. I just want to clarify that point for everybody's understanding. Is that a fair understanding?

Mr. Reed: That's correct. The boundaries of the district are the partial GPINs, not the entire parcel for Nimmo Church is in the district; a small part here and there is just outside of the district. But also, within that context, the Nimmo Church is the only historic building in the district. So if you removed it from it, there would be no basis for having the district, unless there was archaeological concerns or whatever.

Mr. Coston: Any other questions? You may be seated. Thank you. Madam Clerk, are there any speakers for this item?

Clerk: Yes, we have one speaker, Gene Estes.

Mr. Estes: Chairman Coston, Vice Chair, members of the Planning Commission. I'm Gene Estes. I'm a member of the Nimmo United Methodist Church's leadership board, which serves as our board of trustees. I would like to note that we do have members of our congregation and leadership here present today with me to assist in supporting me. Our position is we have worked with Councilwoman Henley and members of city staff to initiate the drafting of the proposed ordinance eliminating the Nimmo Church Historic and Cultural District, and I address you today representing the church in this regard.

The faith community of Nimmo United Methodist Church has been an active, living congregation committed to making disciples of Christ since the late 18th century. Our little church at the crossroads was originally constructed in 1791, and through the last 234 years, as Mr. Reed remarked, we have on several occasions altered it to serve the evolving needs of our congregation. We want to continue to evolve our building to serve the generations to come. We had two major renovations during the 20th century that added to the historic structure. Today, the portion of our church building that is subject to modern historic preservation is the sanctuary and the steeple, or the tower, as it was known in 1893.

Our urgent need today is to perform maintenance on the exterior of our entire facility, not just the contributing portion subject to historic preservation. We would replace the wood siding and upgrade the windows using modern materials, achieving lower installation costs today, but importantly, to achieve reduced maintenance costs in the years to come and increase energy efficiency into the future. The siding is wood with a typical R-factor, and that's all the insulation we have in the historic sanctuary. The windows are single-pane wood sash windows that date from when the church was renovated sometime in the 19th century when the church was expanded.

We have a plan and believe that we have the resources to satisfy this need. However, we cannot afford the current and future costs of requirements imposed by the Historical Review Board. And even if we had the financial resources to install and/or restore using original materials, we would elect not to do so because doing so would forfeit the benefits of future cost savings in maintenance and energy efficiency, no matter what materials are used.

To restore the physical integrity of the church, the project cost will be in the hundreds of thousands of dollars. The requirement the Historical Review Board imposes on a historic building is that repairs be made using the same materials as were originally used when the building was constructed in the 18th century, if available, if the trades are still around to install it—all of which is true—but without consideration of cost. That would mean the use of beaded, milled cedar siding custom milled for the siding, and restoration of single-pane wooden sash windows, instead of modern low-cost alternatives.

We continue to work, and have been working for months, with prospective contractors toward development of cost estimates for the needed siding and windows, supporting the cost trade-off between traditional and modern materials. Preliminary results tell us that the cost of installation and life cycle maintenance of original materials is significantly greater—perhaps as much as a few hundred thousand dollars more—and that is the crux of our support for the proposed ordinance. We can't afford the installation and recurring future costs of original materials. The added cost threatens to place a financial burden upon us that threatens the very sustainability of our congregation. We need an affordable solution that preserves our facility and serves our membership so that we can continue our mission to connect people to Christ.

In recent years, we have been forced by cost constraints to reduce staff, negatively affecting our programming, and to use financial resources and reserves to cover current year operating costs. For the future, we have an ongoing program to seek non-profit partners in the utilization of our real estate for revenue-producing programs which align to our mission. Today, we can afford what we want to do, but we can't afford the solution that the HRB process requires. Needed maintenance in a moment of programmatic austerity motivates us to request elimination of the very historic designation that was intended to preserve our historic character.

A question was raised and addressed today at the December 10th Planning Commission meeting as to whether we had submitted prospective plans to the HRB. I'll address that briefly. Prior to the pandemic, Nimmo Church initiated a building program which was later abandoned at the end of the pandemic because of the effect of the pandemic on church attendance, on building costs, and investment performance. In September of '21, we submitted building plans to the HRB and learned about its inflexibility with regard to applications. I might add that those building plans did not include any replacement of siding; that was all new construction and renovation of non-historic parts of the building. In fact, we obligated ourselves to not change the historic building at that time. Modern materials could be used on new construction or renovation of structures built in the 20th century, but not on historically designated buildings.

In 2024, we consulted the planning department liaison to the HRB about replacing the roof and siding on our historic church. The roof was replaced without objection, but we were advised once again that only original materials could be used on the historic building, so we did not submit applications because we knew what the answer was going to be. Those lessons applied today have motivated us to seek elimination of our Historic and Cultural District rather than to submit plans to the HRB, which we are confident would not receive a Certificate of Appropriateness. Our relationship with the HRB from within the Historic and Cultural District is not a partnership; rather, it is unilateral and from which we derive no benefit. No matter what the original intent, we don't have the time to go through that process only to be denied a Certificate of Appropriateness, nor can we afford what the HRB requires.

We understand that a request for an indefinite deferral of consideration of the proposed ordinance had been initiated by individuals within the city or state government to attach an amendment to the state budget which would provide some funding for preserving our historic church. That request for deferment didn't happen. I want to make it clear: we neither asked for nor participated in that initiative. By itself, such funding would be a good thing; nobody would necessarily turn money down. But if such funding is provided as a de facto means of sidestepping consideration of the proposed ordinance eliminating the district, we oppose it. Funding from the state, or any other benefactor for that matter, to support renovation and preservation of our historic church in accordance with HRB requirements would satisfy immediate needs but would leave the church with additional downstream maintenance requirements and without improvements in long-term energy efficiency for decades to come compared to other options. We view the potential for funding from the state and the proposed ordinance as complementary rather than as alternatives. It would be beneficial only if the proposed ordinance is adopted and we could carry out the plan as we seek.

Rest assured that we, acting in what we believe is the best interest of the congregation, are proudly committed to preserving the historical character of our 234-year-old church, which is the oldest Methodist church building in continuous use in Virginia.

Mr. Coston: Excuse me, Mr. Estes, your time has run out. Let me see if anybody has any questions for you up here. Does anyone on the commission have any questions for Mr. Estes?

Mr. Plumlee: Mr. Estes, thank you for coming today. You had mentioned the congregation several times. What is the size of the congregation?

Mr. Estes: We have a weekly attendance on the order of 110, 115 to 120 in two services and online participation.

Mr. Plumlee: So there is strong participation with your congregation. Is that fair? With the numbers attending, you have strong participation among the members of your congregation?

Mr. Estes: We have steady participation. Our attendance is approximately half of what it was before the pandemic for a variety of reasons.

Mr. Plumlee: I can't remember -- what are the number of acres at this site?

Mr. Estes: Somebody, I think, in total we have about 11 -- I was going to say 11 acres.

Mr. Plumlee: And this request is to remove all of those acres from the district. Is that fair?

Mr. Estes: That is exactly true, as well as the acres that are underneath Royal Farms.

Mr. Plumlee: Okay. With regard to the historic district, has the church received any local, state, or federal funding underpinned by that designation that you're aware of?

Mr. Estes: No.

Mr. Plumlee: Okay. Are you aware of any visitors coming to your site to see any of the historic features of the church or to observe it?

Mr. Estes: I believe in the last -- since I'm aware, there have been maybe two or three requests to come and visit the historic church. We get some other requests to use our facility for meetings of a variety. The Sons of the Revolution, the Daughters of the Revolution have used it to commemorate a plaque that was installed to commemorate the James Plantation skirmish during the Revolutionary War, and there's another one of those planned.

Mr. Plumlee: And just to clear the air on this question: is there any known intent by the leadership of the church to try to sever any of the property in the future for development of any other type of uses?

Mr. Estes: I mentioned we have a program going on to attract non-profits to partner with us to use part of our property, notably the land between Old Princess Anne Road and the new Princess Anne Road, as a revenue-producing initiative that aligns with our mission. We have that program going on, but outside of that, we don't have any –

Mr. Plumlee: Residential development, commercial development...

Mr. Estes: And we wouldn't want any.

Mr. Plumlee: Okay. Thank you very much for answering my questions. I appreciate it.

Mr. Coston: Any other questions? I think I have a little comment. Your church has a great impact on the area. Down the street from you, I don't know if that church -- how it was connected, but the AME church there is called Nimmo also, because I'm guessing a lot of people -- it's a Black church, African Methodist, and they use the name Nimmo too. When we say we're going to that church, people say, "Is that Nimmo's or is it?" and then they want to know which Nimmo's it is at. Would you be averse to doing 60 today? I understand that you don't want a deferral indefinitely, but would 60 days work for you by any chance?

Mr. Estes: Our preference is to move forward. I don't believe that the 60 days, if it's for the purpose of finding out what happens with the state budget potential state budget amendment -- if that money is going to come to us and leave us in the Historical Review Board or in the historic district, then we would oppose. We would prefer to move forward and have the two initiatives go forward in parallel so that they're complementary downstream, and it's not an either-or situation.

As far as the two Nimmo churches -- the African-American congregation right down the road, their original members were members of Nimmo United Methodist Church until after the Civil War, and we share congregations at least once a year on Thanksgiving.

Mr. Coston: I just wanted to bring up the impact that historically it has even -- on the street. You may be seated. Thank you.

Mr. Camp: Thank you. I think it's Mount Zion, was that the church?

Mr. Estes: I'm sorry, that's correct.

Mr. Camp: Thank you. I have a follow-up question for Mr. Reed, if that's permitted.

Mr. Coston: Yes, sir.

Mr. Camp: Mr. Reed, thank you for coming back up. The prior line of questioning established that there's 11.34 acres on the site that we're talking about. The minimum lot size acreage for this particular use is 5 acres, is that correct, for church?

Mr. Reed: I don't know.

Ms. Sabo: For religious use, it's three acres.

Mr. Camp: Three acres. And do you happen to know, is the cemetery an aspect of the exterior that is historically governed or protected under this historic district, or is it just the structure?

Mr. Reed: Technically, it's the entirety of the property as far as visible exterior areas are concerned. So, yes, the cemetery would come under that. For example, if they wanted to construct something within the cemetery—a columbarium, I think is close to the term—then that would need to be reviewed by the review board under the existing zoning overlay.

Mr. Camp: So if one wished to determine, is there property within the 11.34 acres that is not currently part of a governed structure, one might combine the cemetery with the primary building and its ancillary appurtenances, its walkways and that type of thing, and one might be able to determine if there is or isn't surplus acreage on the site, which although the church may not be interested at this time in doing something else with, they potentially could and still be in compliance with the zoning code. Is that conceptually correct?

Mr. Reed: I believe so.

Ms. Sabo: I would agree with that.

Mr. Camp: Who would agree with it?

Mr. Reed: I looked at the Zoning Administrator because I

Mr. Camp: Okay. Thank you.

Mr. Reed: For the record, the only zoning code I'm really familiar with is the Historic Cultural District.

Mr. Camp: Very good. Thank you, sir. I appreciate it. That concludes my questions.

Mr. Coston: If there are no other questions –

Mr. Plumlee: I do have one. I'm sorry. Thank you, Mr. Chairman. Mr. Reed, my recollection, and I think you had mentioned it: the congregants of this church, prior to the Civil War, had participated in the Underground Railroad. Does that also -- to your understanding or not?

Mr. Reed: I'm not aware of that history.

Mr. Plumlee: I think that fact was made known to me, and I couldn't recall whether it was at our last hearing. Okay. Thank you.

Mr. Coston: Okay, we will open the floor for discussion, or we will entertain a motion.

Ms. Schoonover: I'd like to make a motion. Would you defer this application for 60 days, please?

Mr. Coston: Is there a second?

Ms. Moorjani: Seconded.

Mr. Coston: It has been moved by Commissioner Schoonover and seconded by Commissioner Moorjani that we defer this item for 60 days.

Mr. Camp: May I have a clarification from counsel? Will that deferral still comply with the overall 100-day limit from the time this first came to us?

Ms. Royster: It would be the last deferral if you so moved and approved the 60 days.

Mr. Coston: Thank you. Are we ready for the question?

Mr. Plumlee: Mr. Chair, if we could have just a brief discussion about the deferral -- I just would like to talk about this for a minute because, you know, a request is being made of us to consider a deferral. It doesn't appear to be coming from the folks putting forth the ordinance. I'm very happy that Mr. Estes and members of the church came here. Their absence at the last meeting was the reason why I felt it was necessary to request that deferral—that we were not getting your side of the story, which is the only way that you can try to make a fair decision with these things.

I get the sense that you're contending for your existence as a congregation. You're saying we're looking into the future, and we don't see ourselves being able to keep up with the pace of repair, and when you add the costs of keeping these original features, you have inefficiencies, and it's just going to continue to be a burden on the congregation. So the idea—and I think this is sort of the way to think about it—is whether we're here to preserve the congregation or we're here to preserve the district and the history of the district. That's why I wanted to know how many visitors are coming to this.

A deferral does not necessarily mean we're going to vote one way or the other; it's simply an opportunity to hear from others because there's a lot of players within the city that hold your church in high regard for its historic significance. So I'm caught in the center with my thinking on this, but I'd much prefer more time to consider this, not less time. I don't think that's going to harm you as a congregation for us to hear more. And if we do approve a deferral, I recommend you all come up and speak and lay this out. Mr. Estes is doing a great job, but I think it's useful for us to hear from the full congregation to understand the impact that this ordinance will have. Anyway, I can support the deferral for that reason.

Ms. Moorjani: The only thing I want to say is that, Mr. Estes, when we spoke, I told you that we do care about this issue, and I think someone pointed out that this is the first time we're talking about removing a district, so it is very serious.

Ms. Schoonover: I just wanted to make a brief comment so that there's an expectation from my thoughts about this. If there is an ability to provide you with the funding that you need in order to make these changes and to continue on, then I'm happy to support the effort to maintain this property as is. However, if it's not giving you what you need, I am absolutely happy to remove this burden on that church. I understand that you all had asked for your church to be added to the historical district in and of itself, and if you feel that you need to have that removed in order to function, then I don't want to burden you with that. But I would like to give the opportunity to give everybody who is involved an opportunity to fix this situation that works for everybody. But if it doesn't work for you, then I'm not going to vote to burden you further.

Ms. Hippen: I just looked up to see if this church was connected to the Underground Railroad, and I found nothing. That was just a brief search. However, it does have a steep history for the Black community in this area who severed from the church and became part of the AME congregation. My concern is -- my question actually is, how did they get a Royal Farms built on the property if it's a historic property? Is one question. The other question is, who is opposing this, and where are they? The city opposed this? Was the presentation -- Mr. Reed, are you in opposition? Is the city in opposition to this? I'm confused now. I'm gonna be honest, I'm confused. So the history -- the historic -- you, as the historic person, are in agreement or disagreement?

Mr. Reed: So the letters that you've received from the Historical Review Board and the Historic Preservation Commission, those are positions that I feel are valid.

Ms. Hippen: They oppose? You oppose? Okay, I wanted to make sure. I'm trying to figure out who's opposing it and why. But the church is saying they can't exist as a church unless they remove this historic district. Am I getting it right?

Mr. Reed: Well, I think they're saying that the cost to do the repair, replacement, and ongoing maintenance would be somewhat prohibitive to them, you know, if not in the immediate time frame, then down the road, which, from what Mr. Estes said, they think will have a negative impact on their ability to maintain their congregation for generations.

Ms. Hippen: Okay. I'm a 33-year member of the Daughters of the American Revolution, so the historic significance here of the church I do understand. My question is -- this church was built in 1791. To maintain it, you need to get rid of the historical -- I'm trying to get this together. To maintain the church and its congregation, the church wants to get rid of the historical designation, but the historical society folks do not. Am I getting it right?

Mr. Reed: Well, the Historic and Cultural District is a zoning overlay, yes. And a City Council-appointed body, the Historical Review Board, then reviews applications for Certificates of Appropriateness relative to projects that are taking place within those districts.

Ms. Hippen: Okay. How did they get a Royal Farms built in that area? Do you know?

Mr. Reed: It was approved by City Council. It was recommended for approval, not unanimously, by the Planning Commission. It went, obviously, to the Historical Review Board. The review board reviews design and not use. So the initial design came forward to the review board. The review board suggested many changes to the building design, to signs, etc. When it came back to the review board and all of those changes had been made, then they were in a position where they

needed to issue a Certificate of Appropriateness for that design. Then it came to the Planning Commission and went through that process.

Ms. Hippen: Okay. That's all my questions for you now. Sir, I have a question for you from the church, and I'm sorry if these questions sound strange. So you own the property that the Royal Farms is located on, correct?

Mr. Estes: We do not own the property.

Ms. Hippen: You do not own the property?

Mr. Estes: It was owned by Louis Jones before the consortium that bought the property and built the Royal Farms took possession of it. We owned a sliver of that property back in 1990 before, and we sold that to Louis Jones—just a sliver, a sliver that's also a utility easement for Dominion Energy. It wasn't any use to us, and we used those funds to add an extension on our building in 1990.

Ms. Hippen: Okay.

Mr. Estes: I would add that all of our intentions are to preserve the exterior appearance of our structure. Absolutely. Any materials we use will mimic the materials that are currently used, whether it's the siding or whether it's the windows. From 10 feet away, it'll look exactly the same after our maintenance as it does right now—better, because the siding will look a whole lot better.

Ms. Hippen: Okay. Thank you. Thank you for answering the next question I was going to ask.

Ms. Schoonover: I just want to make a remark that -- so also I am amember the DAR as well. This church, even if it's removed from this historic district, would still be a historic facility and could still be used in all of the same ways. And, you know, I think we should just keep that in mind. It's not like it no longer -- it's going to be knocked down tomorrow, no longer is valuable; it just wouldn't necessarily have this designation.

Mr. Coston: Thank you. Commissioner Byler.

Ms. Byler: Thank you all for coming. I do appreciate that, and I think Commissioner Plumlee hit on a really key element that in my mind, there is a distinction between the building of the church and the occupants of the building. So all of the comments that I've heard in favor of this application have to do with favoring the congregation and the operations of it, and all of the comments I've heard in opposition have to do with preserving the building and not necessarily whoever's using the building. So I look at Virginia Beach -- we have the Thoroughgood House, we have the Francis Land House, we have a couple other historical buildings, and I treasure them. I think it's part of our past, and we have so little of it; we cannot create new historical buildings. So I typically would be in favor of preserving our historical buildings, and I applaud the efforts to do that. I'm sorry it's inconvenient and that it's costly, and I get that, but I think these buildings are important.

And I heard you say you don't really want a 60-day deferment because you want to vote—presumably you want that because you assume that this panel is going to vote in your favor, or you're not that concerned about what our vote is anyway, because at the end of the day, we're only

advisory; we are not the decision-makers. That will come later at City Council. So I don't oppose the 60-day deferment; I also don't support it. I don't know that it's going to change my position one way or another, but I will support the 60-day deferment if it pleases this commission.

Mr. Mauch: Thank you. I think this idea, if anybody is watching this or listening to it for the first time, is a little bit confusing, and I think that they may share the same concerns that Commissioner Hippen had. So I just kind of wanted to break it down in an easier way: the city is bringing forward this ordinance to remove this zoning overlay, but the city is also opposing what they're bringing forward, and the only person that's affected by it is the church that's realistically not being able to do the things that they need to do without a significant impact to their ability to do the things in the public as well as the things on their own land.

I'm not opposed to the 60 days, but I do want to see -- I struggle with this, just like Commissioner Plumlee. I want to see our city embrace and hold on to our cultural amenities that we have, and I think we've recently started putting a big emphasis into it, but I don't think that our most recent past has been quite as strong of an emphasis by leadership, and I'm happy that we've continued to move forward with that emphasis. But I also don't want to handcuff a congregation from being able to provide the services that they provide. So with this being said, I can support that 60-day deferral. I don't know that anything's going to change with the outcome, but if we can find a way to preserve the essence of what we're trying to preserve with it being in this overlay, I'd like to see something explored in that way.

Mr. Coston: Are we ready for the question?

Clerk: The vote is open. By a recorded vote of 11 to 0, Item 1, City of Virginia Beach, has been recommended for a 60-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 January 14, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #2 David A & Robin Parker
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next item on the Consent Agenda is Item 2, David and Robin Parker, street closure on Winston-Salem Avenue. Is there a representative here today to speak on this item? Welcome, please state your name for the record.

Mr. Bourdon: Thank you, Vice Chair Byler and Chairman Coston, honorable members of the commission. For the record, Eddie Bourdon, Virginia Beach Attorney, representing Robin and David Parker on this application. We appreciate the commission putting us on the Consent Agenda, and all five conditions as recommended by staff are acceptable to us, and appreciate Mr. Trebilcock's work with us on this application. Thank you.

Ms. Byler: Thank you, Attorney Bourdon, you may be seated. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I've asked Commissioner Schoonover to read this item into the record.

Ms. Schoonover: The applicants, David and Robin Parker, are requesting a street closure of a portion of the western half of Arctic Avenue south of Winston-Salem Avenue. This is a reasonable request and, seeing no opposition, the application has been placed on the Consent Agenda.

(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. Chair Coston, that was the last item on the Consent Agenda. The Planning Commission places the following applications on the Consent Agenda: Agenda Items 2, 3, 4, 6, 8, 9, 11, 12, and the minutes.

Mr. Coston: Thank you, Vice Chair Byler.

Ms. Byler: I move that these items be placed on the Consent Agenda and approved by consent.

Ms. Hippen: Second.

Mr. Coston: It has been moved by the Vice Chair Byler and seconded by Commissioner Hippen that these items be approved on the Consent Agenda.

Clerk: The vote is open.

Mr. Plumlee: I need to note, I'm abstaining, in addition to the minutes as pointed out by Commissioner Camp for the site visit in January. I am abstaining from Items 6, 9, and 12 for reasons set forth in letters that were filed with the City Attorney's office.

Clerk: The vote is open. By recorded vote of 10 to zero, with all aforementioned abstentions, all aforementioned minutes and Items 2, 3, 4, 6, 8, 9, 11, and 12 have been recommended for approval by consent.

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 final street closure approval. Said plat shall include the dedication to the City of Virginia Beach of a public drainage easement over the closed portion of the right-of-way, subject to the approval of the Department of Public Works and the City Attorney's Office, respectively, which easement shall include a right of reasonable ingress and egress.

3. Should the Winston Salem Avenue Corridor Improvements Project, CIP 100489 not be completed prior to final street closure approval, the applicant shall provide to the City of Virginia Beach, and its assigns, a temporary construction easement over the closed portion of the right-of-way, subject to the approval of the Department of Public Works and the City Attorney's Office, respectively, until the Winston Salem Avenue Corridor Improvements Project, CIP 100489 has been completed.

4. 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.

5. 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 two years 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.

Virginia Beach Planning Commission January 14, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #3 Matthew Scornavacchi
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next item on the Consent Agenda is Agenda Item 3, Matthew Scornavacchi, with Modification of Conditions for 9th Street. Is there a representative here today to speak on this item? Welcome, please state your name for the record.

Mr. Pocta: Thank you. Good afternoon, Chairman Coston, Vice Chair Byler, members of the Planning Commission. My name is Chris Pocta, I'm a land use and zoning attorney with Wolcott Rivers Gates, and it's my pleasure to represent the applicant in this case, Matthew Scornavacchi. The applicant and myself appreciate being placed on the Consent Agenda and the hard work of Alexis Bailey and the planning staff, and all the conditions are agreeable. Thank you.

Ms. Byler: Thank you, Attorney Pocta, you may be seated. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I've asked Commissioner Schoonover to read this item into the record.

Ms. Schoonover: The applicant and property owner, Matthew Scornavacchi, is seeking a Modification of Conditions at 514 9th Street. This is a reasonable request and, seeing no opposition, the application has been placed on the Consent Agenda.

(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. Chair Coston, that was the last item on the Consent Agenda. The Planning Commission places the following applications on the Consent Agenda: Agenda Items 2, 3, 4, 6, 8, 9, 11, 12, and the minutes.

Mr. Coston: Thank you, Vice Chair Byler.

Ms. Byler: I move that these items be placed on the Consent Agenda and approved by consent.

Ms. Hippen: Second.

Mr. Coston: It has been moved by the Vice Chair Byler and seconded by Commissioner Hippen that these items be approved on the Consent Agenda.

Clerk: The vote is open.

Mr. Plumlee: I need to note, I'm abstaining, in addition to the minutes as pointed out by Commissioner Camp for the site visit in January. I am abstaining from Items 6, 9, and 12 for reasons set forth in letters that were filed with the City Attorney's office.

Clerk: The vote is open. By recorded vote of 10 to zero, with all aforementioned abstentions, all aforementioned minutes and Items 2, 3, 4, 6, 8, 9, 11, and 12 have been recommended for approval by consent.

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 previous conditions attached to the Change in Nonconformity for the property located at 514 9th Street of December 10, 2024, shall be voided and replaced with the following conditions below.

2. The site shall be developed in substantial conformance to the site plan entitled "Zoning Exhibit of Lot 16, Block 26," prepared by WPL, dated October 29, 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 "RESIDENCE @ 514 9TH STREET – ELEVATION WITH STAIRS," dated December 10, 2025, which has been exhibited to the City Council and is on file with the Department of Planning & Community Development.

4. If and when the applicant desires to construct a ramp on the site, the design of the ramp shall be in substantial conformance to the rendering entitled "RESIDENCE @ 514 9TH STREET – ELEVATION WITH RAMP," dated December 10, 2025, which has been exhibited to the City Council and is on file with the Department of Planning & Community Development.

5. The applicant shall obtain all necessary permits and inspections from the Department of Planning & Community Development 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.

Virginia Beach Planning Commission January 14, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #4 Star of the Sea Catholic Church/Catholic Diocese of Richmond
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next item is Agenda Item 4, Star of the Sea Catholic Church. Is there a representative here today to speak on this item? Welcome. Please state your name for the record.

Mr. Martin: Thank you. James Martin, I work at Star of the Sea Catholic Church and School. I'm the facility manager.

Ms. Byler: Thank you. Are the conditions acceptable to you?

Mr. Martin: Yes.

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 this item into the record.

Ms. Cuellar: Thank you very much. The applicant, Star of the Sea Catholic Church/Catholic Diocese of Richmond, is seeking a Modification of Conditions to allow for the construction of a six-foot-tall fence on this 0.97-acre Oceanfront Resort District zoned parcel. The concept renderings in the report display a maintenance-free, black aluminum fence. Having no opposition with a favorable staff report, the commission has decided to put this on the Consent Agenda.

(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. Chair Coston, that was the last item on the Consent Agenda. The Planning Commission places the following applications on the Consent Agenda: Agenda Items 2, 3, 4, 6, 8, 9, 11, 12, and the minutes.

Mr. Coston: Thank you, Vice Chair Byler.

Ms. Byler: I move that these items be placed on the Consent Agenda and approved by consent.

Ms. Hippen: Second.

Mr. Coston: It has been moved by the Vice Chair Byler and seconded by Commissioner Hippen that these items be approved on the Consent Agenda.

Clerk: The vote is open.

Mr. Plumlee: I need to note, I'm abstaining, in addition to the minutes as pointed out by Commissioner Camp for the site visit in January. I am abstaining from Items 6, 9, and 12 for reasons set forth in letters that were filed with the City Attorney's office.

Clerk: The vote is open. By recorded vote of 10 to zero, with all aforementioned abstentions, all aforementioned minutes and Items 2, 3, 4, 6, 8, 9, 11, and 12 have been recommended for approval by consent.

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 previous conditions attached to the Conditional Use Permit approval of August 14, 2001 shall be voided and replaced with the following conditions below.

2. Development of the parking lot shall adhere to the requirements of the Site Plan Ordinance, Appendix C of the City Code and Section 23-58 of the City Code.

3. The fence location shall be in substantial conformance to the exhibit entitled “STAR OF THE SEA CATHOLIC CHURCH”, dated 12/19/2025, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.

4. The lot shall be screened by landscaping meeting the requirements of the City’s parking lot landscaping specifications and standards pertaining to perimeter screening.

5. Prior to the approval of any fence permits, the location of the fence shall be reviewed by the Public Works department to ensure compliance with the Public Works Design Standards Manual pertaining to sight distance at intersections.

6. The applicant shall obtain all necessary permits and inspections from the Department of Planning and Community Development.

7. The existing “Beach Parking” sign near the entrance on Pacific Avenue shall be removed and/or relocated to meet the requirements of the Zoning Ordinance. A separate sign permit shall be obtained from the Department of Planning & Community Development for the installation or relocation of any new signage.

8. The attendant station shall be located at least 50 feet back from Pacific Avenue in order to reduce the stacking of motor vehicles onto Pacific Avenue.

9. The use of the property as a Commercial Parking Lot shall not be permitted during the hours of school operation on the adjacent property at 309 15th Street, nor within 15 minutes preceding and following the same. A copy of the Star of the Sea school calendar shall be maintained and made available to the Zoning division on request.

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 January 14, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #5 Shakilah Verner
Recommendation: RECOMMENDED FOR 30-DAY DEFERRAL

Discussion

Mr. Coston: The next order of business is the consideration of requests to withdraw or defer an item. Are there any items to be withdrawn? Hearing none, we'll move on to deferrals. Are there any items to be deferred?

Mr. Plumlee: Mr. Chair, it is my understanding there was a request for deferral of Item Number 5 for a 30-day deferral.

Mr. Coston: Is there any objection to this item being deferred? Do I have a motion? And who seconded?

Mr. Plumlee: I'll move to defer Item 5 for 30 days, and this is the applicant's request for deferral.

Ms. Hippen: Second.

Mr. Coston: It has been moved by Commissioner Plumlee and seconded by Commissioner Hippen. Are we ready for the vote?

Clerk: The vote is open. By a recorded vote of 11 to 0, Item 5 has been recommended for 30-day deferral.

Mr. Coston: Thank you.

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 January 14, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #6 Patrick & Joye Patzer
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next item is Agenda Item 6, Patrick and Joye Patzer, regarding conditional rezoning on First Colonial Road. Is there a representative here today to speak on this item?

Mr. Dylan: Morning, Madam Vice Chair. George Dylan, attorney for the applicants, Dr. Patzer and Ms. Joyce Patzer. We want to thank the commission for placing this on the Consent Agenda, and my clients accept the proffers as placed in the application and the staff report.

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 Mauch to read this item into the record.

Mr. Mauch: The applicant is requesting a Conditional Rezoning from O-2 Office District to Conditional B-2 Community Business District to operate a retail store. In Staff's opinion, and the Planning Commission's opinion, we have not heard any opposition, and we have placed it on the Consent Agenda.

(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. Chair Coston, that was the last item on the Consent Agenda. The Planning Commission places the following applications on the Consent Agenda: Agenda Items 2, 3, 4, 6, 8, 9, 11, 12, and the minutes.

Mr. Coston: Thank you, Vice Chair Byler.

Ms. Byler: I move that these items be placed on the Consent Agenda and approved by consent.

Ms. Hippen: Second.

Mr. Coston: It has been moved by the Vice Chair Byler and seconded by Commissioner Hippen that these items be approved on the Consent Agenda.

Clerk: The vote is open.

Mr. Plumlee: I need to note, I'm abstaining, in addition to the minutes as pointed out by Commissioner Camp for the site visit in January. I am abstaining from Items 6, 9, and 12 for reasons set forth in letters that were filed with the City Attorney's office.

Clerk: The vote is open. By recorded vote of 10 to zero, with all aforementioned abstentions, all aforementioned minutes and Items 2, 3, 4, 6, 8, 9, 11, and 12 have been recommended for approval by consent.

Vote Tally

Commission Member	AYE 10	NAY 0	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

The uses permitted on the Property shall be restricted to those uses permitted in the B2 zoning district.

Proffer 2

Notwithstanding the foregoing, the Property shall not be used for any land use designated as not compatible in the >75 dB Air Installations Compatible Use Zone in Article 18 of the City of Virginia Beach Zoning Ordinance.

Virginia Beach Planning Commission January 14, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #7 Oceana Development LLC
Recommendation: RECOMMENDED FOR 30-DAY DEFERRAL

Discussion

Clerk: Our next item is Item 7, Oceana Development, LLC.

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

Mr. Schmidt: Yes, sir. Mr. Chair, Madam Vice Chair, members of the Planning Commission, my name is Greg Schmidt with Kimley-Horn. I'm a local civil engineer representing the applicant for Oceana Development, LLC. The project that we have forth in front of you today is for a bulk outdoor storage yard off of Progress Lane in an industrial area that has been previously developed. The particular property we are looking at is one of the remaining properties that has yet to have been developed within that industrial zoning district. The Conditional Use Permit that we are requesting would be a bulk outdoor storage yard that would be an accessory use to a site civil contractor office and warehouse building that would also be located on that same property.

This site is located in the Accident Potential Zone 2 as well as the AICUZ noise zone greater than 75 decibels, which is what has driven much of the industrial development in that area previously. The particular property we are located on was conditionally rezoned in 2005, with some of the adjacent neighborhoods developing around the time of the great recession, 2008-2010 time frame.

We have taken a pretty intentional approach of locating the building and the parking in the area where that parcel is the skinniest and where it is closest to the residential neighbors that already exist, and locating the bulk outdoor storage yard in an area of that parcel that is developable and also is farthest from the neighbors' backyards and residences. So the design of this was not something that we just made work; this is something that had intention behind it.

The applicant did send out door hangers to all the adjacent property owners soliciting feedback. I believe we had heard from around three or four of those adjacent property owners, referencing largely the parking lot and building area at the time of the conversations we had. In addition to conversations with Planning staff, we originally had a minimum Category II landscape buffer along the residential where you can see the parking lot paving directly abutting those residences, and in those conversations we went back and are now presenting an enhanced Category II landscape buffer, which includes an additional row of evergreen landscaping. That evergreen landscaping is typically installed at around six feet in height, and the plants that we typically would put in those buffers grow around a foot a year.

One thing I do want to point out: I know there's been a lot of questions about fencing and things like that. Because this site was rezoned to industrial prior to the development of some of those adjacent neighborhoods, those developers that built those homes had the foresight to install an eight-foot privacy fence facing the industrial zoning district that previously existed. So while a lot

of questions around the fencing have come up, we are open to the additional planting materials but do not see it necessary to also install fence, creating a 25-foot wooded corridor between the two properties that would be contained between the two fences.

In addition to what's shown on the screen, everything shown in red would meet the typical bulk storage yard ordinance requirements for evergreen screening as well as an eight-foot-tall privacy fence. What is shown in the cyan color, the light blue color, is proposed to be an eight-foot chain-link fence, so that is a waiver to the typical bulk storage requirements. The biggest reason for that is, again, where we've located the bulk storage yard—it's hard to tell, but the area that is not shaded with a solid color is a resource protection area and jurisdictional wetlands. That area is to completely remain intact, unimpacted, undisturbed with this development.

I did run some numbers for the storage yard as it relates to proximity to the residences. The nearest house is roughly 280 feet to the fence line of the nearest part of the storage yard, and the nearest backyard's nearest fence line is about 240 feet to the fence line of the outdoor storage yard.

Related to the site civil contractor tenant that our applicant has been working with, the outdoor storage yard would largely be used for temporary, rotational storage of construction materials such as piping, storm drainage structures, sometimes equipment, things like that. So this will serve as an office space for them in the building and some indoor warehousing for things that don't handle the elements quite as well, and the outdoor storage area would be where they will store materials and equipment while they are waiting to be dispatched to a job site. This is not intended to be a junkyard or anything like that; this is going to be new product coming in, new product going out and being installed in the field.

In closing, we did just receive a letter a few minutes ago in opposition. I know there have been some other letters of opposition. The hours of operation right now are 7:00 a.m. to 3:30 p.m., Monday through Saturday. Unfortunately, construction doesn't always stop on the weekends; there will be times where they will need to be open on Saturdays to facilitate what they are doing at times for the city and for other clients within Hampton Roads.

I do want to point out that with this being located in the APZ-2 and the AICUZ greater than 75, the question of compatibility often comes up. And while it is unfortunate that these residents are adjacent to what was rezoned to industrial, those residences in those areas would be, under today's ordinance, I believe, considered non-conforming. So when we look at compatibility for the use of this land that was rezoned to industrial, the compatibility of what is allowed in that zoning district today would be much of what is considered here.

I know the outdoor storage yard is the focus of the vote. There are building elevations, there are some of the additional landscape screening like I had mentioned in that closer proximity; those are things that we've kind of worked on and offered up with this development as a whole. With the main focus of today's vote being on the outdoor storage yard itself, with that, I'll stand by for questions.

Mr. Plumlee: Thank you, Mr. Chairman. Mr. Schmidt, what is the bulk yard -- what are those materials there to serve? In other words, we have all types of laydown yards throughout the city; some serve road construction, others we have dedicated to offshore wind. What types of piping

materials are going to be brought and stored on the site? For instance, if it was serving offshore wind, these would be oversized windmill-related parts. Can you give us a little bit more detail of what is there to serve the yard?

Mr. Schmidt: Sure, yeah. The tenant that will be occupying this site is a local site civil contractor. So that pipe or those materials consist of your storm drainage inlets, they consist of reinforced concrete piping, plastic piping, metal piping. Those are kind of the main things that would be stored on site as they are produced elsewhere, delivered to the site, and then dispatched to a construction site elsewhere. There will be no construction or maintenance or things like that that are anticipated to occur on this property; it is more or less temporary storage of those materials.

Mr. Plumlee: Is there any suggested limit to the life of this permit? Is it limited in the number of years, or is it without limitations?

Mr. Schmidt: Unfortunately, because of the nature of the uses—the accessory use of the outdoor storage yard and the use as a site contractor's office and warehouse—the two uses need to cooperate and work together. So at this time, I don't think we've considered putting a clause in there that would limit the timeline, the expiration of an anticipated use permit.

Mr. Plumlee: Have you analyzed whether there's going to be any ingress/egress difficulties with any of the size materials coming in or out?

Mr. Schmidt: Yes, so we run truck turn movements, and we analyzed that. And working closely with the tenant that will be occupying the space, they understand that while we have this large area for an outdoor storage area, much of that will need to be reserved for navigating that area.

Mr. Anderson: Just wanted to see -- we've talked about the fencing and the landscaping extra buffer. I'd like to see if -- I know this probably might not ever happen, but just in case, I'd like to have it as a backup. If for some reason the property owners behind your property, the fence line, the fencing just disappears—you know, it falls apart, nobody puts it—if your client would be willing to put a fence in place of it if that ever happens, and we could put that in as a -- whether it ever happens or not, just kind of a backup plan. I know you guys have been glad to add the buffering that we've discussed earlier; it's just one more safe plan for the future, possible future.

Mr. Schmidt: Sure. I guess, I'm trying to imagine how we create an enforceable condition that would be acceptable on that front. I do have a representative of the owner here; I may see if she has any thoughts. But I'm trying to think of the wording of that so that it would be enforceable for the city.

Ms. Miller: I think that speaking for the developer of it, as well as for the owner of the land, it becomes a bit difficult to enforce replacement of a fence that was previously installed with the residential; it wasn't installed for the benefit of the industrial. So when the homeowners purchased their property, it came with that fence for their benefit, and I somewhat question how to say that someone else's property becomes my responsibility when there's still the 25-foot buffer. So I'm not initially saying no; I just think it kind of lends itself to a very gray area if somebody just was disgruntled that we were there and kept knocking their fence down and we kept having to rebuild it. So I think that your request, though I understand the nature of it, seems a bit farther than what I think that the landowner would agree to. I don't know if that makes –

Mr. Anderson: No, no, I understand your point. Any advice?

Ms. Miller: The buffer will remain in place of the 25 feet, so the parking lot wouldn't be entering in any manner around that existing fence. So really, it is there for the purpose and use and enjoyment of the residential homeowner, and then the wooded trees will remain, and it's just the parking lot adjacent to that. So without us encroaching on the 25-foot buffer, the fence should remain as long as a homeowner, you know, maintains their fence health.

Mr. Anderson: Okay. One other question, just I'm pretty sure I know the answer, but on the building itself, there is not a maintenance shop; it's just the office and warehouse and the laydown yard, right?

Mr. Schmidt: That's correct.

Mr. Anderson: I'll withdraw the extra fencing.

Mr. Camp: One admin detail: could the speaker who just spoke identify herself? Thanks.

Ms. Miller: My apologies. My name is Laurie Miller. I work with the Miller Group, who is a developer for Oceana Development, LLC, who's the owner of the parcel.

Mr. Camp: Thank you very much. Yes, I do have a question, actually two questions. You mentioned the vehicle movements on the site, and as I look at where the gates are to the laydown yard and then the asphalt that's depicted on the site plan, would I understand correctly that large vehicles, perhaps tractor trailers, would be moving -- what I'll say is, in this depiction, this orientation, on the west side or below the large building, the way that it's oriented here, on that strip of asphalt? Is that correct?

Mr. Schmidt: That's correct. There is a shared access road with that industrial facility to the page east, I guess. So we do have access gates to that property so that we can pull trucks in and out off that shared access road.

Mr. Camp: Okay. So I am looking at the site plan, you're talking about the red line and the gates up there, correct?

Mr. Schmidt: That's correct, sir.

Mr. Camp: Okay. If you would follow what I'll call the green line at the bottom of the site plan over toward the left beneath the building, are trucks going to be moving there in the corridor that's closest to the homes?

Mr. Schmidt: Yes, sir. There is an overhead door on that side of the building, and there would be some opportunity for deliveries on what is shown in the kind of speckled hatch between the two solid gray hatches.

Mr. Camp: Okay, thank you. My other question is just to clarify something that came up in the informal. Could you put it to rest for us: on Progress Lane, does the applicant intend to build a sidewalk across the frontage?

Mr. Schmidt: Yes, sir. It is a requirement of city traffic engineering that the sidewalk be installed.

Mr. Camp: Very good, with the ADA ramps at your driveway and that kind of thing?

Mr. Schmidt: That's correct.

Mr. Camp: Thank you so much for the clarification. I'm done.

Mr. Coston: There are no other questions. Madam Clerk, do we have any speakers for this item?

Mr. Schmidt: Thank you.

Clerk: Yes, we have two speakers. Our first speaker is Martin Dorn, followed by Heather Cook.

Mr. Dorn: Good afternoon.

Mr. Coston: How you doing, sir?

Mr. Dorn: Fine. My name is Martin Dorn.

Mr. Coston: Please pay attention to the signs; you have three minutes. The lights in front of you, and thank you for your name.

Mr. Dorn: Yes, sir. Thanks. So, I live in Nottingham South; I would be one of the homeowners to the north. Anyway, so I'd like to speak to one of the points that was -- that was zoned after neighborhoods, plural, were put in place. "Plural" would be a stretch; there was only one neighborhood, and that would be the neighborhood closest to that southern corner. And let's speak to that southern corner. Apparently, there's a 25-foot buffer. So 25 feet—let's say it's approximately from here to that glass wall back there—I doubt anyone in this room would like semis all of a sudden arbitrarily, after years and years and years of having probably 200 yards behind their home as a buffer, so that will be taken away from those particular homeowners.

My understanding is you're supposed to have a 300-foot, 100-yard buffer with heavy industrial movement, which is what we're looking at here: semis with large items. And so there's a certain amount of noise involved in that. I'd like to speak to existing structures on that piece of property, one being dormant. So we're already contending with dormant dumping—pipe, like literally just dumping pipe at -- could be early in the morning, could be later in the evening—so we're already contending with that and their light noise, light pollution. So just want to address things that we're already having to contend with within that area. 300 feet of loading trucks -- I don't know that I have much more to say except the fencing. So these particular homeowners—these are pretty nice homes, by the way—and not anyone's home should actually be subjected to something of this nature. But 25 feet again is a very, very narrow buffer, and then they're left with an eight-foot wooden fence as they're pretty much only true sound buffer. 25 feet of that -- I'm gathering it seems that it's going to be freshly planted evergreens that, given that math, would be 15 years to reach 15 feet. So that math, I wouldn't be very happy with if I owned a home, and I currently have a pretty, pretty nice thick wooded area—you can't see it in this photo...

Mr. Coston: Excuse me, sir, your time has expired.

Mr. Dorn: Okay. Alright.

Mr. Coston: Thanks. Just hold right there for a second. Does anyone have any questions?

Mr. Plumlee: Mr. Dorn, when you say the 25-foot buffer, I want to make sure -- can you see the picture I'm looking at up here?

Mr. Dorn: Yes, sir.

Mr. Plumlee: And are you talking about along that parking lot, that southeast portion?

Mr. Dorn: Yes, sir. You got the little Z there, so my angles are talking about 25-foot buffer there. And so you will have trucks riding in right on the other side of that.

Mr. Plumlee: Okay. So that appears to be a parking lot for the office facility that I'm looking at, where the laydown yard is on the other side of the building. Is that correct or incorrect?

Mr. Camp: You're correct about the laydown yard, but the prior witness said the trucks would be moving behind that building along that area.

Mr. Plumlee: Along swooping back behind that office structure.

Mr. Camp: Yes, Commissioner.

Mr. Plumlee: I appreciate you pointing that out to me. Thank you very much.

Mr. Coston: Any more questions? Alright, we're ready for the next speaker.

Clerk: Our next speaker is Heather Cook via WebEx.

Ms. Cook: Hi, good afternoon. Can you hear me?

Ms. Hippen: Just barely.

Ms. Cook: Okay. So, hi, everyone. My name is Heather Cook, and I live in Nottingham Estates. My property directly borders the proposed yard at 464 Progress Lane. As stated before, I'm opposed to the Conditional Use Permit because the use is incompatible with the residential neighborhoods, and I find it unnecessary given existing facilities, and it'll permanently remove a wooded buffer that protects nearby homes.

The laydown yard sits immediately next to these single-family homes. Regardless of fencing or partial vegetation, the yard means heavy equipment staging, trucks loading, unloading—some of the things that we've already discussed—and these are daily operational realities. And for my family and neighbors, that's significantly going to reduce privacy, safety, quality of life in our homes and yards.

I'm also concerned about the request for the chain-link fencing around portions of the residential boundary. I don't think that's going to provide meaningful visual or noise buffering, and it doesn't

mitigate the industrial character of this use when placed next to homes. And once the trees are cleared, there's no realistic way to restore that lost buffer.

What's especially troubling is that the project appears unnecessary. There is already an active laydown yard at the end of Bowland Parkway with access to Progress Lane. Additionally, there is an existing laydown yard at the London Bridge Commerce Center less than two miles away. These sites are already developed and already serving industrial needs without removing additional trees or pushing industrial activity closer to homes. From a planning environmental perspective, it makes far more sense to utilize existing industrial resources than to clear woodland that currently serves as a natural buffer.

Approving the Conditional Use Permit would set a concerning precedent that when existing facilities are available, it's still acceptable to expand industrial operations into residential edges and remove natural buffers. For these reasons, I respectfully ask that the Planning Commission deny this Conditional Use Permit. And at a minimum, I ask that you seriously consider whether this location is appropriate when viable alternatives already exist and when the impacts on adjacent homeowners are so direct and permanent. Thank you for your time and considering the concerns of those who live next to this site.

Mr. Coston: Thank you. Does anyone have any questions of the speaker? We'll open the floor up for discussion or a motion.

Ms. Royster: Chair Coston, there's an opportunity for rebuttal before discussion by the commission.

Mr. Schmidt: I do apologize. Earlier, as Mr. Dorn had pointed out, the neighborhood I was referring to is the one that is closest to the building, that would be the evergreens, that was rezoned following and developed after the conditional rezoning was already prepared. So I did want to clear that up.

Ms. Hippen: Say that again?

Mr. Schmidt: The Evergreens, which is the nearest cul-de-sac to the building, that is the neighborhood that was developed after the property that we are discussing today was already rezoned. So I just wanted to make that clear.

Ms. Hippen: Okay. I want to make sure that I understand you, because when you were here before, when you were speaking initially, you said that, and correct me if I'm wrong, you did say that those homes in that cul-de-sac, as we're looking at the picture in the lower left corner, which would be in the south portion, right?

Mr. Schmidt: Yes, ma'am.

Ms. Hippen: Okay, that if the zoning -- if they were asking to put those homes there now, they would not be able to; the zoning would not be approved. That was what I understood you to say.

Mr. Schmidt: Yes. I wanted to -- I did say "neighborhoods" earlier; I wanted to be clear in my statement. It was specifically related to the Evergreens. However, to address your question,

Commissioner Hippen, these neighborhoods are located within the Accident Potential Zone Number 2, and in the AICUZ greater than 75.

Ms. Hippen: Okay, that's what I was asking. Thank you.

Mr. Schmidt: It is my understanding that today those would be non-conforming.

Mr. Coston: I'm sorry, do we have one additional person that wants to speak on the subject? I think he came up late to sign up. Is that yes?

Clerk: We do: Jorge Flores.

Mr. Flores: Good afternoon. Jorge Flores. I live in Evergreens. I really know – didn't know the process of how this works. So the building is going to be directly in the back of our neighborhood. So the developer, I was a little confused because he stated that now that our neighborhood is now industrial, they're the ones who built that our neighborhood. And at that time when we purchased the house back in 2011, the purpose there, the reason we pay overpay for the house was because of the location.

So our concerns will be the buffer zone. So right now, there is no buffer zone between our neighborhood and that building; we only got about a couple trees. I know they said that they're going to install a couple of trees in there, but for personal experience, those trees no good, don't grow in that area. I spent over quite a couple thousand dollars on trees that they die after a year. So whatever trees that they put as a buffer is not going to work.

Our fence is a wood fence, and that's a very expensive fence; each is about 5 by 8, and each piece of wood, back in eight years ago, it was $15 a piece. So to replace that fence, it's going to cost a lot of money. But I guess my concern will be on the site that they sent, that they submitted, on the corner on the left side of the screen, I don't understand what they're going to put in there. Is that going to be a parking lot? And what are they going to do with that buffer? Because right now, if they remove the two trees that are currently located in there, they're going to remove any buffer from our neighborhood, which in essence will reduce our price of that house. And the green land that is to the right of that building is currently habitat by deer and all animals in that area.

So I guess we won't be able to stop the building itself, but we would like the developer to, at least, take into consideration, since they're the one who built our neighborhood, to at least put some type of buffer so at least conserve some of that value of our house, because when we did purchase the house from them, we overpaid for those houses like quite a bit. So I know for my property, I overpaid $20,000 extra because of the location, and the location was because we were surrounded by vegetation.

Mr. Coston: Excuse me, sir, yes, the time has expired. But just hold right there for a second. Does anyone have any questions? Okay, you may be seated.

Clerk: We have another speaker: Ashley Lynch.

Ms. Lynch: Hi, good afternoon. My name is Ashley Lynch. I also live in the Evergreens. There's a few of us here that are in that cul-de-sac. We are the people that back up to that. I actually live

in the center of the cul-de-sac; I back up to a property very similar to what's being proposed, and I did believe—I believe the same owner actually purchased the property behind us. But I will tell you, one of our concerns is noise. We do have 25 feet, and they have a chain-link fence, but at 5:45 in the morning to hear a dump truck with metal pipe coming out, even though there's noise variance restrictions, they don't seem to follow that. So there's times that it'll be months that we don't hear anything, and then all of a sudden, it'll happen days in a row. So I understand normal operating hours, but they don't always abide by that. I think that's part of our concern. If they could add another fence, that might help. We understand our opposition; it may still move forward. But if there's anything else they can do to buffer our use and enjoyment of our properties, we would greatly appreciate it. So thank you for your time.

Mr. Coston: Was that our last speaker?

Clerk: That was our last speaker.

Mr. Coston: The applicant would like to come back and rebut.

Mr. Schmidt: To be quick, I want to be clear: the parking lot area will be used as such. There will be employees that come to this facility, and they may get in another truck and go to the job site. So the parking lot itself will function as a parking lot, and that is the intentionality around how we laid this out—to locate the outdoor storage area as far away from the adjacent residences as possible.

I do also want to clarify: one of the other reasons we do have that road in the rear, as Commissioner Camp had mentioned, is also for fire access for the building. There is a code requirement that would require us to have that loop road so that the firefighters could access the building from all four sides. There are a couple overhead doors, but that would be unloading of smaller things like boxes of parts and things like that; they would not be unloading pipe there and taking it into the building. The larger items would be stored outside in the outdoor storage area. With that, I'll answer any other questions you all may have.

Mr. Anderson: That's what I wanted to make sure of, yeah, clarification on the -- what we call trucking, you know, on the back side of the property. Is that -- I couldn't imagine that you were going to have -- there was going to be any large tractor trailers unloading anything on the back side of the property. I just want to make sure that that was...

Mr. Schmidt: That's correct. The back side of the building is not large enough with adequate radii to be able to facilitate a semi-truck getting back there. It is large enough for something like a fire truck or a smaller box truck.

Mr. Plumlee: So, Mr. Schmidt, the way I see this plan, just looking at the plan that's currently up there, if you want to -- yes, sir, go through it with me. The radius that's cut out that you see carved out of the parking area, do you see that to the left side of the building? Is that for truck turning?

Mr. Schmidt: So there is the speckled area on the back left side of the building

Mr. Plumlee: -- I see that.

Mr. Schmidt: And then there is a skinnier piece of asphalt that would facilitate -- oh, okay, I understand where what you're saying where the jog and the asphalt is to go back out. That is to facilitate enough clearance from the corner of the building to the edge of asphalt to be able to get a fire truck or a smaller box truck to the rear of the building.

Mr. Plumlee: Was there any consideration given to front-loading at this building as opposed to back-loading close to the neighborhood, or even side-loading using the laydown yard area as an entry point as opposed to the area closest to these people's homes?

Mr. Schmidt: I would say in a different scenario, yes. In this particular scenario, we typically are not permitted to have overhead doors facing public right-of-way.

Mr. Plumlee: As well, would that require a variance to do that?

Mr. Schmidt: I don't know specifically. If somebody from planning might want to clarify, I know in the sense of when we're requesting conditional use permits, it is typically not something that the city permits or recommends.

Mr. Plumlee: So the answer is, it had been considered and rejected?

Mr. Schmidt: It had not yet -- it had not been considered to front-load the building, no, sir.

Mr. Anderson: What about side-load on the -- instead of the rear, have the garage doors on the side of the building on the loading into the outdoor storage area?

Mr. Schmidt: Similarly, that where that other speckled hatch area is, would be an overhead door to side-load.

Mr. Anderson: And would that be possible to delete the rear-load garage and put in place the side?

Mr. Schmidt: Unfortunately, where we are right now in this public hearing, I don't believe I can commit to removing that. I can commit to, depending on the motion, either looking into that more with you, Mr. Anderson, as the Commissioner rep, before City Council and working to address that.

Ms. Hippen: Okay. I am looking at the diagram, and it's sitting the way that it is on the screen there. And I see two gates going into the outdoor storage. I see one gate in front of the building, and I see one gate behind the building.

Mr. Schmidt: That's correct.

Ms. Hippen: Which would require your trucks -- the gate behind the building will require your trucks to drive around in close proximity to the neighborhood where most of your opposition is coming from. Am I missing something?

Mr. Schmidt: I think you're onto something, but it's not exactly how this could operate. The reason for the two gates—one from the parking, one from the rear of the building—is mostly to

facilitate emergency access, fire truck access in a loop around the structure. Most of the larger trucks that may be delivering something like pipe, equipment, storm drainage structures, storm piping, would enter in from the northern boundary on the page, or the right-hand where the red fence line is, those two gates. It is not intended that semi-trucks are going behind this building. There could be a scenario where a box truck delivering something like parts or something along those lines that would be going into the interior of the building could go behind the building; that is correct.

Ms. Hippen: And that's what the major opposition is. Okay, I realize that. Okay, these homes that are there, they're there now, so whether or not they would have been there if we had waited a while, you know, that's the horse is out the barn on that. My concern is you've got two gates there to the outdoor storage, okay? And one of the things the very last speaker just talked about, the vehicles making a lot of noise, I don't see where -- and there's two gates in. Okay, there's two gates to your outdoor storage. To tell us now we're not going to use that, and we won't be coming around that area where there's only a 25-foot buffer, I don't see that as being realistic that no, they're not going to do that. I just –

Mr. Schmidt: What I'm stating is, for larger deliveries, things that would be making large amounts of noise, it's not feasible based on the physical constraints of the rear of the building. That is all I'm stating.

Ms. Hippen: Okay. Yeah, thank you.

Ms. Byler: Thank you for your presentation, and I also want to thank the neighbors who came out here. Yes, we are a body to review how land is used and planning for the land; that is our job. But I never forget that there's a human element to it, and I heard the passion and the voice of Mr. Flores and the others who are there, and I do sympathize with them. Having said that, once we move into a neighborhood, we never want anything to change around us. We like the trees, we like the quiet, we choose the site, and we almost always object change of any kind.

This is a unique piece of property because of the noise restrictions and the possible crash zone, and there's very few things that can be done with it. In general, I oppose bulk storage that's going to take land out of the public use and not provide any service to anyone except for the applicant. But in this case, the land is very limited, and if you're going to do something with it, this seems like a reasonable use for it. My problem is that the applicant is coming to us asking for special permission, and I don't understand why they can't just do the fencing and why they can't -- why must you have a variance for these small matters? Just do everything you can to minimize the problems to the neighbors that are there. So I guess that's my problem.

But I hear some of my fellow Commissioners raising issues about site design and access, and I don't have an opinion on that, but I wonder maybe if a 30-day continuance to reevaluate the way the site is laid out and consider whether or not it's in your best interest to be a good neighbor and just put up the fence that is in order.

Mr. Coston: Thank you. Was that a motion or...

Ms. Byler: Good question. I will ask you: would the applicant be all right with a motion for a 30-day continuance to work out some of these things?

Mr. Schmidt: I think from the applicant's perspective, we'd be more comfortable with a motion to install a fence in lieu of a continuance.

Ms. Byler: Thank you. That's all I have for you. And then I'll ask my fellow Commissioner something. So if we get the fence -- oh, I see Walter has a comment, so I will wait for further discussion until Commissioner Camp has spoken.

Mr. Camp: It was just a clarification. I thought I heard an offer to work with one of our commissioners about potential side-loading of the site, but then that sort of disappeared in the next part of the discussion. I want to understand: do we have some type of commitment arrangement, or what's going on with that? It just disappeared.

Mr. Anderson: Well, as far as the side-loading, that's part of your by-right that they can build a building, so we would have to work simultaneously with the City Council, with staff, to see if they could do that. So that's kind of part of this application, but it's not. As far as the fencing, I think it is probably would be, like Ms. Miller mentioned, a very difficult after-the-fact, but if we could agree to put a fence along with the buffering, that's what I would suggest and offer as an approval.

Mr. Mauch: I was just asking our City Attorney to see if that would alter the plan so far that it wouldn't allow for it to go forward, that it would have to come back to us. Maybe I can get her opinion out loud.

Ms. Royster: As of right now, I don't see it be an issue, especially with it just being discussion now—what does it look like, and whether it's potential additional conditions or wherever it may be. I don't see an issue right now.

Mr. Plumlee: I'm a little disappointed in this application, just in looking at it. You know, it's sort of an opportunity to say, why not put the building as far away from these folks as we can and perhaps take a larger buffer near the neighborhood and then have the laydown yard on what remains? You know, I don't know what practical problems that creates in terms of construction and location, and that's why I asked the question if it had been considered and front-loading and whether those things had been looked at. And I -- this firm does a great job with these applications, and they look at these from all angles. But I think these folks have a legitimate concern about the noise and activity coming that close to them, and there would be an easy way, if this owner has full control of this entire site, to place the building where they want and direct the traffic how they want on site. So I'm not sure we're doing a good enough job by putting a different fence in or some other small buffer when we could do something more significant. So that's my concern.

Mr. Coston: Any other discussion or motion?

Mr. Mauch: Just going back to the front page of our packet, I wonder if we're getting a little bit outside of our realm of what we're looking at. We are looking at a conditional use for a bulk storage yard, and I don't want to lose the sight of that as opposed to the entire plan being a part of this discussion. I do think it's a part of it, but I think as far as what they're asking us to give them a conditional use permit for is the bulk storage, and I don't know how that -- what we're asking them to do if it applies to this. Not saying that the concerns aren't valid, but as far as what the scope of what we're supposed to be looking at is...

Mr. Plumlee: Well, I can tell you from a legal -- I can be corrected by our legal staff. I believe these are all related to their application for this site, the direction of the work, and the purpose that it's serving. And that's why I'm asking: if you have control of this entire property and are able to place this building where you want, was it selected in a way to minimize? Because if you look at the larger view, you can see there's commercial activities surrounding this. It's just a matter of where the hub of activity is going to be and whether the folks that are living there can see some minimalizing of the secondary that they're going to have to live with forever. So this is the opportunity, and I don't think it's unlawful and constitutionally unrelated to this conditional use permit and a fair request to reconsider how this design is coming for both the bulk storage yard as well as the building.

Ms. Byler: So following up on all of these comments, it appears to me that even though the applicant has complied with or is willing to agree to the conditions that staff has recommended, it's not in the best interest of this site, or you're not being a good neighbor. So I would make a motion for a 30-day extension to give you time to work out these difficulties and bring it back to us so that hopefully we can approve it at that time.

Ms. Hippen: I second the motion.

Mr. Coston: So we have a motion to defer for 30 days, made by Commissioner Byler and seconded by Commissioner Hippen. Are we ready for the vote?

Clerk: The vote is open. By a recorded vote of 10 to 1, Item 7, Oceana Development, LLC, has been recommended for 30-day deferral.

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			

Virginia Beach Planning Commission January 14, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #8 BIVI/Padel, LLC
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next item is Agenda Item 8, BIVI/Padel, LLC, regarding Conditional Use Permit on Laskin Road. Is there a representative here today to speak on this item? Welcome, please state your name for the record.

Mr. Rose: Good afternoon, Chairman Coston, Vice Chair Byler, members of the Planning Commission. For the record, my name is Tyler Rosa, I'm an attorney with the law firm Williams Mullen, here today on behalf of the applicant. We appreciate being on the Consent Agenda today and the hard work of staff and Alexis Bailey on this application. We've reviewed the conditions and find them acceptable.

Ms. Byler: Thank you. You may be seated, Attorney Rosa. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I have asked Commissioner Plumlee to read it into the record.

Mr. Plumlee: Thank you, Madam Vice Chair. This is a facility at 941 Laskin Road. The applicant is BIVI/Padel, LLC. This is the movie theater on Laskin. They're requesting a Conditional Use Permit for an Indoor Recreational Facility for indoor padel and pickleball. It's a 4.1-acre B-2 Community Business District parcel. They're proposing the 20,000 square foot vacant movie theater to be converted into these paddle courts. In addition, they're requesting an 8,200 square foot restaurant, which is a use that is permitted by-right on this location. Our excellent staff has recommended approval. There appears to be no objection or any kind of opposition to this application; therefore, the commission felt it was appropriate 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: Thank you. Chair Coston, that was the last item on the Consent Agenda. The Planning Commission places the following applications on the Consent Agenda: Agenda Items 2, 3, 4, 6, 8, 9, 11, 12, and the minutes.

Mr. Coston: Thank you, Vice Chair Byler.

Ms. Byler: I move that these items be placed on the Consent Agenda and approved by consent.

Ms. Hippen: Second.

Mr. Coston: It has been moved by the Vice Chair Byler and seconded by Commissioner Hippen that these items be approved on the Consent Agenda.

Clerk: The vote is open.

Mr. Plumlee: I need to note, I'm abstaining, in addition to the minutes as pointed out by Commissioner Camp for the site visit in January. I am abstaining from Items 6, 9, and 12 for reasons set forth in letters that were filed with the City Attorney's office.

Clerk: The vote is open. By recorded vote of 10 to zero, with all aforementioned abstentions, all aforementioned minutes and Items 2, 3, 4, 6, 8, 9, 11, and 12 have been recommended for approval by consent.

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 concept plan entitled “BIVI Padel Conceptual Development Plan”, prepared by Timmons Group, dated November 3, 2025 which has been exhibited to the City Council and is on file with the Department of Planning & Community Development.

2. The site shall be developed in substantial conformance to the elevations and renderings entitled “BUILDING RENDERING BIVI PADEL”, prepared by Saunders + Crouse Architects, dated December 1, 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 landscape plan entitled “BIVI Padel Conceptual Landscape Plan”, prepared by Timmons Group, dated December 2, 2025, which has been exhibited to the City Council and is on file with the Department of Planning & Community Development.

4. The existing freestanding sign on the site shall be refaced in substantial conformance to the sign rendering entitled “SIGN RENDERING BIVI PADEL”, prepared by Saunders + Crouse Architects, dated December 1, 2025 which has been exhibited to the City Council and is on file with the Department of Planning & Community Development.

5. The proposed mural shall be subject to review and approval by the Director of the Department of Planning and Community Development prior to the final approval of the site plan.

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

7. Should outdoor lighting be installed, 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.

8. The hours of operation shall be 7:00 a.m. to 10:00 p.m., Monday through Saturday and 7:00 a.m. to 7:00 p.m. on Sunday.

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 January 14, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #09 C the JEMS LLC
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: Next is Agenda Item 9, C the JEMS, LLC, for a Conditional Use Permit on Virginia Beach Boulevard. Welcome, please state your name for the record.

Mr. Dylan: Madam Chair, George Dillon, attorney for the applicant, C the JEMS, LLC. Chair Coston, Madam Vice Chair, Planning Commission, thank you for putting us on the Consent Agenda. Thank you for the hard work of Kristin Bauer on this application. My client consents to all seven conditions as recommended by staff.

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 Mauch to read it into the record.

Mr. Mauch: The applicant is seeking a Conditional Use Permit for a Bulk Storage Yard to utilize the parcel zoned B-2 Community Business District for the storage of towed vehicles. In Staff's opinion, as well as the Planning Commission, the request for a Conditional Use Permit to operate a Bulk Storage Yard for the storage of vehicles is acceptable. We ask for it to be placed on the Consent Agenda.

(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. Chair Coston, that was the last item on the Consent Agenda. The Planning Commission places the following applications on the Consent Agenda: Agenda Items 2, 3, 4, 6, 8, 9, 11, 12, and the minutes.

Mr. Coston: Thank you, Vice Chair Byler.

Ms. Byler: I move that these items be placed on the Consent Agenda and approved by consent.

Ms. Hippen: Second.

Mr. Coston: It has been moved by the Vice Chair Byler and seconded by Commissioner Hippen that these items be approved on the Consent Agenda.

Clerk: The vote is open.

Mr. Plumlee: I need to note, I'm abstaining, in addition to the minutes as pointed out by Commissioner Camp for the site visit in January. I am abstaining from Items 6, 9, and 12 for reasons set forth in letters that were filed with the City Attorney's office.

Clerk: The vote is open. By recorded vote of 10 to zero, with all aforementioned abstentions, all aforementioned minutes and Items 2, 3, 4, 6, 8, 9, 11, and 12 have been recommended for approval by consent.

Vote Tally

Commission Member	AYE 10	NAY 0	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			

Conditions

1. The site shall be developed and landscaped in substantial conformance with the plan entitled, "LOT 6 LESS AND EXCEPT THE NORTHERN 25' & THE WESTERN LOT 65' OF LOT 35 PLAN OF LOTS LAID OUT BY ROY SMITH,", and dated 10/14/2025, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.

2. The bulk storage yard shall be limited to operable motor vehicles. Vehicles on site in the tow area shall be limited to those towed by the operation. Personal vehicles shall not include trailers, RVs, or watercraft. These conditions do not preclude spaces for employee parking or the parking of vehicles related to site improvements and maintenance.

3. The loading and unloading of vehicles shall be prohibited within the public right-of-way.

4. Fencing material shall be limited to aluminum, vinyl, or other durable composite material. Wood and chain-link fences shall be prohibited.

5. No outdoor paging or loudspeaker system shall be permitted.

6. A photometric lighting plan, meeting the requirements of Sections 252 & 254 of the Zoning Ordinance, shall be reviewed and approved by the Department of Planning & Community Development prior to the installation of any new outdoor lighting. All outdoor lighting shall be shielded to direct light and glare onto the premises; said lighting and glare shall be deflected, shaded, and focused away from adjoining property. Any outdoor lighting fixtures in the bulk storage yard shall not be erected any higher than fourteen (14) feet.

7. 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. 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 January 14, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #10 Zakiya Walcott
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Clerk: Our final item is Item 10, Zakiya Walcott.

Mr. Coston: Good afternoon.

Ms. Walcott: Good afternoon.

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

Ms. Walcott: Zakiya Walcott.

Mr. Coston: Good afternoon.

Ms. Walcott: Good afternoon, Chair, Vice Chair, members of the Planning Commission and staff. Thank you for allowing me the opportunity to speak this afternoon and for considering my request for a Conditional Use Permit. "Pardon My Events" is a reservation-only, professionally managed, private event center designed for intimate gatherings and meaningful celebrations. We host events such as milestone birthdays, baby showers, graduations, retirement ceremonies, small corporate meetings, family celebrations, and art exhibits. This is not a nightclub nor a bar or a late-night venue. It is a curated space focused on connection, creativity, and community.

From the informal proceedings, I was notified of two letters of opposition. I am a mother, a veteran, and a homeowner, so I understand the concerns of the opposition with having young children, understanding the safety, and living within the vicinity of an event venue. Noise levels are monitored by the event attendant and local security or law enforcement, and regulations are placed in the contract. The events hosted are intimate social gatherings, not club-style events. Any music played is at a level where patrons can hold conversations without having to yell.

Safety is paramount. The max capacity for any event is 90 people, also monitored via event attendant and security cameras. Given that Lake Shores' parking lot has 253 parking spaces, there is no need for patrons to park in the adjacent neighborhoods. Though I, as an owner, will not be filing for an alcohol license, I am aware that those renting the venue may apply for a one-day ABC license, and in those cases, I require the one-day license, the license of the hired bartender, and security and/or law enforcement present for any event that has alcohol being served. Any violations will cause for the event to be ended, and that is stated in my contract.

I started this business for a deeply personal reason. I have always believed in celebrating life while we have the chance. So often, people come together only during moments of loss at funerals or memorials when it is already too late to take that one last photo, say "I love you," or tell someone how proud you are of them. I am fully committed to operating responsibly, following all city

requirements, and ensuring proper parking, noise control, and guest management so that my business is an asset to both Lake Shores Plaza and the surrounding community. Thank you again for your time and your consideration. I would be honored to bring this community-focused business to Virginia Beach.

Mr. Coston: Do we have any questions from the commissioners?

Ms. Schoonover: I have a question. Do you ever envision any of your clients wanting to use the parking area right in front of your shop for any kind of event? I know sometimes you can get a permission to use parking lots as part of a celebration.

Ms. Walcott: No, ma'am. So that -- we're not allowed to even with the -- I'm sorry, the landlord. All of my events have to stay within the suite; nothing can be outside. I cannot advertise outside besides the business sign that's at the top of the building.

Ms. Schoonover: Thank you.

Mr. Coston: All righty. You may be seated. Thank you.

Mr. Plumlee: I do have one question. I was going to ask you one question. Are you aware of any event space in the vicinity nearby?

Ms. Walcott: Not actually down -- I'm not really familiar with that area. It's like down Shore Drive -- is it Luxury Affairs? Like a little further down? I don't know if that's Chick's Beach area. I'm a Suffolk resident, so I'm not really sure. But I know when I was retiring, I looked at an event space; it was pretty dated.

Mr. Plumlee: And so has there ever been an event space like this at this particular shopping center before that you're aware of?

Ms. Walcott: No, sir, not that I know of.

Mr. Plumlee: Okay. Thank you.

Mr. Coston: Do we have speakers?

Clerk: Yes, we have one speaker, Edward Spearman, via WebEx. Oh, never mind, he is not there.

Mr. Coston: Then we would like to open the floor for discussion or entertain a motion.

Mr. Anderson: I'd like to entertain a motion for approval.

Ms. Schoonover: Second.

Mr. Coston: Okay. It has been moved by Commissioner Anderson for approval and seconded by Commissioner Schoonover.

Clerk: The vote is open. By a recorded vote of 11 to 0, Item 10, Zakiya Walcott, has been recommended for approval.

Mr. Coston: Thank you for you participating in today's Planning Commission hearing.

Ms. Alcock: Excuse me, Chair, before we adjourn, I just want to ask for one point of clarification on the Consent Agenda from Commissioner Plumlee. So the vote was recorded as an abstention which would apply to all items, so just wanted your vote on the other items that you did not have a letter on file.

Mr. Plumlee: Yes, my vote is to approve the items I did not abstain from.

Clerk: Thank you.

Mr. Coston: Okay. We thank you for your participation, and today's Planning Commission hearing is hereby adjourned.

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 Assembly Use applies solely to 5193 Shore Drive, Suite 108.

2. The applicant shall obtain all necessary permits and inspections from the Department of Planning & Community Development/Permits and Inspections Division. The applicant shall secure a Certificate of Occupancy from the Building Official's Office for use of the suite as an Assembly Use.

3. The maximum occupancy load shall not exceed the maximum number as required by applicable building codes, noted on the Certificate of Occupancy, and posted by the Fire Marshal.

4. The Assembly Use shall comply with all applicable Fire and Building code requirements.

5. 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. A separate sign permit shall be

obtained from the Department of Planning & Community Development for the installation of any new signs.

6. All event activities shall occur within the building. Outdoor events shall be prohibited unless specifically permitted with a Special Event Permit.

7. No amplification of music or use of speakers shall be permitted except within the enclosed building.

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 January 14, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #11 Cardinal Sign Corporation
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: Next is Agenda Item 11, Cardinal Sign Corporation. Is there a representative here to speak on this item? Welcome, please state your name for the record.

Ms. Pickrell: Hi, my name is Krista Pickrell, and I'm with Cardinal Sign Corporation. We are the sign installers for the Bank of America monument sign that you have placed on the Consent Agenda. Thank you.

Ms. Byler: Are the conditions acceptable to you?

Ms. Pickrell: 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 Cromwell to read it into the record.

Mr. Cromwell: The applicant seeks to replace an existing freestanding sign with a new freestanding sign on a property within the Central Business Core District. The proposed monument-style freestanding sign will be located at the southwest corner of the property, adjacent to Second Street and perpendicular to Virginia Beach Boulevard. The proposed sign includes a base of 5 feet tall and 8 feet wide, and is approximately 30 square feet. The existing sign and base are 6 feet 10 inches tall and approximately 47 square feet. With staff approval and hearing no opposition, we voted to put this on 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: Thank you. Chair Coston, that was the last item on the Consent Agenda. The Planning Commission places the following applications on the Consent Agenda: Agenda Items 2, 3, 4, 6, 8, 9, 11, 12, and the minutes.

Mr. Coston: Thank you, Vice Chair Byler.

Ms. Byler: I move that these items be placed on the Consent Agenda and approved by consent.

Ms. Hippen: Second.

Mr. Coston: It has been moved by the Vice Chair Byler and seconded by Commissioner Hippen that these items be approved on the Consent Agenda.

Clerk: The vote is open.

Mr. Plumlee: I need to note, I'm abstaining, in addition to the minutes as pointed out by Commissioner Camp for the site visit in January. I am abstaining from Items 6, 9, and 12 for reasons set forth in letters that were filed with the City Attorney's office.

Clerk: The vote is open. By recorded vote of 10 to zero, with all aforementioned abstentions, all aforementioned minutes and Items 2, 3, 4, 6, 8, 9, 11, and 12 have been recommended for approval by consent.

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 freestanding monument sign shall be constructed in substantial conformance with the submitted exhibit titled with the project name, "PRJ-BOA3-194235-R6" dated March 31, 2025, and prepared by Coast Sig, which is on file with the Department of Planning and Community Development.

2. The freestanding monument sign shall be constructed in accordance with the requirements stated in Sec. 214 of the City's Zoning Ordinance, which states the requirements for sign height, setback, and landscaping. There shall be a minimum of seventy-five (75) square feet of landscape planted area around the freestanding monument sign.

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 January 14, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #12 iFLY Virginia Beach
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: And the last item recommended for the Consent Agenda is Item 12, iFLY Virginia Beach. Is there a representative here today to speak on this item?

Ms. Murphy: Good afternoon, Vice Chair Byler, Chair Coston, members of the Planning Commission and staff. For the record, my name is Lisa Murphy, local zoning attorney with Wilcox Savage, here today on behalf of iFLY Virginia Beach. We appreciate you putting us on the Consent Agenda and all of the hard work of Laine Harrington, who's been the planner working on this application. We have reviewed the five conditions and they're acceptable to my client. Happy to answer any questions.

Ms. Byler: Thank you, Attorney Murphy, you may be seated. Is there any opposition to this item being placed on the Consent Agenda? Hearing none, I have asked Commissioner Mauch to read this into the record.

Mr. Mauch: The applicant, iFLY Virginia Beach, is seeking to demolish a vacant convenience store and construct a temporary commercial parking lot at 2402 Pacific Avenue. The location is within the Oceanfront Resort District and the Short-Term Rental Overlay. There's a known shortage of available parking, and this would provide a temporary parking solution with the ability to redevelop the property in the future. Due to the temporary nature of the proposed use and the existing parking shortage in the Oceanfront Resort area, Staff, as well as the Planning Commission, finds this request acceptable and an improvement to the property's current condition. We ask this to be placed on the Consent Agenda.

Ms. Byler: Thank you. Chair Coston, that was the last item on the Consent Agenda. The Planning Commission places the following applications on the Consent Agenda: Agenda Items 2, 3, 4, 6, 8, 9, 11, 12, and the minutes.

Mr. Coston: Thank you, Vice Chair Byler.

Ms. Byler: I move that these items be placed on the Consent Agenda and approved by consent.

Ms. Hippen: Second.

Mr. Coston: It has been moved by the Vice Chair Byler and seconded by Commissioner Hippen that these items be approved on the Consent Agenda.

Clerk: The vote is open.

Mr. Plumlee: I need to note, I'm abstaining, in addition to the minutes as pointed out by Commissioner Camp for the site visit in January. I am abstaining from Items 6, 9, and 12 for reasons set forth in letters that were filed with the City Attorney's office.

Clerk: The vote is open. By recorded vote of 10 to zero, with all aforementioned abstentions, all aforementioned minutes and Items 2, 3, 4, 6, 8, 9, 11, and 12 have been recommended for approval by consent.

Vote Tally

Commission Member	AYE 10	NAY 0	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			

Conditions

1. The site shall be in substantial conformance with the submitted conceptual site plan and landscaping exhibit titled “Exhibit #4” as prepared by R.P. Jones, L.S. and dated January 5th, 2026.

2. The Alternative Compliance approval for a Temporary Commercial Parking Lot is valid for three (3) years from the date of City Council approval. Any requests to extend the use beyond three (3) years shall require the approval of a new request from the City Council.

3. The applicant will provide a minimum of five (5) bicycle parking spaces through the placement of a bicycle rack within a pedestrian accessible part of the property.

4. The applicant shall receive the necessary sign permit(s) for the proposed parking lot signage administered by the Department of Planning and Community Development.

5. The existing pole sign, located at the southeast corner of the property, shall be completely removed no later than three (3) years after the date of the City Council approval or when the parking lot ceases operation, whichever comes first.

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.