Virginia Beach Planning Commission July 8, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Intro & Minutes Approval

Discussion

Mr. Coston: Planning Commission Public Hearing. My name is John Coston, and I'm the chair of the Virginia Beach Planning Commission. Before we get started, I've asked Commissioner Hippen to lead us in the pledge of allegiance.

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

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

Ms. Eisenberg: Tori Eisenberg, Deputy City Attorney.

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

Mr. Camp: My name is Walter Camp, and I'm humbled on this July 2026 meeting to represent historic Kempsville, where Virginia's first combat fatality in the Revolutionary War fell, and over 250 years later, we're all lucky enough to be participants in a government Of The People.

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

Mr. Anderson: Good afternoon, Mike Anderson, District 3.

Ms. Byler: Good afternoon, Kathryn Byler, District 4, which includes Virginia Beach, Town Center, the Thalia Creek Trail, and Burton Station, and all the way up to the Norfolk border.

Mr. Coston: John Coston, I represent District 9.

Ms. Cuellar: Holly Cuellar, District 8.

Ms. Schoonover: Catherine Schoonover, District 5.

Mr. Plumlee: Brian Plumlee, representing beautiful District 6 from historic Seatack to the north end of Virginia Beach.

Ms. Hippen: Good afternoon, Susan Hippen. I represent District 7, and Centerville is in the house.

Ms. Moorjani: Neena Moorjani, District 10.

Ms. Alcock: Kaitlen Alcock, Planning Administrator. Clerking to my left, we have Breotnie Harrison and Grace Smith. In the audience, we have Deputy Planning Director Carrie Bookholt, zoning administrator Hannah Sabo. With our planning staff, we have Marchelle Coleman, Alexis Bailey, Arianna Low, Kara McLane, and Laine Harrington.

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

Clerk: Yes, but before I get started, I'd like to let everyone know that the captioning in the room is currently unavailable. If anyone needs captioning, it is available on Facebook or by downloading the VB NOW app. If using one of the options, please mute your device.
The Virginia Beach Planning Commission takes pride in being fair and courteous to all parties in attendance. It is important that all involved understand how the commission normally conducts its meetings. It is equally important that everyone treat each other and the members of the commission with respect and civility. We request that cell phones be put on silent during this meeting. This is an abbreviated explanation of the rules. The complete set of rules is located in the front of the Planning Commission agenda.

Following is the order of business for this public hearing: withdrawals and deferrals. The chairperson will ask if there are any requests to withdraw or defer an item on the agenda. Consideration of these requests will be made first.

Consent agenda. The second order of business is the consideration of the consent agenda, which are those items that the Planning Commission believe are unopposed and which have favorable staff recommendation.

Regular agenda. The commission will then proceed with the remaining items on the agenda. When an agenda item has been called, we will recognize the applicant or the representative first. Following the applicant or the representative, in-person speakers will be called next. And then the speakers participating via WebEx. Speakers in support or opposition of an agenda item will have 3 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 a comment unintelligible, we will move on to the next speaker or the next order of business.

After all speakers, the applicant may return to the podium to offer rebuttal and answer questions of the commission. 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)

Ms. Byler: Thank you, Chair Coston. Today, we have 9 items on the consent agenda. These are applications that are recommended for approval by staff, and the Planning Commission concurred, and there are no speakers signed up in opposition. The first item for consideration today are several sets of Planning commission meetings minutes, and I have asked Commissioner Camp to read these into the record.

Mr. Camp: Thank you, Madam Vice Chair. This portion of the consent agenda consists of a motion to approve draft minutes as amended by the commission for two Planning Commission meetings, specifically, the informal and formal hearings held on June 2, 2026, with no abstentions. So moved.

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

Ms. Byler: Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications and the minutes on the consent agenda: Items 11, 12, 13, 14, 17, 20, 22, and 23.
Mr. Plumlee: I just want to note for the record: Item 14, I must abstain from for reasons set forth in a letter with the City Attorney's Office.

Mr. Camp: Madam Vice Chair, the minutes for the June 2nd hearings are also on the consent agenda.

Ms. Byler: Yes.

Mr. Coston: Thank you. To have a motion to approve by consent these items as read, Vice Chair.

Ms. Hippen: So moved.

Ms. Cuellar: Second.

Mr. Coston: It has been moved by Commissioner Hippen and seconded by Commissioner Cuellar that we approve these items. Are we ready for the vote?

Clerk: Before we open the vote, your iPads will need to be refreshed as we had to update the agenda. The vote is open. By a recorded vote of 11 to 0, with all aforementioned abstentions, the June 10th, 2026, Informal and Formal minutes, and Items 11, 12, 13, 14, 17, 20, 22, and 23 have been recommended for approval by consent.

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

Vote Tally

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

Virginia Beach Planning Commission July 8, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

July 2, 2026 Planning Commission Site Visit Minutes
Recommendation: RECOMMENDED FOR 30-DAY DEFERRAL

Discussion

Mr. Camp: Sir, those were the site minutes for the July 2nd site visits. That's the only thing for deferral. We'll take up the other ones on consent.

Mr. Coston: I move to defer.

(The following dialogue reflects the discussion to approve the deferral requests, which may not have directly followed the above discussion in this document)

Mr. Coston: Okay, we have a motion to defer Items 5, 1 and 2, the site minutes and the annual report for 30 days. Do I hear a motion to move all of these items with one swoop?

Ms. Hippen: So moved.

Mr. Plumlee: Second.

Mr. Coston: Okay, we had a motion from Ms. Hippen and a second by Mr. Plumlee.

Clerk: The vote is open. By recorded vote of 11 to 0, Items 1, 2, and 5, the July 2, 2026 site visit minutes, and the 2025 to 2026 Planning Commission Annual Report have 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 July 8, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

2025-2026 Planning Commission Annual Report
Recommendation: RECOMMENDED FOR 30-DAY DEFERRAL

Discussion

Ms. Alcock: And based on the discussion during informal, it was my understanding, he wanted to defer the vote on the annual report as well to the August hearing.

Mr. Camp: Yes, ma'am. Motion to defer the annual report until our next meeting.

Ms. Hippen: Second.

Mr. Coston: Okay, we have a motion to defer Items 5, 1 and 2, the site visit minutes and the annual report for 30 days. Do I hear a motion to move all of these items with one swoop?

Ms. Hippen: So moved.

Mr. Plumlee: Second.

Mr. Coston: Okay, we had a motion from Ms. Hippen and a second by Mr. Plumlee.

Clerk: The vote is open. By recorded vote of 11 to 0, Items 1, 2, and 5, the July 2, 2026 site visit minutes, and the 2025 to 2026 Planning Commission Annual Report have 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 July 8, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #1 City of Virginia Beach
Recommendation: RECOMMENDED FOR 30-DAY DEFERRAL

Discussion

Ms. Byler: Chair, Coston. Items 1 and 2, Virginia Beach ordinances, are requesting a 30-day deferral. I move that we defer those two for 30 days.

Ms. Hippen: Second.

(The following dialogue reflects the discussion to approve the deferral requests, which may not have directly followed the above discussion in this document)

Mr. Coston: Okay, we have motion to defer Items 5, 1 and 2, the site visit minutes and the annual report for 30 days. Do I hear a motion to move all of these items with one swoop?

Ms. Hippen: So moved.

Mr. Plumlee: Second.

Mr. Coston: Okay, we had a motion from Ms. Hippen and a second by Mr. Plumlee.

Clerk: The vote is open. By recorded vote of 11 to 0, Items 1, 2, and 5, the July 2, 2026 site visit minutes, and the 2025 to 2026 Planning Commission Annual Report have 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 July 8, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #2 City of Virginia Beach
Recommendation: RECOMMENDED FOR 30-DAY DEFERRAL

Discussion

Ms. Byler: Chair, Coston. Items 1 and 2, Virginia Beach ordinances, are requesting a 30-day deferral. I move that we defer those two for 30 days.

Ms. Hippen: Second.

(The following dialogue reflects the discussion to approve the deferral requests, which may not have directly followed the above discussion in this document)

Mr. Coston: Okay, we have a motion to defer Items 5, 1 and 2, the site visit minutes and the annual report for 30 days. Do I hear a motion to move all of these items with one swoop?

Ms. Hippen: So moved.

Mr. Plumlee: Second.

Mr. Coston: Okay, we had a motion from Ms. Hippen and a second by Mr. Plumlee.

Clerk: The vote is open. By recorded vote of 11 to 0, Items 1, 2, and 5, the July 2, 2026 site visit minutes, and the 2025 to 2026 Planning Commission Annual Report have 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 July 8, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #3 City of Virginia Beach
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Mr. Coston: Our next order of business is the regular agenda. The regular agenda will proceed as follows: Each applicant will be given up to 10 minutes to present their item. We will then hear from speakers in support and opposition. Applicant may then return to the podium for up to 3 minutes for rebuttal, and then answer any questions from the commission. Madam Clerk, we are ready for the first item.

Clerk: Our first item is Item 3, City of Virginia Beach.

Ms. Sabo: Good afternoon, commissioners. I'm Hannah Sabo, City Zoning administrator. Item number 3 is an ordinance to amend Section 2303 of the City Zoning Ordinance pertaining to short-term rental parking requirements. The Oceanfront Short-term Rental Overlay District was established on July 13, 2021, and it permitted short-term rentals with a conditional use permit within the overlay. During the April 21, 2026, City Council meeting, a referral resolution was sponsored by Vice Mayor Wilson and Council member Remick, Schulman, and Henley was approved, directing the Planning Commission to review and then review a revision to the Oceanfront Resort STR. Overlay District. This specific agenda item looks at the parking for short-term rentals.

The zoning ordinance requires that single-family dwellings have a minimum of two on-site parking spaces, while STRS are required to have one parking space per bedroom. Due to this difference in required parking, when a single-family dwelling is converted to be used as a short-term rental, that can create additional parking spaces that are required. If the site does not have those sufficient, excuse me, the site does not have sufficient parking spaces on site, they may be required to. Utilize or to rent parking spaces offsite. This can lead to properties utilizing city-owned parking spaces within their city-owned garages, and it's been the practice of the zoning division to only permit those offsite parking spaces if they're within a quarter of a mile straight-line distance from the proposed STR.

Due to the proliferation of short-term rentals within the oceanfront, and then the need for public parking. The amendment proposes to prohibit short-term rentals from utilizing public parking within city-owned parking garages to meet their minimum parking requirement. This proposed amendment only applies to public parking garages. Outreach has included briefings to the Old Beach Design Review Committee, Bayfront Advisory Commission, Resort Advisory Commissions, Transportation, Parking Pedestrian Committee, the Resort Advisory Commission's Planning Design Review Committee, And the Hampton Roads Realtors Association. And feedback was generally supportive of this amendment. I'm available if you have any questions, and I do believe, we have a speaker on this one. Thank you.

Clerk: We have one speaker, Andy Strauss, via WebEx. Andy, are you there? That was our only speaker.

Mr. Plumlee: I move to approve. If we're closed, the hearing is closed.

Ms. Schoonover: Second.

Mr. Coston: It has been moved by Commissioner Plumlee and seconded by Commissioner Schoonover that we approve this item.

Clerk: The vote is open. By a recorded vote of 11 to 0, Item 3, City of Virginia Beach, has been recommended for approval.

Vote Tally

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

Virginia Beach Planning Commission July 8, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #4 City of Virginia Beach
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Clerk: Our next item is Item 4, City of Virginia Beach.

Ms. Sabo: Hello, again, Hannah Sabo, Zoning Administrator. Item number 4 is an ordinance to amend Section 237 of the city's zoning ordinance pertaining to mini warehouses. The mini warehouse use was added to the B-4C Central Business Mixed Use Zoning District in December of 2023. It was approved on consent, both through the Planning Commission and City council process. The use requires a conditional use permit and compliance with form standards listed in 237. It has come to staff's attention, the language in that section 237(c)(2) prohibits the development of many warehouses in a way that staff had not initially intended. The amendment proposes to strike the language that would prohibit storage units on the first floor of a mixed-use building. And add language that would allow storage units on the first floor, so long as they are not visible or directly accessible from the exterior of the building.

I will note that during the amendment process back in December of 2023, that question did come up during the City council process, and staff advised council that the intention was for storage units to be allowed on the first floor, so long as they're not visible from the outside. But unfortunately, the language that was adopted did not allow for that. I am available for questions?

Mr. Coston: Commissioner Plumlee.

Mr. Plumlee: I just want to be clear. Mistakes happen all the time, and we're just all we're doing is correcting to show the intent of council. Council had been presented by staff. What council approved did not include a prohibition, or council had indicated it did not want a prohibition for first floor storage. Is that clear? I just want to make sure I'm understanding that properly.

Ms. Sabo: Yes, during the council meeting, the question was asked if the amendment that they were approving would allow for storage units on the first floor, so long as they were not visible. And the answer was yes, that it would allow for that.

Mr. Coston: Okay, thank you very much, Commissioner Byler, Vice Chair.

Ms. Byler: Thank you, Hannah. I appreciate it. So I'm a little confused because the comprehensive plan that was just approved by council in April says that in certain areas where otherwise storage facilities are not allowed, they might be allowed, provided that there was no storage on the ground floor. So, how does that reconcile with what you're now saying?

Ms. Sabo: This updates. So, again, it is the initial, the intention here is to have the ordinance meet what council had. The intention of what council had adopted, and with the requirement that

storage units that are located on the ground floor not be visible or directly accessible from the exterior of the building, I think, I think, still gets at that intention, where from the outside you wouldn't be able to tell that there are any storage units within the first floor.

Ms. Byler: But the Comprehensive Plan and the Trail Base Plan both say they should be interactive, with doors and windows going in and out to allow interaction and lingering of people, and that those plans were just approved in April, subsequent to the other. So I'm struggling to reconcile them, and in my mind, they don't sync.

Mr. Coston: Any further questions, concerns? Can I have a motion?

Ms. Schoonover: I move that we approve.

Mr. Plumlee: Second.

Mr. Coston: Second. It has been moved by Commissioner Schoonover and seconded by Commissioner Plumlee that we approve this item.

Mr. Camp: Discussion. I concur with our Vice Chair that this was brought to the Planning Commission as-written. It was approved as-written after this Planning Commission heard it. There was apparently a question at City Council. The question was answered, and then after that, City Council adopted another ordinance that supersedes this. So it seems to me that following Council's will means to stay with the latest thing that they voted on. And for that reason, I will be voting nay on this motion and staying consistent with Council's most recent ordinance. Thank you.

Mr. Plumlee: May I address the comment? Not to address Mr. Camp directly, I just want to address the idea for purpose of discussion. This is a zoning amendment. Obviously, it's come to us to correct a mistake based on Council's intent. They're going to get the recommendation. They will know their intent, and they will vote on it. Staff has presented this to be a correction. I take them at their word that it is in fact a correction. The Comprehensive Plan is a guidance document, is not a zoning ordinance. So I believe the zoning ordinance is superior. That's why I'm in favor of passing this.

Clerk: The vote is open. By a recorded vote of 8 to 3, Item 4, City of Virginia Beach has been recommended for approval.

Vote Tally

Commission Member	AYE 8	NAY 3	ABS 0	ABSENT 0
Camp		X		
Cromwell		X		
Anderson	X			
Byler (Vice Chair)		X		
Schoonover	X			
Plumlee	X			
Hippen	X			
Cuellar	X			
Coston (Chair)	X			
Moorjani	X			
Mauch	X			

Virginia Beach Planning Commission July 8, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #5 Kroll Residential, LLC
Recommendation: RECOMMENDED FOR 30 DAY DEFERRAL
Discussion

Mr. Coston: Thank you, Madam Clerk. Our next order of business is the consideration of requests to withdraw or to defer an item. We will first consider any items to be withdrawn. Please come forward if you have any items to be withdrawn. Seeing none, our next order of business is consideration of items to be deferred.
Ms. Alcock: Excuse me, Chair. I believe Commissioner Camp had a comment.

Mr. Camp: Deferral.

Mr. Coston: Our next order of business is consideration for items to be deferred. Please come forward if you have any items to be deferred.

Mr. Beeman: Thank you, Mr. Chairman, Madam Vice Chair, members of the commission for the record, my name is Rob Beeman. I'm a local land use attorney at the Troutman Pepper Locke law Firm. I represent the applicant on Item 5, and we would like to request a 30-day deferral to tie up a couple loose ends. Thank you all very much.

Mr. Plumlee: I move. We defer Item 5 for 30 days.

Ms. Hippen: Second.

(The following dialogue reflects the discussion to approve the deferral requests, which may not have directly followed the above discussion in this document)

Mr. Coston: Okay, we have a motion to defer Items 5, 1 and 2, the site visit minutes and the annual report for 30 days. Do I hear a motion to move all of these items with one swoop?
Ms. Hippen: So moved.

Mr. Plumlee: Second.

Mr. Coston: Okay, we had a motion from Ms. Hippen and a second by Mr. Plumlee.

Clerk: The vote is open. By recorded vote of 11 to 0, Items 1, 2, and 5, the July 2, 2026 site visit minutes, and the 2025 to 2026 Planning Commission Annual Report have 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 July 8, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Items #6 & 7 BH Farmhouse, LLC
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Clerk: Our next items are Items 6 and 7, B.H. Farmhouse, LLC.

Mr. Beaman: Thank you, Mr. Chairman, Madam Vice Chair, members of the Commission. For the record, my name is Rob Beaman. I'm a local land use attorney with the Troutman Pepper Locke Law Firm here today on behalf of the applicant, B.H. Farmhouse, LLC. I'm joined by a number of members of our team, including representatives of the applicant J.P. Highland and Ben Flood.

The property that's the subject of the application before you today is eight and a half acres. It's located just northeast of the intersection of Kempsville Road and Centerville Turnpike. The applicant proposes to rezone the site, which is currently zoned B-2 to B-4, to accommodate a 251-unit multifamily development. There's a historic farmhouse building on the site that would be preserved and incorporated into the development as tenant amenity space, but also as a small commercial component, similar to the coffee shop that currently operates on the property today. The farmhouse has long been owned by the Wood Family, and members of the Wood Family would remain involved in this project to continue their stewardship of this property moving forward.

The project has been designed to be in accordance with the recommendations of the city plans that are applicable to the site, including the recently adopted City Comprehensive plan, the Active Transportation plan, and the SGA Master plan. One of the multifamily buildings on the property has been put up against the Kempsville Road frontage, with parking in the rear to comply with the recommendations of the SGA plan.

Additionally, an 11-foot side path has been proposed along the Kempsville Road frontage, which would aid pedestrian connectivity throughout this corridor. And then the development will also provide much-needed diversification to the housing choices along this part of the city, and will include an affordability component, where 7% of the units, which is 18 units, would be reserved for folks making 100 5 or less of area median income for a period of 10 years. I also did want to note that the applicant has conducted extensive public outreach in connection with this application.

They held a number of in-person meetings in proximity to the site at local schools, and also put up a website that gives the public additional information regarding this use. As a result of the feedback that was received during that process, they made a number of important changes to this application. They've expanded the outdoor amenity space around the farmhouse building by more than 45%. They've made a commitment to opening portions of the farmhouse building for use by community and neighborhood groups or gathering space and meeting space. They've repositioned the garage buildings to the north and east sides of the property to provide additional buffering.

They've relocated waste and recycling facilities away from single-family homes, and they've also made significant changes to the building architecture. I do understand that at the informal session, there was a question that came up regarding pedestrian safety and. The applicant wanted the Planning Commission to know that they intend to work with staff between now and the City Council to discuss this issue with them, and if warranted, and if the city would like it, they are willing to look into installing signalization. So, with that, we certainly appreciate your consideration of this application, and our team will stand by for questions.

Mr. Coston: Do we have any speakers, Madam Clerk?

Clerk: Yes, we do have speakers.

Mr. Coston: Okay. After the speakers.

Mr. Beaman: Thank you.

Clerk: Our first speaker is David Lamb, followed by Trish O'Brien.

Mr. Lamb: Good afternoon, and thank you for the opportunity to speak. I'm speaking in support of the development.

Mr. Coston: Could you please give us your name first?

Mr. Lamb: Sorry, my name is David Lamb. I'm a resident of Lake Christopher, which is about half a mile from the proposed site, and I'm here to speak in support of the development. The reason I'm speaking in support of development is because who is developing the property? Being from Lake Christopher, I don't know if you know the ancient history of Lake Christopher.

We had a farm behind Lake Christopher, and it got developed by a company that brought in duplexes and multifamily homes. And the developer matters when these things happen. When Lake Christopher got, the area behind Lake Christopher got developed, we had a company come in. That was very similar to what you see in this drawing, where they moved all the houses into the middle. They gave us buffer areas and stuff, And similar to what's happening here, the local community kind of like, oh, we don't want, you know, this extra thing built into our neighborhood, and so they, you know, rose up against it and tried to get it, and we lost that developer.

Two years later, that developer that was going to build the buffer zones around it and stuff got replaced by another developer who came in with a higher density plan and got approved. And now, instead of having, for my house, 100 feet to the closest dwelling to my house, I have, I have. Duplex is thirty feet from my house, so when they turn on their bathroom light, I can basically read a book by their bathroom light at night, which is good for my electricity bill, but kind of bad for, like everything else. This developer took into consideration, oh, excuse me, took into consideration the, you know, the people that they met with, and redesigned what they were going to do, And, actually took away twenty-five apartments. To make the buffer zone so that the people around it wouldn't be as affected by the development.

So, developers matter. That's the reason I'm speaking in support, because I think this developer has made a plan that will do what's best for that property. I know there's some opposition saying,

"Hey, well, you don't really need apartments in here." If you look at Virginia Beach, you're at about 95% occupancy of apartments. So, really, an apartment complex. Pretty much is needed in Virginia Beach. The money that it will generate, the taxes that it will generate, the businesses across the street, which I'm sure are pretty happy to hear, 250 families are going to be moving into their area.

They're going to be pretty happy. I realize there are going to be things that we grow, but we don't let nice pieces of Virginia Beach just sit. So, it's going to get developed. So, who develops it matters. Thank you very much for your time.

Mr. Coston: Thank you, sir. Were there any questions for our speaker?

Clerk: Our next speaker is Trish O'Brien, followed by Shania White.

Ms. O'Brien: Good afternoon. My name is Trish O'Brien. I am the CEO of CHIP of South Hampton Roads, which is the children's health investment Program. CHIP serves about 4,000 square miles of Virginia, working with low-income families with young children, making sure that everybody's getting a healthy start in life. They're ready for school, and that we're moving families towards self-sufficiency. And I'm here today, which I don't usually do this.

So, I'm here today to really talk about the developer, because, with Bonaventure, we have found an incredible corporate partner. Not only are they have made a generous donation to our capital campaign, but they've done things that I don't hear a lot of corporations do. They've sponsored job fairs where a lot of our families have been able to find employment. Just overall, they have been not only concerned about the infrastructure of the physical place, but the human infrastructure for Virginia Beach. They are very supportive of what this community needs and their design.
I've had the privilege of touring one of their, one of their properties. It's thoughtful. It enhances the area. Does not take anything away. And again, it is they're developing for a community, not just for profit. And that's what I have to say. Thank you.

Mr. Coston: Thank you.

Clerk: Our next speaker is Shania White, followed by Linda Cruciano.

Ms. White: Good afternoon. My name is Shania White, and I am a resident of one of Bonaventure's property, Infinity at Centerville. I have been for over 3 years. My children, my husband is active duty military, and I specifically sought out this area and this specific property. Because of the schools in the area and the overall community, I am in support of this project because it will allow individuals, seniors, families like mine, to come to the area.

And add not only to the economic growth, but as well as what was proposed, is keeping the farmhouse, which I like to enjoy myself when I go there and have my morning coffee. So, I don't know if there's much else that I can add to that. Besides that, I have also, as a military wife, taken advantage of the properties—not the property, but Bonaventure's career Fair—and I have had success in doing so. So. I think it would be a great, great addition to our area, and I plan on staying in the area, so that helps out as well.

Clerk: Our next speaker is Linda Cruciano, followed by Mia Douglas.

Ms. Cruciano: Hello, everyone. My name is Linda Cruciano. I'm with the Lake James Homeowners Association, and I'm actually here on behalf of Peggy Sampson, who is our environmental committee chair for the HOA, who was unable to attend, and so I volunteered to be here to be able to ask this question.
The Lake James Homeowners Association and our whole community, which is probably maybe. A mile and a half away from where the farmhouse is, but an area, of course, that affects that whole air, that whole area, just because of the possibility of lots and lots of different, a lot of additional traffic and so forth. But anyway, but our question for y'all today is: what type of stormwater plan or management do the developers intend to implement?

Ms. Hippen: So, I can, I can answer that. So I am, I am your, I am your district person commissioner. We asked the question because the question was posed at a couple of the events that that Bon Venture had, as well as our, excuse me, I'm tongue tied and that doesn't usually happen. As well as our informal session, the property will drain into Stumpy Lake. It will not drain into Lake Christopher or Lake James.

Ms. Cruciano: Okay. So, so is it going to be? I mean, it's going to drain directly without any type of plan, you know, to be able to filter that water because Stumpy Lake eventually goes by Lake James.

Ms. Hippen: Correct. Correct. They will have to do a stormwater plan that will come later in the process, but it will drain to Stumpy Lake.

Ms. Cruciano: Can our environmental committee have input on that when that time comes up? Could you directly relate to our committee so we know exactly what the plan is?

Ms. Hippen: Staff needs to answer that question.

Ms. Cruciano: Pardon?

Ms. Hippen: Staff behind you needs to answer that question, please.

Staff: Good afternoon. The project currently conceptualizes underground detention system, which will retain, hold, and help treat the water before it's discharged offsite. Whenever the site plans come in, if we have a contact for your organization, we can send you copies of the plan. There's not necessarily input that you can provide, but you can certainly see all of the documents and see our comments and engage with our engineering staff.

Ms. Cruciano: We just want to have the ability to be able to have a voice in all of this as well.

Ms. Hippen: Thank you.

Ms. Cruciano: Thank you for your time.

Clerk: Our next speaker is Mia Douglas, followed by Samantha Roquin.

Ms. Douglas: Hello, my name is Mia Douglas. I am here to respectfully express my strong opposition to the proposed 4-story apartment complex planned for the Woods Farmhouse property.

This development is not compatible with the character, scale, or needs of our surrounding community. Our neighborhood is made up primarily of single-family homes, and residents have chosen to live here because of that established residential character. Placing a 4-story apartment building directly behind one- and two-story private homes would significantly affect privacy, views, property values, and overall quality of life for existing homeowners.

This proposal would create an undue burden on many families who have invested in this community. There are five residential communities in the immediate area, and residents are already deeply concerned about daily traffic conditions. The intersection of Kempsville Road and Centerville Turnpike has already been identified as congested, and adding more than 250 apartments, many with one or with two or more vehicles. Would place additional strain on an already difficult and potentially unsafe roadway. School capacity is another serious concern.

Our local schools are already overcrowded, and the surrounding area is experiencing significant pressure from population growth, traffic volume, and student enrollment. At this time, our community cannot safely or responsibly absorb additional high-density housing without further impacting essential services and infrastructure. This proposal is especially concerning, given that more than 320 additional apartments are already scheduled to be built. Approximately 3 miles away, at Kemp's Crossing, that nearby intersection is also known for traffic concerns and accidents. Approving another large apartment development in such close proximity would compound existing challenges rather than address them responsibly.

We do not have the infrastructure to support this rapid growth. We are the most populated section of Virginia Beach, and additional housing and families will add additional burden on our police, fire, and rescue services. We are also concerned, as statistics show, high-density housing. Shows higher crime rates if these apartments are allowed. We will have just over 2,500 apartments within 3 miles of us, and for those reasons, I urge the planning committee to deny.

Ms. Hippen: Did we talk at any of the any of the information sessions?

Ms. Douglas: You and I?

Ms. Hippen: Yes. Did you see me at any of those?

Ms. Douglas: No, I haven't. I haven't been. I was just recently appointed vice president of my civic league, so I'm getting more involved in the community myself.

Ms. Hippen: Which Civic league?

Ms. Douglas: Brandon.

Ms. Hippen: Brandon. Okay, I live in Alexandria.

Ms. Hippen: Okay, so, we're kind of neighbors. I just want to correct something that you said Kempsville and Centerville, you've got apartment complexes, the Avon Apartments. You've also got the Tallwood Apartments next to Tallwood Elementary. At the intersection of Centerville and Lynnhaven, you have Magnolia Run, Magnolia Chase, Infinity, and the Cascades. So, there are

apartment complexes in that area. Now, I'm not speaking for or against, I'm just letting you know what's in the area, especially if you're new to the area.

Ms. Douglas: I've lived here for. I've lived in Virginia Beach my whole life, but I'm here, I've lived in this neighborhood for 6 years, so I'm aware that there are apartments there.

Ms. Hippen: Okay, when I moved in in 1997 into that house, I previously lived in the Glenwood area, which is also District 7. Independence did not connect to South, independence did not connect to Indian River, and all of those apartment complexes that I just told you were trees, just to let you know, and the same, the same company that's building this one or proposed to build this one, is who built Magnolia Ranch, Magnolia Chase, Cascades, and Infinity?

Mr. Mauch: I just want to clarify. I think from what I heard that your concerns were traffic, schools, privacy, and overall safety. Did I miss anything?

Ms. Douglas: That's pretty much everything.

Mr. Mauch: Okay, wonderful. And the reason I ask that is because I have quite a few listed of concerns that this commission has brought up and asked a lot about. So hopefully you'll be able to hear some of those concerns, whether they answer, you know, are answered properly enough for you. But some concerns we have talked about in the informal as well as at the site visit. So hopefully you'll be able to get a little bit of more information through this process.

Mr. Coston: Commissioner Camp.

Mr. Camp: Yes, ma'am. Thank you for coming forward today and speaking with us. Are you aware of the scheduled improvements to Centerville Turnpike between Kempsville and Indian River? Do you know what I'm talking about?

Ms. Douglas: No. Could you tell me more about that, please?

Mr. Camp: Well, what I'm going to do is reference you to a web page on the city. It's Centerville Turnpike Phase II, and that is a much long-awaited project that will expand the road to 4 lanes instead of the current 2 lanes from Kempsville all the way up past Regent to Indian River. Now that won't solve all the problems in that area, but it's going to go under construction early next year. It's coming fairly soon, and so I just wanted to bring that to your attention. I personally believe, as I evaluated this, that that project will help that area greatly. It's long overdue, but as I said, it won't solve all the issues. I just want to make sure that you're aware about it.

Ms. Douglas: Thank you so much. I appreciate that.

Mr. Coston: Any further questions? Thank you.

Clerk: Our next speaker, Samantha Roquin, followed by Kathleen Weinmiller.

Ms. Roaquin: Good afternoon, Chair, Vice Chair, and Commissioners. My name is Samantha Roaquin, and I'm the president of the Charlestown Area Civic League. I'm also the leader for the Kempsville Coalition, which is a group of us who have come together for this. That includes my

neighborhood, Charlestown, Lake South, Brigadoon, and Brandon. I do. I am aware of that proposal, and I agree that it will help to a small extent. But we also have Regent University that's expanding. So, as we expand roads, we're expanding people that are going to be on it from that. So that came long before this project.

As far as my topic, let me start off by saying that we understand the overall need for developments, and the developer themselves are not what's in question with us. It's the infrastructure concerns. In fact, most of us actually wouldn't be here today and have a dog in this fight if the Woods family hadn't sold some off of their land back off in the 70s. Most of our homes sit on some of the original 500 acres, but developers like Bonaventure have continued to develop raw land and build apartment buildings around us, and we have all sat back and watched it happen. And you have not heard from us as a Civic League or a coalition since the connection of Lynnhaven and Volvo.

You may have heard from individual residents, but not from us as a whole. However, this proposed development not only has serious implications to the Brandon neighborhood, but to the overall Kempsville and Centerville community. In fact, per our online petition, 6,556 people have signed, stating their concerns, disapprovals, and reservations to the building apartments as well. In addition to our serious concerns with traffic and school capacity limits, which are coming next, and also the additional strain on our local emergency services, we also have strong concerns about the negative impact that it will have on our wildlife and our environment. Raw land supports a diverse array of insects, pollinators.

A plant and wildlife clearing, it forces these species out and breaks the natural food web. According to the IPAC, the U.S. Fish and Wildlife Service Environmental Review System, When we focused in on the 8 acres that is the remainder of the woods property, this would remove crucial habitats from the northern long-eared bat, which is now an endangered species. It would also endanger the tri-color bat, which is currently at risk of being an endangered species. There is also currently habitat there for the monarch butterfly. That is a proposed threat level, and the bald eagle, which we all know, is extremely vulnerable, along with an array of birds. Furthermore, destroying raw land continues to cause several major setbacks to the environment. It will degrade complex ecosystems, destroy delicate soil microbiome, cause severe erosion, disrupt vital water cycles, and it will release trapped carbon into the atmosphere.

When you break up raw land, it breaks up natural root networks and fungal communities. This kills the living soil microbiome, which is essential for nutrient cycling and disease resistance. Additionally, without deep root systems and natural ground cover, the ground loses its ability to absorb and filter rainwater efficiently. Therefore, severely impacting local watersheds. All of this would be in addition to the already 31 acres that is being cleared out at Regent University, less than 2 miles down the road. My grandfather used to say, "Buy more land because it's the only thing they're not making any more of." And he was completely correct. I mean, you guys have heard about some bear sightings recently, right?

As we take a moment, we have to fully comprehend the domino effect that all of this will have on every category of our local infrastructure. And lastly, residents that live in the Brandon neighborhood, especially those homes that back up to the farmhouse property, will now face walking out their backyard and possibly staring at a 4-story apartment complex. They did not purchase those homes, knowing that their privacy was at risk. They now also face the possibility

of light and noise pollution, as well as potentially dealing with the excess rainwater flooding their yards, system or no system. On behalf of the Charlestown Area Civic League and the collective neighborhoods in our Kempsville area and the local businesses at Wood's Corner that actually do not support this, I urge you to please take our concerns into consideration.

Mr. Coston: Commissioner Camp.

Mr. Camp: Thank you for coming before us today. I represent District 1, Kempsville, and Ms. Hippen represents District 7. And the group that you, if I understood right, are speaking for, sort of straddles our districts. Brigadoon is in my district, for example. I've never had the opportunity to talk with you all or hear from you all, and I would like to. I'm sure that this is not the only thing that you have concerns about in our area, and so I hope you will contact me at some point after this meeting.

But don't text me during the meeting; I'm trying to pay attention. But seriously, I do want to engage with you as part of my constituent group. I also want to share with you a bit of the challenge we have when looking at one of these applications. Not long ago, I was sitting out there, and I would think, "Gee, I don't like certain things about an application. They should vote no." But what I hadn't really taken into consideration was, "What can the landowner do without even coming here?" What's called by-right. What can they do without going to City Council for any approval or the Planning commission?

In this case, the property is already zoned B2, commercial business. If they hadn't proposed what they're proposing here, then they could go ahead and put a business development on it, and that business development, according to the traffic study we received, would generate nineteen hundred more daily car trips per day than what they are proposing. Now that doesn't mean I love what they're proposing, but I have to weigh it against what else could happen—not just up or down by itself, as if nothing else would happen. And I just want to share that with you as one of the challenges we have in what to do with these applications before us.

Ms. Roaquin: When I held my last community meeting, in which we invited the Broad Community or the Kempsville area, and I explained that to them as well, that it was, you know, which way would we rather go, and the overall community voted no to the apartment complex. I think the height was some of the main concerns, on top of all of the other things. If we were, if we were stuck with an apartment complex, we couldn't, couldn't battle it.
The height was a big deal. We offered other solutions and have been trying to get with the Woods family directly to offer even more. We know that land can't sit there and not make money. That's we get that. S,o we've tried to come up with alternative routes. There's nothing that's going to make them more money than apartment complex. We know that. We're just trying to do our best to protect our neighborhoods and the historical charm that we have in Kempsville.

Mr. Camp: Well, I thank you for that. You heard in my introduction that the historical aspect is important. I'm a founding member of the historic Kempsville Coalition, so thank you very much for coming to speak and expressing all these concerns on behalf of the larger community. They are taken seriously.

Ms. Roaquin: Thank you.

Ms. Hippen: Are you the one that called me when I was in the shower yesterday?

Ms. Roaquin: Yes.

Ms. Hippen: Okay. All right. Okay. I'm going to make sure to put the face to it. Okay. So, so I will be asking a few questions after all the speakers speak. Refresh my memory, did you come to any of the sessions?

Ms. Roaquin: I came to all of them.

Ms. Hippen: Okay. So, we were at all of them. I hear you loud and clear. I remember when, like I said, earlier, when the Cascades was the first one that came in at Centerville and Lynnhaven, and then Magnolia Chase, then Magnolia Run, and Infinity. So, I hear you loud and clear as to what's going on. There are some questions that came out of our discussion yesterday, as well as are coming out today, that I'll be asking the applicant. So, rest assured, and please listen to what they have to say.

Ms. Roquin: I will do that.

Ms. Hippen: All right. Thanks.

Ms. Roaquin: Thank you.

Mr. Coston: Any other questions? You may be seated.

Clerk: Our next speaker is Kathleen Weinmiller, followed by Caitlin Trist.

Ms. Weinmiller: Good afternoon, Chairman, and members of the Virginia Beach Planning Commission. I'm here today to express my strong opposition.

Mr. Coston: To give us your name, please.

Ms. Weinmiller: I'm sorry, Kathleen Weinmiller. I'm here today to express my strong opposition to the conditional rezoning and subdivision variance applications submitted by the Farmhouse, LLC for the property located at 1805 Kempsville Road. A lot of the reasons that I have written on my paper, honestly, have been covered by the people who have spoken previous to me.

But I did want to call the severe traffic congestion up to the board again. I don't know how many of you come to our area frequently, But at high traffic times, it will back up onto the highway from that Kempsville, I'm sorry, Centerville and Kempsville intersection. It will back up to the highway, causing back up on the highway. So that creates a interesting challenge for those of us trying to get home in the afternoon from work. Adding an additional 250 apartment units and all of that traffic to that intersection is going to be a challenge.

I did hear what you said that we're going to be doing an upgrade to Centerville, but that's going to be coming. It sounds like a little bit later than we're talking about here. And we have Regent University, which is doing an expansion as well. So I understand what you're saying. We got to kind of weigh left and right. I am one of the houses that would be immediately impacted by this

apartment complex. They will literally be able to look into my backyard and see if I'm having a barbecue. So I did have a couple of questions, particularly regarding the flooding and stormwater handling. As you guys know, I think most people have been in Virginia Beach for a while. I'm guessing.

Back in 2016, we received 14 inches of rain over 2 days, which caused flooding for a large part of the city. Our neighborhood was included in that. Thankfully, it was limited to the roads at that point in time, and it did not impact the houses. What is the impact of this project going to be when Virginia Beach gets 14 inches of rain again? To the neighborhood, to the people who live right there. The other question that I have is: will I heard that? You say? It's going to drain to Stumpy Lake, so it will have a new stormwater system, entirely new? Again, amateurs built the ark, and professionals built the Titanic. Just want to leave you guys with that thought. Thank you. That's true. Did you guys have any questions?

Mr. Coston: Mr. Camp?

Mr. Camp: Ma'am, again, thank you for coming forward. As another way of reemphasizing my understanding of the transportation problem down there, I want to ask, were you aware that Centerville Turnpike Phase III was canceled and taken completely out of the city's CIP?

Ms. Weinmiller: No, but I was aware of Phase II.

Mr. Camp: Yeah, Phase II goes north. Phase III would have gone south all the way to the Chesapeake border, and that long-awaited project did not get, it earned a grant, but it did not get fully funded by Council. And then, over the last two years, it was completely taken out of the city's plans. I agree with you. That's a problem. I wish that hadn't happened. I would just urge you to speak to your Council representatives. And these days, under the 10-1, you got to talk to them all because you need six to pass anything. About these concerns that our roadways on the western suburbs of this city are older; they're more heavily loaded with dense neighborhoods, and we need those road improvements.

Ms. Weinmiller: We do. Thank you.

Ms. Hippen: So, I live on the part off of the part of Centerville that they're not going to extend. Okay, and in fact, I drove yesterday during and after the storm. Okay, and I know of what you speak of the puddling. Mayor Bobby Dyer can tell you that we have been discussing. He and I have been discussing widening Centerville since he was our councilman. I can tell you that our current councilman is watching this session right now. I just spoke to him yesterday, and he is very concerned about the questions. He, he was also at all of the information sessions and a few other things, so he is very, very involved with this, talking with the applicant and so on, and so forth, and listening to citizens. I have been at all of the information sessions as well. Yes, Centerville is a problem. Okay, fortunately, I'm retired. Okay, but it gets me periodically. A lot of traffic does go through Regent University. When they came to talk about their plan, I let them know. Yep, I'm guilty of that, too.

So, I know of what you speak, and that is something that that I have been talking to city council members all along. Since Mayor Bobby Dyer was our councilman, okay, so that is something that is. I'm not quitting because I don't, and I can tell you, and Commissioner Camp can tell you that.

I have also been complaining about making sure that the bike lanes are clear. Because my 17-year-old nephew lives with me, and one of the things that I was concerned about was the kids riding back and forth on Centerville. There are bike lanes. Well, you're gonna clean them off. They've been cleaned recently, okay. But I hear you loud and clear, and listen to my questions and listen to their answers, and let's see where we are.

Ms. Weinmiller: Thank you very much.

Ms. Hippen: All right.

Ms. Weinmiller: Any other questions?

Ms. Hippen: Thank you.

Ms. Weinmiller: Thank you.

Clerk: Our next speaker is Caitlin Trist, followed by Robert Ryan.

Ms. Trist: Good afternoon, everyone. I'm Caitlin, Trist. Thank you so much for this opportunity to speak. I live directly behind Back Bay Farmhouse, and I have several concerns regarding this proposal, rezoning this property from Conditional B two to the Conditional B-4 mixed use. I understand that Virginia Beach needs to grow, but my concern is whether this proposal represents the right development. In the right scale, in the right location, the proposed rezoning would replace a relatively low-intensity commercial property with 251 apartments. And I know that a lot of the other folks have spoken about the traffic and the community impact, and I wanted to call out, in addition to those concerns, which sit with me as well, the parking situation. I saw on the report that the city approved a reduction from the required 463 spaces to reduce to 388.

Based on the assumptions that residents will rely on public transit, walking, and bicycling, This is less than two parking spaces per unit and does not account for visitor parking or the commercial space that will be on the property. I'm asking whether there is evidence that this reflects the actual travel patterns of Virginia Beach apartment residents, and what measures are in place if the parking demands exceed what is listed. I believe that overflow parking would directly impact. The neighborhoods behind Farmhouse. These residents rely heavily on street parking, and it's already incredibly limited. In addition to my parking concerns, I also do have those concerns about traffic and community. I understand that council has many competing priorities, but I'm asking if the council could reconsider deferring this application. Until traffic and parking analyses are further evaluated, and additional consideration has been given to compatibility with the surrounding neighborhoods.

Ms. Hippen: Hi there. Hi. So, you must live on Dylan.

Ms. Trist: I, yeah, I live on Dylan.

Ms. Hippen: Okay. Okay, I know where you are. So, you know, they're going to close Luck Lane. There will not be any, and I know that's a problem for you guys. So Luck Lane will not have access anymore. You brought up one of the questions that I have for them. Let's listen to what their solutions are, and let's go from that. Now we're not city council; we're a recommending

body. We're planning. We only recommend. We don't even get paid. Okay, we got a sandwich and a bottle of water.

Ms. Trist: I'm so sorry. The orange sign, said Council. I'm so sorry about that.

Ms. Hippen: They just let us borrow this place. At any rate, whatever decision comes out of here will go to City Council next month, and you can look on Planning Commission. They've got the website for us. You can also look on the city council website to see when it's going to come to them. They will have the final decision. So, I just, you know. You knew it this, too, right?

Ms. Hippen: Thank you.

Clerk: Our next speaker is Robert Ryan, followed by Harold Millet.

Mr. Ryan: Good afternoon. My name is Robert Ryan, and I'm speaking in opposition to this project. I currently live at Dylan Drive. I've lived there for 34 years. This project will directly affect myself and like neighbors. Our neighborhood is defined, majority of single-family homes, 1 and 2 stories. The commercial structures in this general area are also 1 and 2 stories. Inserting a 4-story complex.

On this size property, will directly with the scale be way out of scale and for the property and the surrounding area. And I recognize the need for growth, but it needs to be done properly. And it needs to match the area that it's in. A 4-story complex is going to directly affect everybody. Not only the people on Dylan Drive, the people across the street, in the other neighborhoods across Kempsville. It's gonna. Excuse me. It's going to put a significant strain and impact on our lives, our reasonable expectations for privacy, our reasonable expectations for a quality of life, our safety, and our security of our neighborhood and our families. If the applicants do wish to develop here. They need to rescale back in size, in the height, and the amount of apartments to directly correlate with the rest of the area. Thank you very much.

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

Clerk: Our final speaker is Harold Millet.

Mr. Millet: Good afternoon. My name is Harold Millet. I go by Harry. Retired Senior Chief, United States Navy. What everybody's been talking about here—it's it, it's already here. I'm passing out pamphlets that my wife Rose put together, hours of research to show you that this building doesn't belong there. We are a community of single-family houses, in here for 20-some-odd years. As far as I understand, the money flow, family legacy, but they also have a responsibility to maintain the area that they sold us.
But, you know, we got over 7,000 single-family homes here, and other things that we hear is about apartments, you know, people, you know, but we have, my God, 225 apartments. I mean, it's just astounding. And what Mr. Camp brought up about the widening of Centerville—we've been a part of this, and all of a sudden, about a year ago, we found out that it was canceled. Didn't come to us about it; just went ahead and canceled it. This apartment complex is just going to compound things. Our schools, they're at max capacity. So again, you know, the previous speakers have spoken the words. Now it's time to make it happen. Help us. Thank you.

Ms. Hippen: Good afternoon, shipmate. Don't go away yet. You wanted him even number chiefs. Wait a minute. Come on back. Hold on. You wanted them even number chiefs, and we got to watch out for you. So, your wife did very, very good. Thank you for this information. Did you go to any of the information sessions?

Mr. Millet: I don't. I attended a few. I just listen. That's all I do.

Ms. Hippen: Okay. All right. Okay. I'm going to ask a few questions. I am the planning commissioner for the district that we live in, and I am a frequent traveler of that area. My nephew and his wife used to live on Myers Court, so I know the area extremely well, and I live down by Centerville, so this is my stomping grounds as well. And like I said, I will have some questions.

Mr. Millet: I started out in the Alexandria neighborhood, moved over to Charles Towne Lake South. Got a single-family home, no stairs. That's life. That's what, that's what we chose. We served. We retire.

Ms. Hippen: I hear you. Well, unfortunately, I went the other way. I went from a from a ranch to a two-story house. So, I hear you loud and clear, shipmate. And I'm going to ask some questions, and please, because there's some answers, and they know I'm going to ask questions, too.

Mr. Millet: I hope so.

Ms. Hippen: Okay, so thank you for your time. I appreciate you, shipmate. Great.

Clerk: That was our final speaker, and if I can make a recommendation to the commission to refresh your screens, just in case the voting action is timed out.

Ms. Hippen: So, are they coming back up? The applicant? You know, I got questions.

Mr. Beaman: Yes, ma'am.

Ms. Hippen: Every time you come. So, some of these questions came from letters that we got. Some of them, I just wrote down as people were talking.

Ms. Alcock: Excuse me. Yeah. Generally, if you have time to do the rebuttal and then questions.

Mr. Beaman: Oh, I'll withhold the rebuttal and answer questions if that's okay.

Ms. Hippen: Thank you. Okay, so the questions came in about drainage, okay, and the stormwater plan. Now, in the informal session, we were told that this will not drain into Lake Christopher or Lake James; that it will drain to Stumpy Lake. But as one of the people that came up and spoke stated, and hers was a question. She said, "Well, Stumpy Lake goes right past. So, can you help us out there? Because I do know, because, you know, I live over there. So I do know what kind of drainage problems there are.

Mr. Beaman: Absolutely. I think the most important thing from a drainage perspective is that this redevelopment will be subject to the current regulations, the state and local regulations, which

are much stricter than the regulations in years past." And require the water from the site to be taken into the site, stored, treated. We're going to have an underground facility. I believe it was mentioned by one of the commissioners, an underground facility. And then, only after it's been stored and treated, will it be discharged into the public system across Kempsville Road into there's an existing canal system. But even the rates and the volumes of water that are discharged are heavily regulated by the state as well. So, it's not just being dumped into the system. The system is extra water. It's being held and released at a timely manner, but all that's heavily regulated.

Ms. Hippen: Okay, all right. So, you've got a reduced amount of parking. This, this was something that was hit. And according to what we've been briefed on about parking, and this came last month. We were just briefed about parking and bus stops. But normally, when you have a reduction in parking, you have a covered bus stop. Now I know there is a bus stop on each side of Kempsville near that property, and I'm sure they put it there because the brewery was there, because it wasn't there before the brewery. So, is there some coordination or some plan to cover those bus stops to bring you in line with the current state law?

Mr. Beaman: Yeah, and you're absolutely right. I think that was one of the big impetus of approving a reduced parking ratio is that there is excellent service by existing HRT routes that come up and down the street each day. Whether or not the bus stop is covered or remains uncovered hasn't come up in our discussions with staff so far. But certainly, we're happy to have that conversation with staff and do what we need to do to comply with the law.

Ms. Hippen: Okay, because our briefing stated that it has to be covered. That is for a covered spot, and the only covered spots that I know of are way down Indian River, where it intersects with I-64. Crosswalk study. So that what you're proposing to do is right across the street from a lot of stuff. There's a Walmart, and I'm just going to mention a few. There's a Walmart neighborhood. There's a Food Lion. There's a McDonald's. There's a Seventeen Hands Coffee & Ice Cream Shop. There's a gym around the corner from all of that. You go around and there's restaurants, wing Place. Three Amigos. I told you I lived there, so we know that people are not going to walk from where that property is all the way down to Centerville and Kempsville across the street. Have you done a study, or have you spoken with the city about a study for a crosswalk?

Mr. Beaman: We have. I actually spoke with Rick Lowman, the city's traffic engineer, today about this issue. I understand it came up in the informal session, and also had a chance to speak with my client about it. We are going to meet with the city and discuss what type of signalization is warranted at this location, you know, directly across from our entrance, and if signalization needs to be added based on warrants and what the city would like to see at that intersection, but yes, that's a conversation we've already started.

Ms. Hippen: Okay, let me see. So, one of the things that came up at our site visit, and you were a site visit, was you've got a lot of mature trees there, and the site plan does show that you're going to have trees. Talk to me about canopy cover, please.

Mr. Beaman: So, we've done two things in the proffer agreement for tree planting and preservation. The first is we proffered a landscape plan, and we've submitted a separate landscape plan in addition to the site plan that shows all the tree plantings that we're going to make, which meter exceed code standards. It's a lot of trees. I believe it may be 166 trees is a figure I got from

our engineer. But in addition to that, we've proffered that we're going to work with the city during site plan review to identify tree save areas around the perimeter of the property that we can incorporate into our landscape plan, it's great to save existing mature vegetation. We believe there are trees that can be saved, and we're going to work to see the feasibility and preserve as many as we can during the site plan process.

Ms. Hippen: Okay, because that will help mitigate stormwater runoff and a lot of things,

Mr. Beaman: Viewsheds, and everything. It's been a great thing for us and the community to save trees.

Ms. Hippen: Okay, talk to me about the distance. Now, talk to me about Luck Lane. Luck Lane comes out from the back of the property, and it intersects Dylan Drive. And I know, for a fact, that people that now use that property for functions that they have for the brewery and so on, and so forth. Some of them park over there where McDonald's and Walmart are, and walk across the street, and some of them park on Luck Lane. Along these people's houses that live on Dylan Drive and are disrespectful to these people. Can you talk to me about Luck Lane?

Mr. Beaman: Sure. We heard that same comment over and over during the public outreach. We had those meetings, and I was at those meetings, manning one of the stations, and we heard that that same concern over and over. As a result of that, we are proposing to completely shut off Luck Lane to put fencing and landscaping, not have any sort of pedestrian or vehicular access through Luck Lane, so there'll be no opportunity for folks to park back in the neighborhood and then access the site by foot or by car.

Ms. Hippen: Okay. I've also heard both at sessions and today about the lack of privacy because there are going to be 4-story buildings. So, you've got two cul-de-sacs off of Myers Drive, and then you've got the homes that butt up against Dylan Drive on Dylan Drive, How far are the apartment complexes from those homes? How are you going to mitigate disturbing their privacy? Because I do understand exactly what they're talking about.

Mr. Beaman: Sure, and I understand that concern as well. And what you'll see with the site plan is that second building, we call it the Donut shape building, has been strategically placed in the middle of the property to be as far away from the property lines on both the northern side and the eastern side as possible. The single-family homes abut this property on the north and on the east, and so we've tried to pull that building as central as possible. So, it's not up against one of the one of the property lines.

Additionally, one of the other things we did during the process, as a result of some of the public feedback, and to address this concern, two things. One is to move the garages. Those garages on the exterior of the property were more evenly dispersed around the property. Before we've. Concentrated those along the northern and eastern property lines to provide even more buffering.

In addition to the landscaping that we're going to plant along those two, there's a 15-foot landscape buffer along those edges. And then the second thing is, is the tree save. We've we proffered to work with the city staff to save mature trees. Of course, mature trees are already large and provide more immediate buffering. So, we'll look for opportunities to do that as well.

Ms. Hippen: Okay. Where are the garbage cans? The garbage, because the first drawing that I saw had them back against the properties that border Dylan and also the cul-de-sacs that border Myers Drive.

Mr. Beaman: Yeah, the initial version of the plan—the initial version that we actually shared at the first public meeting—had the dumpster location in the top left corner. If we're looking at the Plan view, it was actually—you know,—we spoke with some people, and one of the ladies who lives right there asked if we could relocate that. There were some other requests to relocate that as well, and we have—we've relocated it up towards the front of the property along that same property line. That's the property line farthest away from all of the residential. The residential is on the northern end, the eastern end. This is more in the southwest corner.

Ms. Hippen: Actually, I was one of the ones that asked that, but I don't see where they went. That's why I asked the question. That's right. Because that's one of, there's two of us up here that think about that. Because we've lived in apartments, too, and we've lived near apartments.

Mr. Beaman: Sure.

Ms. Hippen: I think that's all I have for right now.

Mr. Beaman: Yes, ma'am.

Ms. Hippen: Hopefully, I got everything that folks were asking about.

Mr. Coston: Commissioner Camp.

Mr. Camp: Yes, thank you, Attorney Beaman. Thank you again for coming up and answering questions. You and I spoke informally about my concerns with the placement of the—I'll call it the—well, they're both rectangles. The one closer to Kempsville Road and the setback. There are currently existing trees there shading that walkway. The Strategic Growth Plan for Centerville shows trees in that area. Can you speak a little bit here on the record about what might be possible to either keep or restore shade there?

Mr. Beaman: Sure, Mr. Camp, after our conversation earlier today, I've already spoken with my client about this issue. We are a little bit constrained in this part of the property because of the additional roadway dedication and because of the expansion of the sidewalk to 11 feet. And so, for that reason, you know, there's not a lot of room to work with there. But what we are committed to doing is looking, you know, both between now and Council, and also during the site plan approval process, to see if there are ways to move the building back a little bit to condense the area and have additional room for tree plantings.

And there may be existing room for tree plantings as well. We're already showing plantings on our landscape plan, but certainly want to look for opportunities to include trees. It'll help not only for the shade of the walkway, but aesthetically for the project as well. We want to build the best project we can, so we're looking for opportunities to plant trees along that frontage as well.

Mr. Camp: So, I like to be consistent, but I'm going to be surprising here. As everyone knows, I am an advocate for all of our bike, ped, and mobility needs. However, that should not come at the

destruction, in my viewpoint, of necessary tree canopy. They are two things that we need to weigh together, and they are both desirable to have a community to live, work, and play in that is of high quality. From my perspective, if you narrowed the sidewalk, and I know, I argue for 11 feet at every one of these other things, but that enabled you to keep trees there that would cast shade in this area and screen this, that would be a better balance for me than adding the extra foot of sidewalk and not having the tree canopy. I am just one opinion of 11 here, but since I'm the person who is always pushing this, I want you to know where I stand.

Mr. Beaman: I appreciate that.

Mr. Camp: Number two, I join in Commissioner Hippen with the concern about the crossing there. Human beings are going to go to attractive places. If you live here and stores are across the street, you're going to try to get there, and you're not going to go all 800 feet each direction over to the crosswalk. It's particularly concerning to me because this is within the non-transportation zone for some of our schools, meaning that some of the children who live here at certain grades are going to be walking to school.

It's great that from a young age, they will become accustomed to being pedestrians. That's a healthier lifestyle. That's something we're trying to encourage. But when you begin to become a pedestrian, but you still have youthful judgment, and those things that attract you across the street at the shopping center seem to just be a little bit away, I think there's a high potential for the kind of things we don't want to see happen there.

If I understood your comments, right, you mentioned discussing with traffic engineering about the requirements, what we call warrants, for having a crossing there, and I believe you said, if it was required, you would look at doing that with your client. But what if it's not required, but two out of the five warrants are there? Talk to us about how you feel.

Mr. Beaman: Sure. What I meant by warranted is whether traffic engineering wants something there. I mean, we need to have a conversation about what the need is, but also how that would impact traffic patterns and so forth. I've also already had a brief discussion with Mr. Lohman, but certainly, you know, if that's something the city wants, that's something that we're, we're willing to do.

Mr. Camp: Would you be adverse to a condition being added to this application, asking that you conduct that crossing study?

Mr. Beaman: Yeah, we're happy to do that. What I'd prefer to do is work on that language with staff between now and City Council, but we're certainly happy to do that.

Mr. Camp: So, you can't make a proffer here on the fly, right? That is not permitted.

Mr. Beaman: That's right. That's correct.

Mr. Camp: But can you say to me in answer to my question that you will personally commit to having that conversation?

Mr. Beaman: Yes.

Mr. Camp: Thank you very much. I appreciate that. Just man-to-man. And then, lastly, the city has a program to add covers to our bus stops, and we're a big city. There's a lot of them to do that. Commissioner Hippen has already mentioned this. There is a model and a standard pricing that exists. Every year, our taxpayer dollars go to add more for the benefit of our citizens across the city. I would highly encourage this applicant, with its vested long-term interest in this part of the city, in talking to our city's transportation department about the standard model, about the standard pricing, and considering between now and City Council what I believe is a fairly nominal cost, given the overall scale of this project. And the primary users are going to be the people who live in your units. That maybe that's something you just want to bring forward as part of the package when you get to City Council. I think it's very simple, just to talk to them and see how that's going to work.

Mr. Beaman: Yeah, no, appreciate that comment.

Ms. Hippen: I forgot one. What you going to do with the farmhouse? I know that, I know that the Wood family does not want the. I mean, it's a historic building. What you going to do with the farmhouse?

Mr. Beaman: Yeah, that's an important part of this project, and one of the things that I think really makes this a neat project and a unique project is there's an old historic building, a farmhouse that's been in the family for a long time, and they're really committed to preserving that and also incorporating that into the development itself. It's going to be used in some capacity as a tenant amenity space. There'll be meeting space and so forth in there. We've committed in the proffer to allowing members of the community to use that space as well, so the community can continue to come in as they are now as a brewery and utilize the space and enjoy the space. Also, there will be, in all likelihood, a commercial component to it. That's one of the reasons we wanted to go to B-4. To reserve the right to do a commercial component here, something like a coffee shop, which is currently operating on the property, which is a great fit. Again, to allow the community to come into the site. And the other thing we've done is we've, and this is as a result of some of the feedback we did hear from the public, that amenity area that you see in the picture, that's up on the screen now, you can see that amenity area has grown significantly from our first plan by over 45%. That's a really nice area for people to gather, to have picnics, to, you know, walk a dog, or to throw a football, or whatever. It's a really, really generous area now.

Ms. Hippen: And what's going in the center of the of the, as you call it, donut?

Mr. Beaman: That's a tenant amenity area. That's where the pool will go. There likely be grilling areas. I don't know that it's specifically been programmed yet, but a pool and other related tenant amenities.

Mr. Plumlee: Thank you. Mr. Chair, I've got a question. Where is this? I can't put in my mind. With the appendix to the COMP plan, is this in a city center?

Mr. Beaman: It's in a local center core. Maybe 4/5 of the property is in the core, and then there's a little bit of edge. I think on the top right corner.

Mr. Plumlee: So it's in a purple red zone. Okay. For anticipating what type of construction?

Mr. Beaman: Mixed use, more urbanized construction, I believe four stories, 3 to 6 stories.

Mr. Plumlee: Okay, thank you,

Mr. Mauch: Commissioner Mauch. You had briefly about the Wood family and their intent to preserve the farmhouse, and something that I heard, and I just want to make sure that this is correct. Is they're not just selling the land to you, and then you guys are building apartments. They're a partner in this with you. They're not actually giving up the ownership of the property. They're adding it in as a part of the deal to be able to retain that portion and retain the property still alongside of your clients.

Mr. Beeman: That's absolutely correct. They are remaining involved in the ownership group, moving forward to continue that stewardship, and representatives of the family are here with us today.

Mr. Mauch: All right. Thank you.

Ms. Hippen: Can you get someone to answer the question? How far the buildings are from the neighboring houses. I know one of y'all knows.

Mr. Beaman: We have a civil engineer here. I believe it's a little over 100 from the top and 200 from the side, but I don't know if our engineer can confirm that for me.

Mr. Flood: Hello, my name is Ben Flood. I represent Bonaventure, the development partner in this deal. To the north, it's, and I apologize, I don't have the exact figure, but I believe it is north of 100 feet. It's like 120, plus or minus to the Plan east, looking to the right. From the building to the closest house was over 200 feet. I want to say it was 220-230 somewhere in that range, but we can absolutely, yeah, get, get that information.

Ms. Hippen: Thank you.

Mr. Coston: Before we move on, I had one question. I think I spoke with you about the affordable housing.

Mr. Beaman: Yes, yes, sir. And what I wanted to just elaborate on the affordable housing component, what we've put in the proffer agreement is that 7% of the units, which is eighteen units, will be reserved for folks who make 100 % or less of AMI, which is area median income, for a period of 10 years. And that AMI figure, I think it's important to, that's actually calculated and published by the Department of Housing and Urban Development every year, and the city, actually has on its website a page that publishes each year what that number is, and just for the purposes of this conversation, pulled what it is this year for 100% AMI for a one-person unit. It's $75,400, and for four people, it's $107,770 or no, sorry, 700, not 70.

Ms. Hippen: So, let me tell you, those are pretty high numbers. I know it's on the city website, I would bring those down because the average person is not making $75,000, just saying.

Mr. Beaeman: And if I may, just make a correction, too. I believe it was said by Marchelle in the informal. But one of our proffers, it was originally Proffer 6, and it refers to itself as Proffer

6. We've added more proffers throughout the process. It's now Proffer 11. So we would intend to change that to proffer 11 when it refers to itself between now and council.

Mr. Coston: Any further questions,

Mr. Anderson: Mr. Beeman? How are you? Couple of questions. I've been trying to find on the landscape and the information sheet. What type of fencing are we doing?

Mr. Beaman: I believe it's in the proper, that's a 6-foot solid wood fence. I don't have the proffer in front of me, Mr. Anderson, but I believe we did proffer 6-foot solid wood fence.

Mr. Anderson: So, it's wood and not PVC, or is it both?

Mr. Beaman: That's correct.

Mr. Anderson: All right, and I know we've discussed this, and I thought, I think it was brought up a few minutes ago about the landscaping in front of the single building, and Commissioner Camp, grudgingly probably mentioned about the sidewalk, but as far as the landscaping, I know, we discussed anything we can do to highlight to Evergreen something for to cover the building. That since it's so close to Kempsville Road, whatever can be done would be greatly appreciated.

Mr. Mauch: You all have had quite a few of the community meetings and a lot of the concerns that were hit here today: stormwater, pedestrian safety, tree canopy, parking, schools, privacy. You've been able to mold your project into something different because of all of those concerns, whether it's sufficient or not for the community or the commission. I did want to note that one. I guess one area that didn't get hit was the environment and the wildlife. But I do know that as a by right use, you would have the ability to go in and kind of do the same thing. So I don't know any anything that's able to be done there besides kind of committing to the fact that if there is some sort of a species there, that is found, that that we make sure that that it is appropriately looked at by the by the right people.

And then one thing at the site visit I did notice when I went in there is that this property is full of mature trees now. A lot of those trees are pines. If you have the ability to retain some of the hardwoods, more so, I think that that would be ideal, and then replace with your landscape as something that's a little bit more hardy than a pine. I think generally most people are okay with the pines coming down. I think it's the ones that that do a lot of work and suck a lot of moisture out of the ground and the hardwoods, that would be. Helpful to retain, if you can, and replace with something that's a little bit more hardy than a pine.

Mr. Coston: So, are we ready for a motion?

Ms. Schoonover: I move that we approve the application.

Ms. Byler: Second.

Mr. Coston: It has been moved by Commissioner Schoonover and seconded by Vice Chair Byler that we approve this item.

Ms. Byler: Discussion.

Clerk: The vote is open.

Ms. Byler: By way of discussion, I would like to add that a number of applicants come before us with no community involvement at all, and then there's a section of applicants that come to us, and they've held informational meetings, but it's one way; they just say what they're doing, and this in my mind, is the prototype for what we welcome, and that was community engagement, where there was a dialogue back and forth, and the plans were modified to address the concerns of the stakeholders and the neighbors. So, I applaud them in their effort to make this a good project that fits into the community.

Mr. Coston: Commissioner Camp.

Mr. Camp: Thank you, Mr. Chair. I, too, commend the developer for working through their plans, and even here today, agreeing to make further adjustments to them. My concern is that the Strategic Growth Area Plan calls for this to be commercial, not housing. If there is a by-right use for it to be commercial, and as Commissioner Plumlee hinted, under the new comprehensive plan, if a development plan came forward on the site that was commercial, that it would be evaluated in a different fashion. I believe it is quite likely it would be a larger development with even more traffic. So, part of my vote is because of what would happen if this is not approved. Even if I don't love it 100 %, I do believe that it is a better proposal for this site than what could happen by-right and under evaluation of our new plans.

Mr. Coston: Well, let's vote then.

Clerk: The vote is open. By a recorded vote of 11 to 0, Items 6 and 7, B.H. Farmhouse LLC, has been recommended for approval.

Vote Tally

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

Conditions

1. The applicant/owner shall submit a subdivision plat to the City of Virginia Beach, subject to the review and approval of the Department of Planning & Community Development prior to the

recordation, which shall be in substantial conformance to the submitted exhibit entitled "SUBDIVISION VARIANCE EXHIBIT OF 8.513 FRONTING ON KEMPSVILLE ROAD FOR BONAVENTURE", prepared by Timmons Group, dated 06/16/2026, a copy of which has been exhibited to the Virginia Beach City Council is on file with the Department of Planning & Community Development.

2. City Ordinances and Standards remain applicable to this property. Any site plan/plat submitted with this application must meet all applicable City Codes and Standards before site plan/plat approval will be granted. 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.

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.

Proffers

Proffer 1

When developed, the improvements on the Property shall be developed in substantial conformity with the conceptual site plan entitled "ATTAIN AT FARMHOUSE – CONCEPTUAL SITE PLAN", dated March 30, 2026, and prepared by Timmons Group (the "Concept Plan"), a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning, and which is incorporated herein by this reference.

Proffer 2

When developed, the quality of architectural design and materials of the buildings constructed on the Property shall be in substantial conformity with the four (4) sheets of exhibits entitled "Farmhouse Apartments Elevations", dated May 15, 2026 (the "Elevations"), a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning, and which is incorporated herein by this reference.

Proffer 3

When developed, the landscaping installed on the Property shall be in substantial conformity with that shown on the exhibit prepared by Timmons Group, entitled "ATTAIN AT FARMHOUSE – CONCEPTUAL PLANTING PLAN", and dated March 30, 2026 (the "Landscape Plan"), a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning, and which is incorporated herein by this reference.

Proffer 4

The number of multifamily residential units located on the Property, when developed, shall not exceed a total of two hundred fifty-one (251).

Proffer 5

The community identification sign(s) located on the Property shall be monument-style, shall not exceed eight (8) feet in height, and the design and the materials used for such sign(s) shall be compatible with the building materials and design used for the multifamily residential buildings depicted on the Elevations.

Proffer 6

A solid six (6) foot tall wooden fence shall be provided along the boundaries of the Property that directly abut residentially zoned properties.

Proffer 7

To the extent the property boundary fronting Luck Lane is considered a front yard, the minimum setback along such property boundary shall be fifteen feet (15') in lieu of thirty-five feet (35') required under Section 902 of the Zoning Ordinance.

Proffer 8

Upon and after the issuance of a certificate of occupancy for the final multifamily residential unit developed on the Property (as shown on the approved site plan for the development of the Property), meeting/conference space within the existing farmhouse building located on the Property (as shown on the Concept Plan) will be made available during reasonable hours on a by-reservation basis for use by registered or incorporated charitable or non-profit neighborhood, community, civic or service associations or organizations, subject to reasonable rules and access limitations imposed by the owner of the Property to avoid unreasonable disturbances to the occupants of the Property, to maintain compliance with applicable codes, and to ensure the safety and security of tenants and guests.

Proffer 9

The minimum setback along Kempsville Road shall be ten feet (10') in lieu of the fifteen feet (15') required under Section 283 of the Zoning Ordinance.

Proffer 10

During the site plan review process, the developer of any new building on the Property shall identify how existing trees along the periphery of the Property will be saved and how such trees will be protected during the construction process.

Proffer 11

For a period of ten (10) years from and after the date of issuance of the first certificate of occupancy for a multifamily residential unit on the Property (the "Expiration Date"), seven percent (7%) of the total number of multifamily residential units developed on the Property will be allocated as "attainable housing units." The attainable housing units shall be integrated into the development to the same extent as other dwelling units and shall not be clustered in discrete locations separate from other dwelling units. The construction of attainable housing units shall reasonably coincide with that of other dwelling units. The attainable housing units shall be reserved for households with annual incomes not to exceed one hundred percent (100%) of Area

Median Income for the Virginia Beach-Norfolk-Newport News, VA-NC HUD Metro FMR Area, as determined by the United States Department of Housing and Urban Development ("AMI"), adjusted for family size. The property owner or manager shall, upon written request of the Director of the City Department of Housing & Neighborhood Preservation, or his/her designee, provide a copy of the most current tenant selection policy or criteria applicable to the attainable housing units. Upon the Expiration Date, this Proffer #11 shall automatically terminate and be of no further force or effect.

Proffer 12

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

Virginia Beach Planning Commission July 8, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #8 Allison H. Sitar and Anthony J. Sitar
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Clerk: Our next item is Item 8, Allison H. Sitar and Anthony J. Sitar.

Mr. Bourdon: Good afternoon, Mr. Chairman, members of the commission. For the record, Eddie Bourdon, Virginia Beach attorney, representing Allison and Anthony Sitar, who are the now the owners of this piece of property on this application. The first thing, I want to kind of straighten out some of the mistakes, that, or whatever misunderstandings that may have occurred this morning in your informal session. The only underground utility that exists anywhere on these this Alley and Holly Road portion to be closed is a city sanitary sewer line in the 12-foot alley, the 12-foot alley at the back of the property. There are no utilities in the Holly Road right of way that are below ground. There may be a Virginia power pole. I'm not 100% sure about that, but that's covered by the conditions.

And having had the opportunity to represent the owners of the two properties. To the north, which closed Holly Road a number of years ago, when the sewer line was in the 12-foot alley that runs east-west. Behind those properties, just like they're behind this property and earlier. Well, last year, the property to the west of this property, in that closure, the city did not request to maintain an ingress egress easement through the Holly Road closure, and that Holly Road closure was added to the two properties, including the speaker who signed up to speak today. They did not have to provide any access to the sewer line in the alley that runs east west. The Folks, when we closed the one adjacent on, excuse me, to this property, the we did raise the concern. Why do you need a whole 50-foot right-of-way to turn into an ingress egress easement just to get to where the work is going to take place? But we didn't make a lot of noise about it, and went ahead and agreed to all of that. The Sitar's would like to build a home that's a little bit broader and don't care about restricting the 20 feet on the rear of their property completely, and that's why they came up with the idea, which is very helpful to public utilities, to give them a full 20-feet on the back of the property, and have only the 15 feet for the access on their property. So it's, it should have been that done that way on the property next to this.

And, arguably, on the properties to behind this, but the use of this Holly Road, unused right of way as a city right of way for a driveway is not unusual at all, and it happens in front of almost everybody's house in the City of Virginia Beach because your driveway, especially those at the north end, some of these right of ways are 80 feet wide with 20 feet of street, so you've got 30 to 40 feet of right of way to get to your property where your driveway is, so it's not unusual at all. So, all the conditions as recommended are acceptable to my clients. I believe that I have not spoken to Ms. Bertini.

I believe there's some concern about some trees and birds. And to my knowledge, those trees are in the 20-feet, or actually, I think they're in the alley, or they may be a little bit south of the alley, but in the 20-feet that we're providing an easement over, and the Sitar's have no intention of clearing any of the trees, but in that area that we've provided to the city or will be providing to the city, but the city may, the city absolutely may, but the Sitar's won't be taking down those trees. Thank you. Happy to answer any questions.

Mr. Coston: Oh, we got to hear, speaker first.

Clerk: We have one speaker via WebEx, Lisa Bertini.

Ms. Bertini: Can you hear me?

Clerk: Yes.

Ms. Bertini: Okay. Thank you very much. Mr. Bourdon, I wish you had called me; would have saved me the last two and a half hours. But anyway, I'm calling because I have absolutely nothing against the Sitar's moving in. This is not hostile. This is me being very concerned, along with about fifteen other neighbors, who do not sit and wait to speak because of scheduling issues, that any more trees be taken down.

And as Mr. Bourdon said, something with an eye roll about birds. We actually do, at the north end, as Mr. Plumlee knows and respects, really care about the pelicans, the osprey, the gulls, the bald eagles, and the blue herons, and they're losing their canopies. And I love what I've heard from several of the planning commission members. That is important. It's also beautiful. It's also, in light of the world heating up, necessary for our existence, that we keep the trees. I have no reason to believe the Sitar's are going to do anything that they should not do.

My concern is nothing to do with the closed street, but that area behind me and behind them, which we're calling an unimproved 15-foot-wide alley that I understand, Mr. Bourdon just called it 12-foot alley. I'm a little confused about how many feet it is. It's that alley where I understand that Anthony Sitar wants to make some sort of a pathway to the beach.

That's what I wanted to hear more about. That does that mean taking down some of the brush? Because while it looks like weeds, it actually are those tree weeds where they're -- all the songbirds live in the morning. So that's what I need a little more information on. If, if, he doesn't mind responding to that.

Mr. Bourdon: If I misspoke, I don't remember, but maybe I did. It's a 15-foot alley. The Sitar's are not going to take down the first tree in what was a 15-foot alley, which again has a city sewer line in it. And they certainly cannot take down any trees to the east of this property either, because it's not their property. I don't know where. Again, I have no idea with this idea of, anyway, the answer is, they're not. They're not taking down any trees and any improvements that are done to the property to the east because it's an alley and the 7.5 feet that's adjacent to your property in the rear. They can't touch it. It's not their property.

It's a city property, and they're not, they're not planning on taking down trees in the property that they're dedicating an easement to the city on, that is their property to make it 20 feet wide on their

side, and the trees in that area aren't going to come down. But I will repeat that the city, if they had to replace that sewer line, which someday will probably happen, they have every right to do that. But the Sitar's are not going to do that, and they're not going to take down any trees on any other city property, that would be they would be fined or they would have to pay for the value of the tree under our tree preservation policies.

Mr. Plumlee: Mr. Bourdon. Just for the record, do Allison or Anthony Sitar have any plans to construct a pathway to the beach that you're aware of?

Mr. Bourdon: No.

Mr. Plumlee: Thank you.

Ms. Bertini: Okay, I got that from Anthony. So thank you for that. Thank you. I have no further comments. I appreciate the clarification.

Mr. Plumlee: Thank you, Attorney Bertini. This is Brian.

Ms. Bertini: Thank you, Brian.

Mr. Coston: All righty. Are we ready for a vote, Madam Clerk?

Ms. Byler: I move that the application be approved.

Ms. Moorjani: Seconded.

Mr. Coston: It has been moved by Vice Chair Byler and seconded by Commissioner Moorjani.

Clerk: The vote is open. By a recorded vote of 11 to 0, Item 8, Allison H. Sitar and Anthony J. Sitar has been recommended for approval.

Vote Tally

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

Conditions

1. The 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, or the Applicant's successors and assigns, shall resubdivide the property and vacate internal lot lines to incorporate the closed area into the adjoining lot. The resubdivision plat must be submitted and approved for recordation prior to the final street closure approval. Said plat must include the dedication to the City of Virginia Beach of a public utility and access easement over approximately the western 12.5' of the closed portion Holly Road, over the closed portion of the lane, and over the rear 12.5' of the applicant's lot for access to and maintenance of the public infrastructure located within or to be located within the alley, which easement is subject to approval of the Department of Public Utilities and City Attorney's Office, respectively, and which easement shall include a right of reasonable ingress and egress.

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

4. Prior to the finalization of the street closure, if any improvements are to remain or be constructed in the public utility and access easement to be dedicated to the City of Virginia Beach as set forth in Condition 2, the applicant shall apply for an encroachment agreement with the City for the improvements located or to be located in the public utility easement.

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.

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 July 8, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Items #9 & 10 33rd Street, LLC
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Clerk: Our next items are Items 9 and 10, 33rd Street, LLC.

Mr. Bourdon: Chairman, members of the commission, again, for the record, Eddie Bourdon, Virginia Attorney, representing the applicants on these two applications. With me this afternoon are Brian Staub, Vice President with Marlyn Development, and Gray Mason, with Cox Klewer and Company, the project architect. There are two applications involved, and I believe that the commission desires that we address them together, which we certainly think that makes a lot of sense. Is that, in fact, what you all wish to do?

The first is the new alley closure application for the eastern portion of 33 1/2 Street, which, if approved by City Council, will supersede the alley air rights closure that council approved last year. The second application is for a modification of conditions which accompanied the City Council approval of my client's alternative compliance application, that also was approved in 2025, and again, if approved by Council, this modification of conditions will supersede those approved with the City Council's action in 2025.

Both of the applications on your agenda today come before you with the city's professional staff's recommendation for approval, subject to five conditions with regard to item nine, which is the partial alley closure of 3,680 square feet, the eastern portion, most portion of the alley, and we fully accept the revised condition number two, which was passed out to you all this morning in your informal, and we fully agree to the 4 other conditions for a total of 5 conditions.

And on item 10, the modification of conditions requests with 9 new conditions, all of which are approved and agreed upon by my clients, and obviously these conditions have been recommended with the input from high-level staff in public works, public utilities, and obviously the planning Department. The changes to this plan from the one that was approved previously—I'll go over them. They're not that numerous, The number of independent senior living apartments with this plan is 130. With the original approved plan, the number of units, including assisted living and memory care, were 132.

The previous application included food preparation and food service in the building, which is no longer the case. And, excuse me, the previous application, there would have been employees who were therapists and assistants that would also have been employed in the building, which will no longer be the case. The biggest change is the fact that the building will now only be 85 feet in height versus 158 feet in height, which was one of the significant sources of objections from the neighbors. At 73 feet less in height and in line with the properties on the east side of Pacific Avenue, or shorter than those on the east side of Pacific Avenue.

The entrance to the parking garage from 34th Street is unchanged. The previous application had an entrance, or the previously approved plan had an entrance, Full entrance from 33rd Street, as well as to the parking, as well as access from the alley, which was going to go underneath the building that would be built over top of the alley. The relocation.

Well, the full street closure, rather than just the air rights closure, is resulting in our relocating the eastern portion of 33 1/2 Street to intersect with 33rd Street. We are shifting that full access to the parking structure from 33rd to the alley as an ingress, entrance and an exit only. To the alley, the alley dedication is a 32-foot dedication with a 22-foot alley section, and the rest of the alley is a 20-foot alley. The existing alley to the west that has an 18-foot pavement section.

The relocated alley will accommodate fire trucks, garbage trucks, and the fire truck accommodation. Is much more of a stretch. I mean, it does, absolutely does that. But the garbage trucks or trash vehicles will not have any problem, according to our engineers. And I think that you heard that from Mr. Loman this morning. Shifting the access to the parking structure from 33rd Street to the relocated alley also is more in keeping with the preferred access under the OR guidelines in the or district, rather than from the numbered street.

The prior plan had, as I said, not only access to the parking garage through, but it also had deliveries in the alley on the eastern end, underneath the building, which also was a source of a lot of objections from the neighbors. The only other things that I had. Or that the I mentioned the loading zone. There won't be deliveries like there were would be before, but there. There will be a loading zone on 33rd Street, where people who are moving in or moving out, that's where they will move from and there's an elevator and an entrance right there, where the loading zone on 33rd Street will be. So those are just the comparisons between this and the previous application. I'm happy to answer any questions, but Mr. Staub is going to come up and speak as well. So, if you want to save those until later, that's perfectly fine by me.

Mr. Coston: Madam Clerk. Do we have speakers?

Mr. Bourdon: Mr. Staub signed up to speak.

Clerk: Then our first speaker is Brian Staub.

Mr. Bourdon: -- to speak as an applicant.

Mr. Staub: Mr. Chairman, Madam Vice Chairman, and members of the Planning Commission, my name is Brian Staub, and I am President of Marlyn Development. We are a Virginia Beach company that has been building and developing senior housing for over 30 years. I am here today to request modifications to our beach tower application. That will allow us to address the critical shortage of active adult housing at the Oceanfront and incorporate fully affordable units into this project.

The demand for senior housing is overwhelming. Across our portfolio of 1,300 senior units, we are consistently over 99 % leased. Right here in Virginia Beach, between just two of our communities, Lynnhaven Cove and the Arbors at Birchwood, we have over 130 local seniors on a

waitlist for a home. Another example is our upcoming project in Chesapeake, which is already 50% pre-leased months before opening.

Our country's population is aging rapidly. Today, over 55 million Americans are 65 and older. By 2040, that number will reach 88 million. Right here in Virginia Beach, our senior population mirrors this demographic shift. Furthermore, senior households living on fixed incomes are being hit hardest by rising costs. Our revised proposal brings 130 independent living units to an oceanfront area that desperately needs them. Crucially, this redesign allows us to set aside 10 of these units for households earning at or below 50% of the area median income.

These deeply affordable units would lease today for just under $1,000 per month—a commitment to affordability that we could not achieve under the previous. Design, layout. The project will be rich with amenities and activities. Residents will be greeted by a doorman. They will enjoy a pool, community rooms, rooftop deck, library, and fitness center through our Independence at Home program, we will be able to provide individualized support by coordinating services based on each resident's unique needs, including primary care. Rehabilitation and skilled nursing services. By approving these modifications, you are allowing our city's aging residents to remain close to the neighborhoods where they grew up, raised families, spent their lives. This project directly addresses a housing crisis, injects year-round economic activity into the resort area, and adds deeply needed affordable units to our housing stock. I respectfully request your approval. Thank you. I'm happy to answer any questions.

Mr. Coston: Sir, you may be seated. I think we have some speakers that we need to hear before we get to y'all.

Clerk: Our first speaker is Robert Fatovic, followed by Kitty Bowsher.

Mr. Fatovic: Good afternoon, members. My name is Robert Fatovic. I live on the 400 block of 33 1/2 Street, and I'll just read from my email that I sent to you all regarding the Beach Tower development. I am generally in agreement. I would like to see them get on with it. With all my, with all my, I would like to see them get on with it and to address all the concerns my neighbors have.

However, I wish to focus on a neighborhood concern that has been mentioned many times before, and that is pedestrian safety. Much has been stated in the staff report regarding improved walkability on Pacific Avenue. From the staff report to include enhanced corners and special paving to improve walkability along Pacific Avenue, I don't know what that means.

But still, no mention has been made regarding trying to cross Pacific Avenue, which all can agree is a dangerous proposition. In our neighborhood meeting, this issue was raised, and a suggestion was made that the developer would contribute. To install an active pedestrian crosswalk or a traffic signal at 34th Street, with the addition of over 200 senior citizens, plus 50 or so citizens from an adjacent Bichard development on 34th Street, as advertised by these two developments, this population will try to make their way to the boardwalk along Pacific Avenue, along with the added volume of cars that are generated by a new parking garage at 35th Street.

One could even consider this like a school zone and reduce the speed limits along this stretch of Pacific Avenue as one option. It has taken over three years for the Hawk signal to be installed at the Cavalier. I trust this will not take as long to provide some relief in this area, Pacific Avenue.

Mr. Coston: Mr. Plumlee.

Mr. Plumlee: I'm sorry, it's Mr. Fatovic. The crosswalk, mostly most of concern to you, is on 34th Street. Is that is that correct?

Mr. Fatovic: I think that would be the most advantageous block, considering there's a stoplight at 32nd Street, and there's not another slowdown until the 40th Street, and it's also adjacent to the other garage, and the Mayflower.

Mr. Plumlee: Do you have concerns about the closure of the alley specifically?

Mr. Fatovic: No, I do not personally, but I think my other neighbors do. I do not use that alley to on a daily basis.

Mr. Coston: Thank you very much. Any other questions? You may be seated, sir.

Mr. Fatovic: Thank you.

Mr. Coston: Thank you.

Clerk: Our next speaker is Kitty Bowsher, followed by Susan Reed.

Ms. Bowsher: Good afternoon. My name is Kitty Bowsher. I've lived in Virginia Beach, my life of memory. For the last forty years, I've been a landlord on 40th. Excuse me, on 33rd and Arctic. The previous speaker presented most of my concerns. As a landlord, I've often said that my middle name is safety First. I have reached out to traffic engineering, and what I've wondered is, in a planning commission meeting, where does traffic engine? Or when a developer comes, where does traffic engineering fit? Because, again, in 2020, I bought an apartment on 40th Street, so I've had a firsthand view of what has happened when 41st Street was closed.

There have been accidents and at least one death, and yes, the Hawk system is going to come next year. So, you know, forewarned is forearmed. I'm delighted that seniors, residents, will have the access to the boardwalk and the Atlantic Ocean that our tourists do. But how are they going to cross the street? I'm not sure which one of you represents the oceanfront.

Well, you must know how dangerous Pacific Avenue is. I personally drive around Holly when I'm going to 40th rather than Cross Pacific unless I'm at the 32nd Street light. Now, Traffic Engineering said, "Oh, they can walk down to the." No, those people are not going to walk down to 31st or 32nd Street. They're going to cross that. Thirty third or thirty fourth, and I think thirty fourth does make the most sense. Because there are developments coming down 34th Street, right behind this one, and where I work every day, there was two houses that were torn down and sixteen, sixteen, were replaced.

So I came up with a saying: you can quote me. They're not making more dirt, and people want to be close to the. Ocean, and why not? But let's let them be safe. Now I'll tell you another safety concern, and that is the intersection at 32nd and HA and Arctic. And I personally got permission from 7-Eleven, and I removed one of the bushes, and I trim the one that's there. Because there were being so many accidents. I went to high school with Mike East, and he said, "Well, they want people to get out of the oceanfront, you know, to head to the interstate." I get it.

But right now, the Alaskan Road, there's four-way stops right there. It's a two-way stop. Accidents happen there, and I want to kindly say that 33 1/2 Street is not an alley. It's a street. It has a name, 33 1/2 Street, and I use it every day, and often have to, you know.

Mr. Coston: Ms. Bowsher.

Ms. Bowsher: My time.

Mr. Coston: Your time has expired. Do y'all have any questions for her?

Mr. Plumlee: Ma'am, I do have a question. Wait a minute.

Mr. Coston: I got a question.

Mr. Plumlee: Ms. Bowsher, you were about to talk about 33 1/2 Street, and that you use that. And how often do you use 33 1/2?

Ms. Bowsher: Every day. When I leave 40th Street, I drive south and I turn right at 33 1/2 Street. Yeah, I put my blinker on.

Mr. Plumlee: But I just want to make sure the direction you're coming off of Pacific on the 33 1/2, and then you take it down to Holly or wherever.

Ms. Bowsher: Arctic.

Mr. Plumlee: Arctic. Okay.

Ms. Bowsher: Because I work on Arctic.

Mr. Plumlee: I got it. Thank you very much.

Ms. Bowsher: You're very welcome.

Ms. Bowsher: Thanks for your help.

Clerk: Our next speaker is Susan Reed, followed by James Westcott.

Ms. Reed: My name is Susan Reed, and I did sign up for both 9 and 10. I think right now I'm just going to address the 9, which is the street closure. I live on 312 34th Street, which is right next to the Mayflower parking lot, and my home is probably about 100 feet from the new project that's going to be going on. I think there was my email in your packages this morning, so I'm not going to repeat that, I'll be brief. But the main thing I'm concerned about is that, the project calls

for a substantial portion of the 33 1/2 Street Alley to be closed off, and that alley currently provides many of my neighbors and myself with our only direct access to Pacific Avenue from our driveways, which are on the alley.

As a concession for cutting off our access, we think it's a reasonable request. For the project to include a walkway or a sidewalk on the west side of the property, which will connect the alley to 34th Street, and I believe James is going to kind of show you a little bit more specifically what we're requesting. But I'm happy to answer any questions that you might have.

Mr. Plumlee: Mr. Reed, do you mind addressing all of your comments? Because we did combine both applications, and we'll give you time to make all of your comments.

Ms. Reed: And you asked previously. I mean, my driveway is, as I said on 30th, so the way I leave my house is, I go down to Pacific and make a right. I mean, that's the way I get to the interstate, as opposed to winding all the way back through Arctic Avenue. Regarding the item 10, this project is going to require a lot of pile driving, and I think myself and my neighbors are concerned about the noise, but I think more importantly, the structural damage that might occur to the surrounding properties as a result of that pile driving, and we're curious if the applicant has considered any of the new technology that's out there, which I understand would pre-drill those holes for pilings. I think they did that at Westminster, Canterbury. So that's one question we have.

And the other thing is, we would like the applicant to commit to repairing any damage to our power properties that its conduct causes, specifically any damaging again from the pile driving, and then the last thing is just on the density study, you know, the old project said there could only be 110 units. Now we've got 130 units. The staff did provide me with the calculations, and I understand the math. I mean, the only way it works is if you say, under the existing property, 35 feet high, you could have smaller units. I mean, that's how you make the math work. You know, it's a little inconsistent from my standpoint, but you know, that's how it is. So that's it. Any other questions?

Mr. Plumlee: I would like, if you don't mind, can we put a street view so that Ms. Reed can tell us her concerns with sidewalk connection to the to the alley, and we can visualize it? I just think that's really important. Are we able to do that?

Ms. Reed: And to be honest with you, I think James, you've got like some handouts to show people. I think he might be in a better position. I mean, I'll be happy to answer it.

Mr. Plumlee: If you can just say again now that I'm looking at it, just to help. Tell me specifically where you would like to see a sidewalk.

Ms. Reed: Okay. Well, you see 33 1/2 Street, right? That's the one that goes down the center, and you see the top yellow outline at the at the top up there. That's the one that's on the corner of 34th Street and Pacific. What we'd like is on that level, on that place that is right next to the Mayflower parking lot. Some way for us to get from the Half Street to 34th Street. That's what we're looking for on that west side of that, where the old Beach Tower used to be. That's the main thing. Now, I think James might say, we'd like to also be able to get down 33 1/2 Street to get to the out to get to the sidewalk. But that's the main concern. We can get to 33 now.

Mr. Plumlee: That's helpful because when we ask him questions, we can have that in mind. So I appreciate you going through that with me.

Ms. Reed: That's my. That's what I'd like to see.

Mr. Plumlee: Understood.

Ms. Reed: Okay, Commissioner Mauch.

Mr. Coston: She's okay.

Mr. Mauch: Commissioner Plumlee asked the exact question I was going to ask.

Clerk: Our final speaker is James Westcott.

Mr. Westcott: I'm James Westcott. I live at 316 34th Street. It's a three-story condo with the balconies on the front of it, and we live in the middle unit, which the only, the only way to get to the front of our house is to go around the block. We don't, we can't go through. I can't go through my two neighbors' yard. A little bit of difficulty there. But I think this morning I tried to listen to the meeting this morning, and it seemed like there was some confusion about what we wanted in the sidewalk, and it was some discussion about, is it a street or is an alley? I don't think you can require, I mean, a sidewalk on an alley. If I'm, if I'm correct, I'm a class A contractor, residential contractor, so I understand this pretty well.

That's not, that's really not what we're asking that the drawing I just passed out, we don't want it where we don't want it in the old section, but where you see that turn, where it goes into the new portion, connecting us to 33rd Street, that portion right there, that's going to get very congested with and I'm and I'm 63, so I'm not saying old people, but as they come down, and we're walking, and we're old, and they're old. And it's just not going to be a good mix, and I think that a sidewalk, and it's a short sidewalk, it's about 70 feet. Going up 33 1/2 street and turning between the two properties of Mayflower and the Beach Tower.

Connect and there we can walk, we can safely walk back and forth, or we could go, you know, we could go in the new portion of 33 ½, but it's three times further to get to 34th. It's that's a long, that's a long route, because I think that the stop there needs to be some sort of cross device there. At 34th, it's pretty dangerous, but we're not opposing the project. It's we're so far beyond that point, and we, you know, with the modifications, new modifications, we don't have. We don't have any issues with that stuff.

Our two concerns is safety, and I think that's everybody's concern is safety. And the one other thing is that is the power driving so close to the homes. Susan's condo unit is less than 100 feet from the corner of that property, from the corner of the Beach tower, the Beach Tower right there, it was 45 feet, and it's been raised to 100 and I think it's 110, but I could be wrong. But though, though the whole building came down, the part closest to us, it went up. We're not complaining, but, we just need, we need something here. We need to, we need to be able to get 34th Street. That's it. And I put a letter in there. That you can read and explains a little bit more, but we don't have, you know, we don't have disagreements. I don't think at this point.

Mr. Coston: Any questions?

Mr. Plumlee: The issue about the pile driving, we'll ask the applicant more specific questions on that—we haven't had a chance to do follow-up questioning. I think, I understand where everybody's coming from with that. With regards to the sidewalk, has have you had any chance to bring this up with the development team yet?

Mr. Westcott: I did. Well, I didn't want to get into that, but I will. In our meeting on March 27, I brought it up with Dave Jester. And I explained to him that that we need a sidewalk. He suggested we walk across the Mayflower parking lot. That's not an option. There's a 10 inch curb right there. That's just not an option. So he said, "Okay," that he would, and worth was there. He, they said, "Okay, we'll look at it." I've sent three emails to Kathy Warren requesting this. I've sent two emails to work. I hadn't heard from anybody. I didn't hear anything till I contacted CARE last week, and she sent me all the information within two hours. So yeah, we've tried to have, we've tried to have discussions, but it's just been one way.

Mr. Plumlee: I just want you to say one more time, so I'm clear on what you think is the most efficient route for this sidewalk. Just say it.

Mr. Westcott: So where the curve, where the road curves from the existing point into 33 1/2, that new portion right there, if a sidewalk could start, where that turn is, where it stops, where the straight stops, a sidewalk to the corner of the building, going, going, I guess behind where their parking area is, and then cut over, which is also their parking area. It's not, the walkway would not be, you know, within, within sight of homes or offices or anything. It's all, it's all parking area. So if we could get up there, it's about 70 feet. We could get to that point and turn left.

Mr. Plumlee: So let me repeat what I think you're saying, because I need to understand what you're telling me. If we were to start the sidewalk on 34th Street, at that top yellow point where that red car is, do you see it? And bring it down towards the alley, bring it up the alley, and then down to 33rd. Is that what you're saying? I want to make sure I understand, because I don't, it's difficult to understand this drawing.

Mr. Westcott: The orange markings on there is of the corner of the building, the corner of the Beach Tower, where that orange marking stops, or starts from that point of their building, up and over to 34th Street. So you would, you would go, you would go in the direction that 33 1/2 Street was going.

Mr. Plumlee: Thank you.

Mr. Westcott: I'm sorry.

Mr. Plumlee: I'm sorry for my confusion. I was trying to read the handwriting, but I've got you now. Thank you very much. I appreciate, appreciate you doing that.

Mr. Coston: Hang on, sir.

Mr. Camp: All right. So I try to keep up. But help me out here. You see? Can you see the drawing? All right. You see where the "A" and the "L" are in the middle of the word "HALF?" Are you talking about a sidewalk from there, going to the top along the yellow line to 34th Street?

Mr. Westcott: Yes.

Mr. Camp: Thank you, sir. Yeah, that's all we want.

Mr. Coston: Madam Clerk, was that the last speaker?

Clerk: That was our last speaker.

Mr. Coston: Okay. There he is.

Mr. Bourdon: I'm sure you all will ask me questions if I don't answer the ones that I've got. So, first of all, Mr. Fatovic, we do not have any disagreement. There is there other than to say there are crosswalks at both 33rd and 34th Street on Pacific. They exist now, and they've got protection by the median now. I think what's being requested is some form of what's the -- so when this goes through site plan review assuming that we get there, there will be a number of things that will be negotiated in that process. We're taking on water from other properties to the west, and that's a part of the stormwater problem factor, whatever you want to call it. It's going to take a lot of time, effort, and money to solve, and we're certain that it can be solved. We've got issues with relocating the sewer line because the existing sewer line in the entire alley is not to anywhere near public work standards.

Again, things that'll be worked out and negotiated through this process, and it'll be a fairly lengthy one, I suspect. The idea that my client would be responsible for the cost of putting a light up, we're not going to sit here today and say, yes, we're going to do that. We're not going to rule out the possibility of contributing to it, but that'll be among a lot of other things that will have to be negotiated in the site plan process. But again, no one is asserting that the existing situation is. That's the city might assert that it's it is safe, but, we are -- we're not there every day, so we're not going to pick a fight or an argument with the neighbors on that whatsoever. But the city will be the one to arbitrate that.

Since we're on that subject, the existing alley, is 20 feet wide, and there is no sidewalk, and so, they'll be walking down the existing 18-foot-wide alley to head to where they're now going to Pacific Avenue and going right or left, and I presume they mostly go left since they're saying 34th Street's where it should be, but we can provide access to 33rd Street because we have -- we're talking about a 32-foot right-of-way dedication, and there is, we'd have to put a crosswalk in front of the entrance and exit to the parking garage, but that could be accomplished, and there could be access to 33rd Street, which will be, you know, pedestrian oriented anyway, and that's possible.

The problem with 34th Street, there are two potential solutions, but again, it's not going to get being able to get taken care of today. The orange line draws us to the parking lot boundary with our property, the parking lot for the Mayflower auxiliary that no one uses very much, and so the existence of access, for all intents and purposes, as long as that parking lot stays the way it is, will be completely available. Because there's nobody policing it. You can walk across it any time you

want. I suspect that that happens a good deal today. But if we, if we can, you can come down on our property between the wall and that boundary.

But unfortunately, the stairwell, which is a bump out, you know, we can't get by that other than by encroaching onto the Mayflower Auxiliary parking lot that's hardly ever used. But you can't -- you do have half an alley that'll get you down to that point. But when you go north. That stairwell, if you're looking at our layout plan, would block it for a short distance, and you'd have to go onto the Mayflower property. You also could, and no objection to it. You can go into the parking garage because that there is a there'll be a door there, an opening there, and you can walk down the sidewalk inside the parking garage. But then you get to the stairwell, and you have to walk around it, where there will be incoming traffic.

To some degree, that's the people that are going up to the second floor to park. So there's no perfect way to do that to the north. There is the ability to do it going to 33rd Street, and we have no problem facilitating that. And while I'm on the topic, we also can plant a landscape buffer of one row of evergreens on the west side of the. Alley going out, where we're relocating the alley to go out to 33rd Street as well, and I think that's really the safest and most accessible way to do it.

But we cannot, we cannot on our property get you to 34th Street other than through the parking garage and along the interior wall, and then you'd have to go around this parking. Assuming that this the stairwell structure, and that's a short wrap around. But again, as long as that parking lot for Mayflower stays as it is, everybody's going to cut across that. Because there's nothing stopping them from doing that. So moving on to the pile driving. First of all, load involved with a seven-story building. First, or 85 foot building versus a 158 foot building is quite a bit less, so it won't nearly be as much pile driving required.

We do not know at this point, and it's something that won't be determined for quite some time. How that is going to take place, the size of the piles, etc. It hasn't been that has not been engineered at this point. We certainly will do everything reasonably within our ability to limit. The noise, and to limit the time frame that it takes place, and I don't disagree with the idea, from an idea perspective, maybe not always works out in real world that to do it.
Not during the middle of tourist season, and that's been a policy of the city for quite some time. I'm not sure it's adhered to as much as it used to be, because the construction involved can take a whole lot longer than back in the old days, when everything was just two or three stories high, but we would certainly be, and we are responsible as far as we will need, to get in and survey people's property. That's a standard in the in the construction business to make sure what the condition of properties are that are around us, and to the extent that there's damage done, we're responsible for that damage.

That's a legal principle that's not in question, but that that does require some level of cooperation and. My clients certainly will be cooperative, and, you know, certainly do what they can to make sure that there's no, you know, no one suffers as a consequence any loss because of damage to their property. And for another, that's another reason why we want to minimize the pile driving as well. But we are not in a position to be able to say there won't be any pile driving, or that'll be this system or the other system. But Mr. Jester will certainly look at. Trying to do it in the way that's be least disruptive of the neighbors, and with that, I'm not sure if there was something else that that needed to be addressed, or that you may want to ask me questions about.

Mr. Coston: Commissioner Plumlee.

Mr. Plumlee: Mr. Bourdon, this facility is intended to have 130 apartments, correct?

Mr. Bourdon: Correct. 130, ten of which are affordable.

Mr. Plumlee: What did we previously approve? How many?

Mr. Bourdon: 132.

Mr. Bourdon: But that 132 includes the memory care and the assisted living. But 132, I don't, I don't know where, Ms. Reed's 120 came from, or 110, whatever it was, she said.

Mr. Plumlee: I was confused on that point, too. That's why I want to make sure we're clear on that, and that we bring this out to have clarity in what we're doing.

Mr. Bourdon: And that's what the Navy was provided, and that's what the Navy said. There's no, totally no increase in density here.

Mr. Plumlee: I didn't hear a commitment to a sidewalk. I didn't hear a commitment to sidewalk. I'm just I'm just wanting to be clear.

Mr. Bourdon: Well, if I said we can accommodate the sidewalk, but we can only do it going out to 33rd Street, because there's no, we don't have the ability to do it to go out at 34th Street, and that's what they were asking for. If that satisfies them, now again, when I say sidewalk, if you look at the plan, there'll be part of it, will be sidewalk, and part of it will be, you know, crosswalk in front of the exit and in front of the entrance from the alley to the parking garage, because it'll be on the east side of the alley. The alley is 22 feet wide and a 32-foot right-of-way that we'll dedicate. 12 feet wider than the current alley, that is, they've been using for years, without a sidewalk. They could, but again, with those verges we can get rid of the landscaping and the verges that we're creating, and put a sidewalk on those verges, And a crosswalk in front of the entrance and the exit.

Mr. Plumlee: Well, what I want is if there is any kind of recommendation, positive from this body, that you will meet with these folks before City Council and discuss the routing of pedestrian traffic there. I'm not finished.

Mr. Coston: You could hold on. You worded, Mr. Bourdon.

Mr. Plumlee: What I'm asking for is that you provide them the feedback that you need. I'm not saying you can deliver all things to all people, but reasonable requests we need to accommodate. Now, getting to the closure of the alley --

Mr. Bourdon: Absolutely do not disagree. That's why I'm giving, giving everybody options as to ways can what they're trying to achieve can be accomplished.

Mr. Plumlee: As to the closing of the alley, the 33 1/2 Street, we have very few people come to object to that closure today. I mean, I'm just being honest compared to the previous hearing that was held and the concerns. Have you looked into how many people are actually using that alley

to leave their neighborhood? As far as coming in, there's a lot of access points in. But have you looked into actually how many homes are going through there? I mean, that's been closed for how long now? I mean, it's been closed for a while. Am I wrong?

Mr. Bourdon: It's again. I don't want to get into a dispute with the neighbors about. And I don't. I don't. I'm not hearing that from them either. We're amenable to try. This is the first that we've heard of this desire to go out to 34th Street. We had gotten some indication that there was an interest in a sidewalk to go out to 33rd Street, so we were prepared to say we can make that work. We could even do it on the west side of the alley, relocated.
But we would then be foregoing the ability to put up, you know, a row of evergreens, which would be to help screen the property to the west.

Mr. Plumlee: These folks are correct, there are serious crossing concerns across Pacific. And if it is recommended by city staff that there be a hawk signal, I believe the developer should take part in those costs. Is that not a commitment on part of the developer?

Mr. Bourdon: The developer is willing to participate, until we know what it is that we're being asked to participate in, we also have to participate in correcting a lot of other deficiencies. Here and say, but yeah, we again. That's what I.

Mr. Plumlee: I don't disagree with that.

Mr. Bourdon: We just we're committing to work with the city and with the --

Mr. Plumlee: If this moves beyond today, they will watch this proceeding, and I'm getting from you what you're willing to do for them to see this.

Mr. Bourdon: The same was really true a year and a half ago. Yeah, because all of this, all of the things that you all read about that are variances, and what have you. Again, that all the department heads are on board with doing it this way. Because until we dig into it, we don't know what. What the options might be to totally upgrade all of the infrastructure that's out there, and that that's what, that's what will be discussed in that process. But we're, we have no aversion to trying to provide access and providing access to one of those corners, which is how they get across Pacific today. As far as what, Ms. Reed is talking about in the pedestrian part, and we, we know we're very confident we can make that work going to the south. We think it's workable going to the north, but it may not be the type of access that they're, you know, most comfortable with. That's a commitment. I mean, that will work.

Mr. Coston: I don't know which one of you were first, but Commissioner Mauch and then Commissioner Camp.

Mr. Mauch: I might have a couple of questions, but I'll just start with one or a statement and a question, maybe for staff. As far as the density calculation that was originally put on the property through the alternative compliance process, that density was calculated, not by the height of it, but by what could be there already. And the height was where the alternative compliance came in. And you're lowering it, but it still doesn't change the density that's available on that property. And I think some of the numbers that may have gotten confused was the memory center, and I believe something else was considered institutional. So, therefore, it was you had a max occupancy, or

density of I think it was 132. Is that correct, staff? Somewhere in there, and you're kind of keeping within the same density that you're allowed in that area. It's just the amount is being calculated. Is actually being calculated for the people that are outside of the memory care. We might have clarification.

Staff: The density study is what the applicant shows is that the number of units that they are proposing could be built under without getting the height increase, so it's not showing the maximum density. All they're doing is showing what could be built. So when they originally submitted the density study, you're correct; they did not include the memory care units. But they weren't trying to have as many units as possible in it. They were just showing that what they, what they are proposing, that number of units could be built. So the density study they submitted this time does include additional an increase in the number of units. There was a change in the layout a little bit, and then they reduced the dwelling size to show that they could, in fact, fit the same number of units that they're proposing now, without the increase in height.

Mr. Mauch: And the trade-off for that was the increase in height. And that was one of the concerns that the neighbors had was the height of the building, and this is helping that now. I'll go ahead and let Walter, because he may end up asking or saying what?

Mr. Camp: I'm not going to ask your Pacific Avenue question.

Mr. Mauch: Okay, so, you know, understanding that there is a need or a desire, I should say, and really, with Pacific Avenue, I think we all know that there's a need for safer connections across Pacific Avenue. It's difficult. Would you consider, if it was found acceptable to place a hawk signal in that area? Would you guys consider? And I'm not asking for a definitive, but a consideration for maybe a cost share, and helping to help that go forward, if there's a need there, that's found.

Mr. Bourdon: I thought, I had already answered that, maybe I didn't, but we will be considering cost sharing on a number of infrastructure improvements. That's going to be a part of the process. Of the site plan review, and so the answer is, we will be working hand in glove with the city on infrastructure issues, and that's what this is as well.

Mr. Mauch: I do feel like you did answer it. I just wanted it to be said again because you are trying to be amenable to correct.

Mr. Bourdon: Because there will be, there will be things that are a lot, potentially, potentially a lot greater expense. That involve, and again, that's an evaluation process on the part of the city. If it's stormwater and solving the stormwater issues that already exist because of stormwater that's being drained onto this property from other properties, is it could be very expensive, and my client's responsible for having to fix those problems, and there's, the same holds true with the sewer line that doesn't meet current requirements that that we're going to have to get a variance for ours.

We don't know what all those costs are going to be, but they had, they will be much more than this hawk sign, and so it's a question of, you know, trying to do an equitable job of sharing the responsibility because none of these things are solely my client's responsibility. But sharing is exactly the way these things get resolved through the site plan process.

Mr. Mauch: That's the reason why I specifically said cost share, because it don't correct. It's going to benefit the entire community, and I'm not asking you to correct.

Mr. Bourdon: We're fully aware that we will be cost sharing to one extent or another with resolving, and we have no objection to cost sharing as a concept, and certainly not as it pertains to a hawk signal. It's just, if we're, if we get stuck having to do 100 % of some other thing that the city should be participating in, then that's going to. You know, it's not, it's not a limitless pocketbook or wallet.

Mr. Mauch: I think you've made yourself clear, or at least as clear as it can be at this moment. So, thank you.

Mr. Camp: Thank you, Mr. Bourdon. And in your various remarks, you have answered several of the questions that I had, so I'm not going to go back over those. In particular, thank you for your work yesterday and today on the alley and trying to explain all of that—the widths, the trees, the sidewalk. Great. Different topic. When I look at the design of the building, it faces Pacific. That appears to be the front door, the prominent entrance in the design of this building. The building, as I understand it, is built close up to the curb, allowing for, I believe, an 11-foot-wide sidewalk or something like that in front.

Mr. Bourdon: On the front, it's 12, I believe.

Mr. Camp: 12. Very good. My question is about drop off and pick up. Is it anticipated that folks dropping off or picking up are just going to stop on Pacific in front of this building, or how is that supposed to work?

Mr. Bourdon: The 33rd Street. There's an entrance at the just right at, not directly on the corner, but just to the west of the corner. And there's also elevator inside, and that's where we've got the loading zone, which has got a number of parking spaces in it. But it'll also be used when people are moving in or moving out, and door there, elevator there, and that would be the place where people could would pick up. And in most circumstances, now, again, someone could go into the parking garage and drop off and pick up off of the alley or off of 34th Street.

But as far as on street, it should be on 33rd, which is again, if you're heading to the south, which is what you would be doing? If you're stopping in front, you just come around the curve and then you go up to Arctic and take a left, and hopefully, Ms. Boesch will take care of 7-Eleven hedge row.

Mr. Camp: Alright. So, what I understand is this building is going to surcharge westbound traffic on 33rd Street to the extent that it generates pickup, drop-off, deliveries. You're going to ask those vehicles to pull onto 33rd Street, adjacent to your building. They're going to be pointed west, and in order to get anywhere else, they're going to go over to Arctic and go where they're going to go, correct?

Mr. Bourdon: Well, that's what, that's what we anticipate. I mean, there could very well be someone who gets picked up at the corner of 34th Street and Pacific, too.

Mr. Camp: But the general design flow of the building is this where they ...?

Mr. Bourdon: It's where they tell Uber, or where they they're able to pick them up.

Mr. Camp: So in many other urbanized areas, we see actual municipal restrictions on rideshare pickup. Now I'm not suggesting such a thing here, but the future is a long time, and it seems to me that cultivating cars not to stop on Pacific, and training folks, or directing through the operation of the building that this kind of thing operates on the side street is a good first step to being a good neighbor and allowing the traffic to operate more efficiently. It also helps our pedestrian issue over here. We don't have cars stopping, stop, starting, and creating a blockage on Pacific with unpredictable traffic behavior, where all of these other folks are trying to cross the street. So it seems to me, if that is something that the operator of the building can encourage, that would benefit everybody here.

Mr. Bourdon: I have no doubt that we in the operation of the facility that they're going to encourage and more importantly discourage, anybody being picked up on Pacific. Because I think they're both important on Pacific Avenue.

Mr. Camp: So my second question is with regard to the street closure. I'll draw your attention to condition number 5. I want you to help me understand this, please.

Mr. Bourdon: To give me one second.

Mr. Camp: It is on page 4 of 10 of Agenda item 9.

Mr. Bourdon: There appear to be private utility facilities located within the right of way.

Mr. Camp: That's number 4. Number 5, at least on the one that I've been handed, starts with the words "closure of the right of way." This is what I want to understand. It says closure is contingent on complying with all the other conditions within two years, within 730 days. And then it says in the next sentence, if the conditions aren't accomplished, and the plat isn't approved within one year, then this approval is null and void. Explain to me the two years and the one year and how that goes together.

Mr. Bourdon: It should be two years.

Mr. Camp: Which should be?

Mr. Bourdon: The second one, should be two years. Because that's a leftover from the old conditions.

Mr. Camp: I get it. We're working off a document from a prior approval, and we're modifying it. But now, as it's in front of us, it doesn't make sense in the present time. I'll just refer that to you and staff to sort out before you get to Council. Because if you approve it as is, I don't know how we would enforce it or interpret it.

Mr. Bourdon: That's no problem. It should. It's supposed to be two years. That's just a --

Mr. Camp: I read this stuff. Yeah. So thank you. My last question is with regard to the two applications: the street closure and the ability to build this building. At the site visit, I was told

that essentially, they are contingent. In other words, you've referenced, and the staff report references, some of the difficulties that will be inherent in closing the street: relocating the utilities, and what have you? That's why there's two years here to figure it out. Well, suppose that doesn't work out. I mean, the applicant was here what -- a year ago? -- thinking everything was going to work out for a twelve-story building, and now we're back. It didn't work out. So anything can happen. I'm looking at what happens if it doesn't work out. If the street closure doesn't work out, does the ability to build the building carry forward, or where are these two tied together, that you can't build the building.

Mr. Bourdon: They're completely tied together because we're building the building on the closed portion of street.

Mr. Camp: I understand the practical. I'm looking at the legal. You've got permission to do something, but you can't practically do it.

Mr. Bourdon: If the street closure or the alley closure, it's all called street, but they're different between alleys and streets. If the closure can, well, the closure won't become final until the re-subdivision plat is recorded. The re-subdivision Plat will not be approved to be recorded until the site plan is approved.

Mr. Camp: Okay, I got you. Very good. So you won't get through site plan review.

Mr. Bourdon: Correct. Until the site plan is approved, the re-subdivision plat never gets recorded, and it's all moot.

Mr. Camp: Thank you. I understand. Sure. Thank you, sir.

Mr. Coston: Are we ready for a vote? Who was that?

Mr. Plumlee: Plumlee.

Mr. Coston: Commissioner Plumlee.

Mr. Plumlee: Yes, Mr. Bourdon. Very quickly. Are there any of the conditions that are being released from the prior approval? I see the previous conditions. We've demolished the hotel. A lot of these things have been done. These are not to be STRs.

Mr. Bourdon: No, all we need to do is approve the conditions recommended because they'll supersede the other ones, and those other ones have all been, well, they're being superseded, or they've been already accomplished. And the one, the one with regard to the historical information that will be surveying, all that stuff have been.

Mr. Plumlee: That still carries forward.

Mr. Bourdon: That carries forward, and we're going to have that in the lobby.

Mr. Plumlee: And all the ones that are not superseded carry forward. That's what you're saying.

Mr. Bourdon: I think there. I believe there. The ones that aren't superseded should be in the ones that we are that are before you today. I wasn't aware that we anything was left out.

Mr. Plumlee: I do have a motion. Before I make the motion, I'm going to talk a little bit about the project. Mr. Bourdon is right. This is a lower height building, so the pilings and the fulfillment of the construction should be less intense than what you are currently under. What has been currently approved, so that is an improvement with this approval. We absolutely need 62-and-over housing. Everything I gather from the public, they want this project to proceed. The building has been taken down. The 10 affordable units is really a replacement of the Jefferson Hotel. Those units. That's essentially what's been done here with the thousand dollar rent. The applicant is a very experienced developer, and his word, Mr. Jester's word, and this is very important. I believe the more we can bring residential development along Pacific, the more our demands for improved traffic. Will occur because people will be there to demand it.
Right now, it's an old bank structure where, with a huge parking lot, where people came in for office and they left. I think bringing residential down there will improve that area. Generally, we've already improved the density. Like I said. Anyway, for those reasons, I want to move to approve this project.

Ms. Schoonover: Second.

Mr. Mauch: Can I make a comment?

Mr. Coston: Just a minute. It has been moved by Commissioner Plumlee and seconded by Commissioner Schoonover. The vice commissioner would like to have something to say first, and then Mr. Mauch.

Ms. Byler: Thank you for coming. And this is an important application to me. When I saw it coming, I was very concerned about it because I sat here a year ago when Mr. Jester and Mr. Bourdon presented this, and I'm sorry, I don't remember if Mr. Staub was here at that time or not. But President Staub's comments today were concerning to me because they sounded genuine. But I remember what was said last year, and what was said last year was the urgent need for 62-plus, and memory care and assisted living at the oceanfront.
So today, I'm hearing earnest comments that eliminate. The memory care and eliminate the assisted living, so that doesn't really match up.

Also, I remember last year there was zero public outreach, and there was significant opposition from the houses. In the back, saying, "do not close 33 1/2 Street." And the applicant stood here and said, "We're not going to close 33 1/2 Street. We wouldn't do that." And now here you are back, saying we're closing thirty, third and a half Street. So this application does concern me. Having said that, I think it's a good project. Yes, we need. Yes, we need 62-plus housing. We need housing, and the height doesn't concern me.

The fact that you're reducing the height does not concern me. To me, it's not really a benefit. Because Mayflower is way taller, the Navy did not object to it, and our COMP plan, which we all worked really hard on and was adopted last April, says we need to go taller, We need infill. So I don't really see that yes or no. I'm concerned that Mr. Bourdon said This is the first I've heard of a sidewalk, because there should have been a dialogue going on. The developer should know what

the people behind them feel about this. So I am torn on this. I will probably support it because it's needed, but I don't like a lot of the things about it, and I do hope the public doesn't lose trust in us in what was said last year and how it matches up with what was said this year.

Mr. Mauch: Thank you, Mr. Mauch. If the motion maker and the seconder would like to have a friendly amendment, because we. We received in our packet today an updated condition sheet, just with language for number two, And that was, I believe, updated by the applicant's attorney for application number nine. And it's the second condition. It just rewords it a little bit to, I guess, clarify. It was in this packet that had, I mean, in the form, that had an email in either opposition or support of the same project. And then, on the last page, there was an updated condition sheet.

I would just like to use these conditions. Because I think that was the intent of cleaning it up, as well as cleaning up for council. By the time it gets there, so it doesn't have to be cleaned up, and it's a clear motion from us to reflect Commissioner Camp's condition number five of the 730 days. And then it goes on to say, one year. If we could strike one year and put 730 days to mirror what it says prior to, I don't have any other issues with it. I just wanted to make it clean.

Everybody, I'd like to take a second to look at that, and while I've got the microphone on, I will make some comments. In the next 10 years, I do believe that senior housing is going to be one of the biggest things that we face in our community as our population ages here. And I think this is a very important project that is a necessity. And in the future, we're going to need to see more projects that are addressing this need. So I will be in support of it. I do hope that the consideration of the community is taken into account, and I do understand that there's a good faith effort to try to participate in the cost sharing. Participation for a lot of other factors that are in this proposal here that are not specifically due to this site's conditions. So thank you for that, and I will be voting to approve this, but if everybody, if the motion maker and the seconder had an opportunity to take a look at it, if they would.

Mr. Plumlee: I don't have any objection to modifying it. We're at the top of the sheet. This grade area, it appears, it's agreeable with the applicant for this change, and also with regard to that's condition two and condition five, that that be modified. So the language should be appropriate, two years. That's fine.

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

Clerk: Right. The vote is open. As a reminder, you may need to refresh your tablets to access the voting actions. By a recorded vote of 11 to 0, Items 9 and 10, 33rd Street, LLC, has been recommended for approval as modified.

Mr. Bourdon: Thank you all very much.

Mr. Coston: All right. Before we move to the next item. We'd like to have a five-minute break or so.

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 for the Street Closure

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 property. 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 for right-of-way purposes of an approximately 32' strip of land along the southwest side of the applicant's property between the south side of the area proposed for closure and the north side of 33rd Street, subject to the approval of the Department of Public Works and the City Attorney's Office.

3. Prior to the recordation of the final plat, the final infrastructure design showing the rerouting of public stormwater and utilities, including any required variances, shall be approved by the departments of Planning, Public Works, and Public Utilities. Approval of the street closure request shall not constitute approval of the final infrastructure design or any associated variances.

4. There appear to be private utility facilities located within the Right-of-Way proposed for closure; therefore, the applicant shall provide written agreement with the appropriate utility company regarding the utility company's approval of the relocation of the facilities located within the area proposed for closure and, if required by the utility company, shall provide an easement satisfactory to the appropriate utility company for the relocated facilities.

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 730 days of the City Council vote to close the rights-of-way this approval shall be considered null and void.

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

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

Conditions for the Modification of Conditions

1. Conditions attached to the existing Special Exception for Alternative Compliance approved by the Virginia Beach City Council on February 18, 2025, shall be null and void and replaced with the conditions listed below.

2. The site layout shall be in substantial conformance with the submitted plan entitled "Beach Tower Independent Living Facility," dated June 24, 2026, and prepared by Cox, Kliewer & Company, P.C., which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.

3. The design, building materials, and color schemes of the structure shall be in substantial conformance with the submitted elevations entitled, "Beach Tower Independent Living Facility," dated June 24, 2026, and prepared by Cox, Kliewer & Company, P.C., which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.

4. If developed in accordance with this Alternative Compliance request and the conditioned plans, the project area is only to be used as a Senior Living Facility with an age-restriction of 62 years and older. If a change in use is requested after developing the site in accordance with this Alternative Compliance request, an additional Alternative Compliance will be required for the change in use.

5. If developed in accordance with this Alternative Compliance request and the conditioned plans, the overall density of this project shall be limited to 130 independent living units.

6. 8 bicycle parking spaces shall be provided and maintained on-site. Bicycle spaces shall be designed to accommodate electric as well as manual bicycles.

7. The final design of the structure shall include provisions for screening the parking adjacent to the proposed relocated alley, such that visibility and sight-distance requirements are met. Said screening shall be subject to the approval of the Department of Planning and Community Development and the Department of Public Works during the site plan approval process.

8. The applicant shall contract with a professional cultural resource management firm to perform and prepare an intensive level architectural survey to Virginia Department of Historic Resources standards for the historic Jefferson Manor building. A copy of the final report, including photographs and associated materials, shall be provided to the Virginia Beach Historic Preservation Commission in both digital and hard copy format.

9. City Ordinances and Standards remain applicable to this property. Any site plan/plat submitted with this application must meet all applicable City Codes and Standards before site plan/plat approval will be granted. 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.

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 July 8, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #11 Ronald Kiser
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next item on our agenda is Item 11, property owner Ron and Tara Kiser. Is there a representative here today to speak on this item? Please come forward and state your name.

Mr. Herron: Hi there. My name is Casey Herron. I'm the applicant representing Ron Kiser.

Ms. Byler: Thank you for coming today, sir. Are the conditions acceptable to you?

Mr. Herron: Yes, ma'am.

Ms. Byler: Okay. Thank you. You may be seated.

Mr. Herron: Thank you very much.

Ms. Byler: Is there any opposition to this item being placed on the consent agenda? Hearing none, I've asked Commissioner Plumlee to read it into the record.

Mr. Plumlee: Thank you, Vice Chair. This is an application by Ronald Kiser to change a nonconformity to add a shed in the back of the property at 1330 Credle Road. The construction is for an approximate 2,450-square-foot shed to be used to store maintenance equipment, spare materials, and other personal items. There were no objections from the community. This was a recommended application by staff, and the commission believed it was appropriate for consent.

Ms. Byler: Thank you, Commissioner Plumlee.

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

Ms. Byler: Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications and the minutes on the consent agenda: Items 11, 12, 13, 14, 17, 20, 22, and 23.

Mr. Plumlee: I just want to note for the record: Item 14, I must abstain from for reasons set forth in a letter with the City Attorney's Office.

Mr. Camp: Madam Vice Chair, the minutes for the June 2nd hearings are also on the consent agenda.

Ms. Byler: Yes.

Mr. Coston: Thank you. To have a motion to approve by consent these items as read, Vice Chair.

Ms. Hippen: So moved.

Ms. Cuellar: Second.

Mr. Coston: It has been moved by Commissioner Hippen and seconded by Commissioner Cuellar that we approve these items. Are we ready for the vote?

Clerk: Before we open the vote, your iPads will need to be refreshed as we had to update the agenda. The vote is open. By a recorded vote of 11 to 0, with all aforementioned abstentions, the June 10th, 2026, Informal and Formal minutes, and Items 11, 12, 13, 14, 17, 20, 22, and 23 have been recommended for approval by consent.

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

Vote Tally

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

Conditions

1. The change in nonconformity shall be developed in substantial conformance with the layout plan prepared by Hayden Frye and Associates, Inc. and titled “Layout Plan”, dated March 23, 2026, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning & Community Development.

2. The structure shall be developed in substantial conformance with the elevations prepared by American Metal Garages and titled, “Garage/Shed Elevations 1330 Credle Rd,” and dated April 30, 2026, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning & Community Development.

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

4. City Ordinances and Standards remain applicable to this property. Any site plan/plat submitted with this application must meet all applicable City Codes and Standards before site plan/plat approval will be granted. 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.

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 July 8, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #12 Pungo Square Real Estate, LLC & Allan W. Brock Jr.
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next item is Item 12, Pungo Square Real Estate, LLC and Allan W. Brock Jr. Property Owner. Welcome, Attorney Bourdon.

Mr. Bourdon: Thank you, Madam Vice Chair.

Ms. Byler: Are the conditions acceptable to your client?

Mr. Bourdon: This is a conditional rezoning, and with the added proffer that was discussed this morning. For no adult bookstores, the application is, we appreciate, being on the consent agenda. Appreciate the work from Alexis Bailey on the application.

Ms. Byler: Thank you, sir. You may be seated.

Mr. Bourdon: Thank you.

(The following dialogue reflects the reading of the agenda item into the record, which may not have directly followed the above discussion in this document)

Ms. Byler: Okay. I'm going to backtrack a moment and ask Commissioner Cromwell to please read agenda Item 12 into the record.

Mr. Cromwell: Agenda Item 12 is for Pungo Square Real Estate, LLC. The applicant is requesting a conditional rezoning from B-1 Neighborhood Business District and AG-2 Agricultural District to conditional B-2 Community Business District to allow for additional retail business on this 2.2-acre parcel. The parcel currently contains Pungo Square Shopping Center, which contains a variety of uses. The applicant has limited the allowable uses on the property through a proffer agreement that expressly prohibits certain land uses. There are no physical changes to the site proposed with this request. Hearing no objection, we put this on the consent agenda.

Ms. Byler: Thank you, Commissioner Cromwell.

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

Ms. Byler: Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications and the minutes on the consent agenda: Items 11,

12, 13, 14, 17, 20, 22, and 23.

Mr. Plumlee: I just want to note for the record: Item 14, I must abstain from for reasons set forth in a letter with the City Attorney's Office.

Mr. Camp: Madam Vice Chair, the minutes for the June 2nd hearings are also on the consent agenda.

Ms. Byler: Yes.

Mr. Coston: Thank you. To have a motion to approve by consent these items as read, Vice Chair.

Ms. Hippen: So moved.

Ms. Cuellar: Second.

Mr. Coston: It has been moved by Commissioner Hippen and seconded by Commissioner Cuellar that we approve these items. Are we ready for the vote?

Clerk: Before we open the vote, your iPads will need to be refreshed as we had to update the agenda. The vote is open. By a recorded vote of 11 to 0, with all aforementioned abstentions, the June 10th, 2026, Informal and Formal minutes, and Items 11, 12, 13, 14, 17, 20, 22, and 23 have been recommended for approval by consent.

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

Vote Tally

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

Proffers

Proffer 1

The existing developed Property being rezoned from B-1 Neighborhood Business District to Conditional B-2 Community Business District shall not be used for the following:

(a) Automobile Service Stations;
(b) Automobile Repair Garages and Small Engine Repair Establishments;
(c) Bars and Nightclubs;·
(d) Beverage Manufacturing Shops;
(e) Boat Sales;
(f) Body Piercing Establishments and Tattoo Parlors;
(g) Borrow Pits;
(h) Bulk Storage Yards;
(i) Commercial Parking Lots, Parking Garages, Parking Structures and Storage Garages of any kind;
(j) Craft Breweries;
(k) Craft Distilleries;
(l) Eating and Drinking Establishments with Drive-Thru Windows;
(m) Mini-Warehouses;
(n) Mobile Homes Sales;
(o) Motor Vehicle Sales and Rentals;
(p) Heliports and Helistops;
(q) Hospitals and Sanitariums; and
(r) Satellite Wagering Facility.

Virginia Beach Planning Commission July 8, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #13 Atkinson Holdings, LLC
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next item on the consent agenda is Item 13, Atkinson Holdings, LLC. Is there a representative here to speak on behalf of this? Welcome back, Attorney Bourdon.

Mr. Bourdon: I thought you were doing one at a time. My apologies. Yes, Eddie Bourdon represents Atkinson Holdings, LLC, and again, it's conditional rezoning, and we appreciate the work of the zoning administrator, Ms. Sabo, as well as Marchelle Coleman on the application. Thank you for bringing us on consent.

Ms. Byler: Thank you. You may be seated.

(The following dialogue reflects the reading of the agenda item into the record, which may not have directly followed the above discussion in this document)

Ms. Byler: And now I would ask Commissioner Schoonover to please read Item 13 into the record.

Ms. Schoonover: The applicant, Atkinson Holdings, LLC has requested a conditional rezoning from I-1 Light Industrial District to conditional FT-3 Resort Tourist District for 608, 610, 612, 614, 616 Norfolk Avenue, and 633, 637, 641 10th Street. This rezoning request was placed on the consent agenda.

Ms. Byler: Thank you, Commissioner Schoonover.

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

Ms. Byler: Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications and the minutes on the consent agenda: Items 11, 12, 13, 14, 17, 20, 22, and 23.

Mr. Plumlee: I just want to note for the record: Item 14, I must abstain from for reasons set forth in a letter with the City Attorney's Office.

Mr. Camp: Madam Vice Chair, the minutes for the June 2nd hearings are also on the consent agenda.

Ms. Byler: Yes.

Mr. Coston: Thank you. To have a motion to approve by consent these items as read, Vice Chair.

Ms. Hippen: So moved.

Ms. Cuellar: Second.

Mr. Coston: It has been moved by Commissioner Hippen and seconded by Commissioner Cuellar that we approve these items. Are we ready for the vote?

Clerk: Before we open the vote, your iPads will need to be refreshed as we had to update the agenda. The vote is open. By a recorded vote of 11 to 0, with all aforementioned abstentions, the June 10th, 2026, Informal and Formal minutes, and Items 11, 12, 13, 14, 17, 20, 22, and 23 have been recommended for approval by consent.

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

Vote Tally

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

Proffers

Proffer 1

The following principal and conditional uses within the RT-3 Zoning District shall not be permitted on the Property:

a) Automobile and small engine repair establishments;
b) Automobile service stations;
c) Bars or nightclubs;
d) Boat sales;
e) Communication towers;
f) Heliports and helistops; and

g) Passenger Transportation Terminals.

Virginia Beach Planning Commission July 8, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #14 YMCA of South Hampton Roads
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next item on the consent agenda is Item 14, YMCA of South Hampton Roads. Property owner, Memorial Methodist Church. Is there a representative here today? Thank you, sir. Please come forward and state your name. Please come forward and state your name.

Mr. Rakes: My name is Royce Rakes. I'm with the YMCA, and we agree with everything on your recommendations.

Ms. Byler: Thank you. And the conditions are fine.

Mr. Rakes: Pardon?

Ms. Byler: The conditions are fine with you.

Mr. Rakes: Yes, ma'am.

Ms. Byler: Okay. Thank you, sir. You may be seated.

Mr. Rakes: Thank you, ma'am.

(The following dialogue reflects the reading of the agenda item into the record, which may not have directly followed the above discussion in this document)

Ms. Byler: Thank you, Commissioner Schoonover. And agenda Item 14. I have asked Commissioner Camp to please read it into the record.

Mr. Camp: Agenda Item 14 is an application by the YMCA of South Hampton Roads pertaining to 804 Gammon Road. The applicant is requesting a conditional use permit to operate a child daycare facility for up to 57 children within an existing religious facility on a 6.62-acre, R-10 residential zoned parcel. The applicant proposes a maximum of 57 children, with ages ranging from 6 weeks to 5 years old, with an estimated daily attendance of 50 children.
Drop-off and pick-up times will be on a staggered schedule to avoid traffic congestion. The building requires 60 parking spaces, and the site exceeds the minimum by 35 spaces. No modifications are proposed to the existing building, with no objections received and staff recommending approval, this is moved for approval by the Commission on consent.

Ms. Byler: Thank you, Commissioner Camp.

(The following dialogue reflects the discussion to approve the consent agenda in its entirety,

which may not have directly followed the above discussion in this document)

Ms. Byler: Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications and the minutes on the consent agenda: Items 11, 12, 13, 14, 17, 20, 22, and 23.

Mr. Plumlee: I just want to note for the record: Item 14, I must abstain from for reasons set forth in a letter with the City Attorney's Office.

Mr. Camp: Madam Vice Chair, the minutes for the June 2nd hearings are also on the consent agenda.

Ms. Byler: Yes.

Mr. Coston: Thank you. To have a motion to approve by consent these items as read, Vice Chair.

Ms. Hippen: So moved.

Ms. Cuellar: Second.

Mr. Coston: It has been moved by Commissioner Hippen and seconded by Commissioner Cuellar that we approve these items. Are we ready for the vote?

Clerk: Before we open the vote, your iPads will need to be refreshed as we had to update the agenda. The vote is open. By a recorded vote of 11 to 0, with all aforementioned abstentions, the June 10th, 2026, Informal and Formal minutes, and Items 11, 12, 13, 14, 17, 20, 22, and 23 have been recommended for approval by consent.

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

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 hours of operation for the Child Day-Care Facility shall be from 6:00 a.m. to 6:00 p.m., Monday through Friday.
2. The proposed outdoor play area shall be completely enclosed with a solid structure or fence at least four feet in height and constructed of a maintenance-free material, such as aluminum or vinyl plan, and shall be maintained for so long as this Conditional Use Permit is active.
3. The applicant shall maintain a license with the Commonwealth of Virginia for Childcare. Should said license be terminated or expire, the property owner shall notify the Department of Planning within 30 days of termination or expiration.
4. The applicant shall obtain all necessary permits and inspections from the City of Virginia Beach. Prior to operation, the applicant shall obtain a Certificate of Occupancy from the Building Official's Office for use of the building as a Child Day-Care Facility.
5. No change of occupancy shall be made in any building or structure unless such building or structure is made to comply with the requirements of the USBC as determined by the building official. A Certificate of Occupancy and an Occupancy Load are required for the building to be used as a place of Assembly and shall be obtained from the Virginia Beach Permits and Inspections Office with approval from Zoning. The Occupancy Load shall be posted in a conspicuous place near the main exit for every room or space that is an assembly occupancy and where the occupant load of that room or space is 50 or more.
6. City Ordinances and Standards remain applicable to this property. Any site plan/plat submitted with this application must meet all applicable City Codes and Standards before site plan/plat approval will be granted. 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.

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 July 8, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #15 232 Jersey Ave., LLC
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Clerk: Our next item is Item 15, 232 Jersey Ave., LLC.

Mr. Bourdon: So, Chairman, the bad penny turned right back up again. Apologies to Mr. Beeman and Ms. Murphy for making them sit here all afternoon. But this, again, for the record, Eddie Bourdon, Virginia's attorney, representing Mr. Well, Mr. Loizou, with respect to the applicant, 232, Jersey Avenue, LLC. And this is a another example of properties that Mr. Loizou is assembling and purchasing and investing not an inconceivable amount of money in pursuit of the day when he can redevelop these properties in accordance with what our comprehensive land use plan has been recommending for 20 years or so, and I did the first application after we adopted the Strategic Growth Area plans, and Mr. Ripley and Mr. Horsley, and the powers that be on the Planning Commission, as well as the staff, said, "Look, we need to put conditions on these things. Because one of these days, you know, this plan is actually going to turn into reality," And the first one we did, the first few were 10 years.

And I can assure you that when they were talking about the idea that it was going to happen within 10 years, there was a fair amount of snickering, for good reason. So there's nothing that Mr. Loizou would like more than to be able to have a form-based code. And be able to come in and redevelop these properties with exactly what our comprehensive plan or something very close there, too. Would like to see, but yeah, no. There's one, one or two other people that have been doing some assembling, but nobody's been doing the degree that he has. So, this this application for bulk storage yard, as has been written up by city staff, and as you have before, you recommends approval the property directly to the north of this property. Excuse me, I miss spoke to the east, on Admiral Wright Road, He has recently, within the last 12 months, gotten a bulk storage yard use permit and put up a vinyl fence along Admiral Wright Boulevard.

And we are, and I think you all have it in your supplemental package. I've got handouts here if anybody doesn't have it already. We'll do the same fence along Admiral Wright Boulevard and also running back perpendicular Admiral Wright Boulevard at the northeast corner of the property, and then there are small little fences between buildings that are wood that'll stay. We're landscaping around the office building at the corner. We're adding two parking spaces with pavement and curb and gutter, and then the fences along Pennsylvania Avenue. Some of them are wood, which we'll retain, and the ones that are chain length.

We will put wood fence in front of the chain length fence, so that everything that's visible will be wooden fences. Along Pennsylvania Avenue, and putting landscaping adjacent to our own properties or landscaping it towards. The right of ways have been waived previously, and we would request their waiver again. The conditions, as recommended by staff, are acceptable to my client. Be happy to answer any questions.

Mr. Coston: Questions?

Mr. Anderson: Mr. Bourdon. I'm a little confused. This morning or yesterday, I forget which, my understanding was that the applicant did not want to do any landscaping. Unless I'm thinking of a different application.

Mr. Bourdon: No, he's not. He's does not want to do landscaping on the outside of the fencing that the bulk storage yard use permit in other parts of the city would require. That's what it says, and that's a variance. That's a variation being requested. The landscaping that I'm pointing to is around the building itself, which doesn't have foundation landscaping, which he is willing to landscape and put that on the building, but not with regard to outside the fence along Admiral Wright, which he hasn't, he got a waiver from council and this body. Well, council is the only one that can grant it. But with the application on the property next door, on along Admiral Wright, he wants to continue what he did on that property, onto this property.

Mr. Anderson: Okay, thank you.

Ms. Hippen: Is the other property bulk storage?

Mr. Bourdon: I'm sorry.

Ms. Hippen: Is the other property bulk storage?

Mr. Bourdon: It's automobile. Yes, it's bulk storage. Automobile storage. Yes. Yes, ma'am.

Mr. Coston: Any further questions? Discussion.

Ms. Byler: Thank you, Mr. Bourdon. Do we have any speakers?

Clerk: There are no speakers.

Ms. Byler: Are you ready for a motion? I make a motion that this application be approved for 4 years only. I'd like to see the change come, and I believe it is coming. I believe we have an overlay, and things are starting to happen here. And if I'm wrong, then come back to us in 4 years.

Ms. Cuellar: Second.

Mr. Coston: Okay. So it has been moved by Vice Chair Byler and seconded by Commissioner Cuellar, that this item be approved for 4 years instead of 5.

Ms. Schoonover: I'd like to get a sense from this commission of whether they are fine with the five year before we make a choice about this four year change because I'd rather do the 5 years if we can.

Ms. Hippen: Mr. Bourdon, you're shaking your head.

Mr. Bourdon: Well, all you're doing is setting up a scenario where I will bet anyone in this room will be back in 4 years to waste more time and more money. When you all, you won't have, I hope you do, I certainly hope you do, but the idea of getting a new zoning ordinance and getting it

through and approved by city council is a two or three year process, if we're lucky. Okay, and then the idea of getting a deal put together to come up with a plan that's going to be coming forward with these beautiful new semi high rise buildings and all that goes into putting all that together, it just doesn't happen overnight, and so I don't think we're accomplishing a darn full thing.

If can get a form-based code in place in a year and a half, then, you know, 4 years is fine. We can get there, but is that going to happen? Who knows. So again, why are we playing this game with someone who's investing lots of money, doing what the city can't do by condemning property and acquiring property to make sure this plan can actually happen? You don't. We haven't seen the big players come along and start trying to buy property so this can happen, because they're tied up at Town Center and they're tied up the Napolitano is at, at, you know, Town center, everybody's all invested in Town center, and so we have the little guys out there trying to put these things together. So this can actually happen one day, and so we're going to, we're going to say, you're not doing it fast enough. Well, they're doing everything they can, so why are we playing this game? Well, we're going to make it 4 years and just make them come back again in 4 years.

Ms. Hippen: So. If the development proceeds quicker than you believe, wait a minute, wait a minute. Let me, let me finish, okay? If the process proceeds quicker than you feel it will, is your client ready to move on, or?

Mr. Bourdon: 100 %, he would. He would love to be able to bring forth an application to do what it is that our comprehensive plan is calling for, but we, but that's just a comprehensive plan. We don't have anything in our zoning ordinance, which our zoning ordinance when we did. The form based code for Town Center and the form based code for the Ocean Front has worked like a charm. It has been so successful. And it will be successful here, but my own opinion is that we have the city and others have invested substantial sums of money on Town Center, and these plans have been out there.

This form-based code could have been adopted; one could have been created, adopted. It takes a long time to do it, but it could have been done years ago. Well, I don't believe we wanted to the risk that it would dilute the interest in town center. So we're going to make sure Town Center is, you know, redeveloped and is in place before we move further west. Well, it's, we think it's time. I think it's time, but I'm not, I don't have a vote, but the reality of is that Mr. Loizou can't do anything that we want him to do without the zoning being in place. And so, again, I'm. You'll do what you think is right. I don't want to, you know, be preachy, but 4 years, 5 years, we did 10 years, 20 years ago, we did 5 years, 15 years ago. We still, I mean, it's just unfortunately, it takes time, a lot of time, and it affects other people whose businesses are in this area too, you know, but it's out there.

The folks who own the properties know what's coming someday, you know, and some of them are willing to sell. They're selling at a premium because they know it's going to be different when, when that opportunity arises. But until that opportunity is in our zoning ordinance, it may never happen. Who knows? But this gentleman's taking a risk, and that's all.

Ms. Schoonover: I'd like to make an amendment to this motion and reverse it back to 5 years. You know, we have, we have gotten to the end of development and we are into redevelopment. And we are going to have to start updating all of these the zoning in order to make sure that we

can accomplish these goals. I know we can't do it fast enough, but in the meantime, since we know we're trying to put in these places, I want to be supportive of these efforts to do what we'd like them to do. So I hope that we can amend this motion to the 5 years and move forward.

Mr. Coston: I think, I guess we have to refer to our counsel there. Do we need to make a subsequent?

Ms. Royster: This is a substitute motion, unless the original motion individuals would like to accept the Friendly amendment. But if not, this is a motion to make the substitute motion the main motion.

Ms. Schoonover: Pardon me. I'd like to make a substitute motion to make mine the main motion.

Ms. Byler: No, I do not accept the amendment to my motion.

Ms. Royster: So then, the vote that is pending right now is to make the substitute motion, a main motion, to see if that will become the main or not.

Mr. Coston: It's been moved by Commissioner Schoonover, seconded by Moorjani, that we make substitute motion to stick with 5 years. We ready for the vote.

Clerk: One second, we're setting up the vote.

Ms. Royster: And just for clarification for everyone, so this current vote is not voting on the main motion itself; it's just making it the main motion. If it carries, then you will vote on that motion. If it fails, then you are voting on the other motion regarding the 4 years.

Clerk: The vote is open. By a recorded vote of 9 to 2, the substitute motion to make the motion to make the substitute motion, the main motion, has passed. The vote is open. Okay. By a recorded vote of 9 to 2, Item 15, 232, Jersey Ave., LLC has been recommended for approval.

Mr. Bourdon: Thank you all very much for your patience.

Vote Tally

Commission Member	AYE 9	NAY 2	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. This Conditional Use Permit shall expire after five (5) years from the date of City Council action. To continue the Bulk Storage Yard use after such expiration, the applicant, their successors or assigns, shall seek and obtain approval of a new Conditional Use Permit by City Council.

2. Hours of operation shall be limited to 8:00 a.m. to 5:00 p.m., Monday through Saturday.

3. The site shall be developed in substantial conformance with the Site Plan entitled "CUP Exhibit", dated May 6, 2026, prepared by John Sandow Engineering, LLC, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.

4. A solid privacy fence of a maintenance-free or low-maintenance material with a minimum height of six feet shall be installed around the entire Bulk Storage Yard as shown on the Site Plan identified above in Condition 3, and shall be maintained for the duration of the use of the site as a Bulk Storage Yard.

5. Should outdoor lighting be installed, a Lighting Plan, in accordance with the City's Lighting Ordinance, 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.

6. No vehicles in an obvious state of disrepair shall be parked on Pennsylvania Avenue or Admiral Wright Road, or in an area outside of the designated Bulk Storage Yard as identified in Condition 3 above.

7. Any signage on site shall conform to the standards and regulations set forth in the Zoning Ordinance.

8. There shall be no signs that contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving devices on the site or on the vehicles. There shall be no signs that are painted, pasted, or attached to the windows, utility poles, trees, or fences, or in an unauthorized manner to walls or other signs.

9. An approved means of Fire Department emergency access must be installed through the fence. Manual gates will require a Knox Padlock, and automatic gates will require a Knox Override Switch. The Knox device shall be maintained operational at all times.

10. City Ordinances and Standards remain applicable to this property. Any site plan/plat submitted with this application must meet all applicable City Codes and Standards before site plan/plat approval will be granted. 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.

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 July 8, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #16 CityView Two, LLC
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Clerk: Our next item is Item 16 CityView Two, LLC.

Mr. Beaman: Chairman, Madam Vice Chair, members of the Commission, for the record, my name is Rob Beaman, Troutman Pepper Locke Law Firm here today, on behalf of the applicant, CityView Two, LLC, I'm joined by a couple of the principals of CityView Two, including Dan Heatwole and Jimmy McCune. The application before you right now involves two and a half acres. It's located along Thalia Creek, just east of Constitution, south of Town Center. The applicant proposes to develop an additional phase of the CityView project, which currently includes the Constitution, midtown apartments, a Fairfield inn and suites hotel, and approximately 17,000 square feet of office space.

The current phase, which is the building before you today, would have two components. It's a mixed-use building with two components. The first would be a climate-controlled indoor self-storage component, and the second would be 18,500 square feet of office space, which would be used for the corporate headquarters of the Ripley Heatwole Company, which is the parent company of the applicant, and also one of their affiliates, which is a telecommunications company. All told, there would be approximately 40 to 50 employees be expected to work out of this building. Additionally, I wanted to note that each of the self-storage floors in the building has been designed to be convertible to office space.

These are growing companies, and the hope is, of course, that that there will be some future expansion. From a design perspective: the applicant intends for this building to raise the bar for self-storage in the city of Virginia Beach. In addition to having a mixed-use, significant office component, this building would be designed so that the self-storage component would not be visible from the exterior. It would appear to be completely office from the exterior, and there would be no kind of display windows that show, you know, storage doors behind, or bright lights that you see in some of the other storage facilities in the city.

The other thing I want to mention is that there is an easement on the. Property along the Thalia Creek frontage, which would protect all of the mature vegetation that's on the site, which would provide a significant additional screening. So, with that, we certainly thank the Planning Commission for their time and consideration, and we'll stand by for questions.

Mr. Coston: Do we have any speakers?

Clerk: There are no speakers.

Mr. Coston: Okay, and we're open for discussion or motion.

Ms. Hippen: So you just said that the office space, that the storage spaces are convertible to office.

Mr. Beaman: Yes.

Ms. Hippen: Which is going to require more parking. Yet you are under the amount of parking that's required already.

Mr. Beaman: That's right. There's a shared parking agreement in place that's been approved by the zoning administrator. But that approval is locked into the specific use mix. Now, if we wanted to expand and convert uses from self-storage to office, we would have to go back in and get an alternative. You know, either add more parking or get an additional approval.

Ms. Byler: Okay, so where is the shared parking?

Mr. Beaman: Sure, there is shared parking, right planned south, there is a parking garage and there's, there's actually a surface parking lot on the site of this building, the proposed building, and then there's a structured parking facility under the Constitution Apartments, which is just south of the property.

Mr. Coston: Thank you.

Mr. Beaman: Yes, sure.

Mr. Coston: Commissioner Camp.

Mr. Camp: Thank you, Attorney Beaman. I've seen variations of this project, I think, for 20 years. So, help me understand the current one. On the first floor, what is the proposed use mix?

Mr. Beaman: The proposed use on each floor is approximately 15,525 square feet. I believe, on the first floor, there's approximately 3,000 square feet of office space, which would be unrelated to the self-storage. It would be Ripley Heatwole and Affiliates space. The remainder of the space on the first floor, there's a small warehouse component associated with the office use, and then self-storage would be the bulk of the use on the first floor. The middle floors would be self-storage, and the top floor, 15,525 square feet would be all office. So there's 18,500 square feet of office.

Mr. Camp: Alright. Let me make sure I got that on the first floor. You've got about 15,000 square feet, and within the floor plate, and you've got about 3,000 square feet related to office use. So about 20% of your first floor is going to be office, 80% is going to be storage. Is that ballpark correct?

Mr. Beaman: I believe that's correct.

Mr. Camp: And I think that is my only question at this time.

Mr. Coston: Thank you. Any further questions?

Ms. Byler: Mr. Beeman, you know, my position that we've worked hard on getting Town Center to the point where it complies with the SGA, that it's walkable, that it's community centric, and that it is not auto focused. By very nature of the storage, that's what we're doing, and I believe the COMP Plan and the Strategic Growth area outlines say no self-storage unless special permission, special consideration, and the ground floor should be designed so that people linger and that there's people coming and going.

And what you're describing to me doesn't meet that. I really appreciate so much effort to make it look nice, but what we're trying to do is to make the wrong thing look good. Why don't we just put the right thing? If the whole ground floor were not storage, I would be—I'd feel so much better about this. When we say mixed use for this site, I was really hoping for mixed use of residents, office retail, not mixed use of warehouse and office, all used by one user.

So, it's not something that people are going to be lingering and interacting, which is what our COMP plan calls for. I'm disappointed in it. I may be in the minority. I appreciate, I really do appreciate all the effort to make it look good. But all that effort to make it look good is because it's the wrong thing, in my opinion. How are you going to convert the office space, or how are you going to -- how are you going to change it from being storage to something else to office or retail?

Mr. Beaman: Yeah, my understanding from my client is that the bones of the space have been designed to accommodate offices as well, even additional punch throughs on elevators and stuff like that. So, it's built into the design.

Ms. Byler: Do you know how tall the ceilings are?

Mr. Beaman: On each individual floor, ceiling height.

Mr. Heatwole: Good afternoon. The ground floor. Oh, sorry, Dan Heatwole. I'm the CEO of Ripley Heatwole Company. The ground floor has a 20-foot floor-to-ceiling height. The middle floors, I believe it's an 11-foot floor to ceiling height, and then the top floor has a 20-foot floor-to-ceiling height as well.

Ms. Byler: Okay, thank you,

Mr. Anderson: Mr. Heatwole. I got a question. Sorry, since you were up there, it helps with this question. Commissioner Camp brought something up, but we've been discussing it for a long time. My understanding was that this particular spot, Phase 2 of City Center, was going to be apartments as well. And I'm just curious, why, if that's true, and why the change?

Mr. Heatwole: Sure. So this site, I guess since 2004, when we started working on it, has gone through a lot of different iterations for this particular parcel here, all the way back in 2004, it was an office building. I guess, late 2005 to 2010, it was potentially going to be the new Thalia fire station that went through a lot of design and discussions with the city before they decided to build it west of Independence, at the current location next to the Post office. There was a time when it was looked at as a condo tower prior to the '08–'09 kind of real estate crash, and kind of since then.

It has been in sort of a placeholder since that, since the fire station discussions ended, and then since the condo market kind of. Went away from where it was at the time. This concept was really

born from a desire to have all of our different entities under one roof. And for our telecommunications company, that's began expanding nationwide. We are currently in office warehouse space, where the warehouse space is sort of their testing facility for new equipment, wireless technology, things like that. And so we need that capability in a building, but that doesn't really fit Traditional Class A office space.

So, we worked with the planning department to kind of come up with an idea of what would be a way to integrate these different types of uses. And so that was where the concept came to have the storage component, office component, warehouse is maybe not the best term, but it's in essence two floors, two double height ceiling, so that for like, wireless festival. Those antennas can be raised for testing things like that there's a higher floor to ceiling height, and then our desire that all of our entities be under one roof is how we came to this, this design.

Mr. Anderson: Okay, that's very helpful.

Ms. Hippen: Thank you. Okay, don't go away. Okay, so what you're saying is storage is not quite, what you're doing on the first floor, because that's the question at hand. So, what you're telling me is that you're going to have, like, you're going to have testing facilities, which would be shielded rooms, correct?

Mr. Heatwole: Yes. So, a portion of the ground floor is storage. So, the frontage of the ground floor is commercial. So, some of that is going to be available to lease to other tenants. Some of it we're taking. That tie into what I call the warehouse space, but that that warehouse space is about 2,500 square feet of two-story volume space, which is where our team can test different technologies and things that they're using. That ties into a part of the ground floor office that that we will retain. The rest of it, our preference would be to work with some of the local business organizations that need small offices where they can share conference facilities, things like that. And then there is a lobby that'll have, you know, public art, things like that, but there'll be an elevator system there that goes directly to the top floor, and that's where our main corporate offices will be for all of our different entities.

There will be a third kind of entrance component, and that is the self-storage piece. That when you come in, there will be sort of a reception desk there. There will be as you go further into the building, where you get to the I guess you would call them cargo elevators, that that go up. But behind that sort of front facade, deeper in the building, there would be a portion that is ground floor cell storage.

Mr. Coston: Commissioner Camp.

Mr. Camp: Mr. Heatwole, I apologize for another question, but I thought I had the answer with Mr. Beaman, And now I'm confused again. On the first floor, I asked the question, "What's there?" And a rough allocation was 20% office, 80% storage. Am I now hearing that there's some form of like light industrial use, some type of testing of equipment that is going on in the first floor? Sorry, help me out here.

Mr. Heatwole: Yeah, what I call the warehouse space is about another 2,500 square feet of that ground floor, and so that that is a about 20 foot height, similar to what we have here. So our company does TV, internet, phone. We're an ISP provider. We started originally as a TV

company. These days we're 90 % an internet company, and so those technologies -- some of the stuff we do is pop up festivals, you know, concerts at the oceanfront, things like that, where you have wireless antennas that are running. They need the height to test those, those devices just to make sure they're talking to each other. There's storage for different components that we're taking to residential units or different places, you know, conduit things, things of that nature that that we need to store. And our team needs to be able to access on a constant basis, whether it's from our call center, from our text, those type of things. So some of it is storage for ourselves, some as a testing area, but it's basically just a large open space. There's shelving, and then there's floor space where the testing can take place.

Mr. Camp: And is part of this warehouse storage type space to be leased to the public as, like, self-storage?

Mr. Heatwole: Okay, not for that space. So I'll kind of break it down into three components. About 3,000 square feet of the ground floor is leasable commercial office space.

Mr. Camp: Got it.

Mr. Heatwole: Behind that, roughly 2,500 square feet is our what I call warehouse space, which is a two-story volume space, and then behind, where the entrance and reception area is for the self-storage, is the ground floor self-storage space, which is probably 6,000 to 7,000 square feet.

Mr. Camp: So there is self-storage space on the first floor, 6,000 to 7,000 square feet.

Mr. Heatwole: Yes.

Mr. Camp: Okay. I have a question for staff when the time is appropriate.

Mr. Coston: Any further questions? I guess you can go here with the staff question.

Mr. Camp: Thank you. Appreciate it. So, with regard to the use that we just heard described about testing some form of telecommunications equipment, is that a use that, in your staff review, you understood and is considered part of the storage as described in the staff report?

Ms. Alcock: I don't know. We did understand that there was a telecommunications office and component to the company. I would defer to the zoning administrator as to whether or not it becomes another primary use or testing of the equipment, the telecommunications equipment. I would say having the telecommunications company was not a concern for staff.

Ms. Sabo: Yes, I'd have to get more specific information for how, what is specifically occurring onsite. That's different than a telecommunications office.

Mr. Camp: Well, I understand that, but we're on the verge of a vote here, and collectively, we're not in, we don't appear to understand what the uses are on the first floor of this building, and our current zoning code says no storage units shall be located on the ground floor, and so on about other things. So, I'm trying to apply the rules that we have right now to the facts that we have just now disclosed, and I can't sort it out and reconcile it.

Ms. Sabo: So, the storage units are my understanding that that's the mini warehouse component. A office use, a telecommunications use, it's understood that they would have some amount of storage that would be part of that use, and that would be accessory to that office use.

Ms. Hippen: Yes. Since I stirred the pot, we just we just did. So this was submitted before we voted this morning on number 4, correct? So that, that's the question here.

Ms. Alcock: Yes.

Ms. Hippen: Okay. The testing. So, I'm a Twidget. Okay, that was why I asked the question about testing. I don't think it's testing like testing new, for those that don't know what a twidget is, it's electronics tech.

Mr. Heatwole: I apologize.

Ms. Hippen: Is this just making sure the equipment works, not testing new equipment, not developing and all that? Right.

Mr. Heatwole: Absolutely. So, we're an internet ISP. So, as an example, we primarily serve apartment buildings, and one of the things that we've come up with is that, you know, now, you have a smart box, which is like your router you'd have at home, is embedded into kind of a cabinet in a closet, and it creates a wireless network in your unit. We mesh that throughout the building. So if you're to go to a pool or the club room, you can actually stay on the internet, but you stay on your own private network. You do not go onto a guest network, so. You know, whatever you're working on is secure.

So when I say testing equipment, it's no different than the wireless routers that are in this room. It's more of turning them on, where you have a cell phone. Is that router talking to a cell phone? It's similar to the device you see up on the ceilings here. It's that. It's not some kind of microburst waves or anything like that. I'm sorry if I misspoke. It's just simple routers, you know, DVR receivers that you would have for a TV system, things like that. That we need the ability to test in an open space.

Ms. Byler: I understood it. That was I asked the question so that they understood.

Mr. Heatwole: And I apologize if I did not state that clearly.

Ms. Byler: Because sometimes when twidgets talk, we don't realize that everybody does not realize what we're talking about.

Ms. Alcock: And, as described, that would fall into the realm of a telecommunications office.

Mr. Mauch: Yes. And just for even clearer clarification, you're not broadcasting anything out. It's testing the equipment to make sure it's communicating, but between itself.

Mr. Heatwole: That's correct. So, in our current space, which we're, this is going to be larger than we are currently located, we'll have TVs to make sure that when you set up the you know, the tracking devices and conference rooms, things like that, that as one speaker is talking, doesn't shift

to them and those type of devices. That a router that we're going to put in a unit. When you turn it on, do the computers connect to it? Is it actually a viable system? So, just really the same type of equipment you'd have in a home, because we primarily serve apartments, timeshares, RV and modular home parks. Those are generally our clients.

Ms. Byler: But with the amount of space that you're going to use for office and testing on the ground floor, combined with the amount of office space that you intend to lease represents less than one third of the ground floor. The rest is going to be mini-storage, right?

Mr. Heatwole: Yes, about 6,000 to 8,000 square feet. I believe is that the ground floor will have that storage component.

Ms. Byler: Thank you.

Mr. Coston: Any further discussions? Do I hear a motion?

Ms. Schoonover: I move that we approve the project.

Mr. Coston: It has been moved by Commissioner Schoonover that this item be approved. Have been seconded by Commissioner Mauch.

Clerk: The vote is open. By a recorded vote of 8 to 3, Item 16, CityView Two, LLC, has been recommended for approval.

Vote Tally

Commission Member	AYE 8	NAY 3	ABS 0	ABSENT 0
Camp		X		
Cromwell		X		
Anderson	X			
Byler (Vice Chair)		X		
Schoonover	X			
Plumlee	X			
Hippen	X			
Cuellar	X			
Coston (Chair)	X			
Moorjani	X			
Mauch	X			

Conditions

1. When the Property is developed, it shall be developed substantially as shown on the exhibits entitled, "CONSTITUTION STORAGE 40 CONSTITUTION DRIVE – SITE EXHIBIT – CONDITIONAL USE PERMIT APPLICATION", dated 05/28/2026, and prepared by Pennoni, which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning and incorporated herein by this reference.

2. The exterior of the building shall be substantially similar in appearance, architectural features and materials as depicted on the exhibit entitled, “BUILDING ELEVATIONS FOR CONSTITUTION STORAGE 40 CONSTITUTION DRIVE” AND “BUILDING RENDERINGS FOR CONSTITUTION STORAGE 40 CONSTITUTION DRIVE”, dated 05/20/2026 prepared by RBA Architects, which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning and are incorporated herein by this reference.

3. The storage units shall be used only for the storage of goods. The units shall not be used for office purposes, band rehearsals, residential dwellings, or any other purpose not consistent with the storage of goods.

4. There shall be no exterior (outside) storage of motorized vehicles, equipment, or materials on the property.

5. All on-site signage for the site shall meet the requirements of the City Zoning Ordinance. A separate sign permit shall be obtained from the Department of Planning & Community Development for the installation of any new signs.

6. All outdoor lights shall comply with the following:

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

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

7. City Ordinances and Standards remain applicable to this property. Any site plan/plat submitted with this application must meet all applicable City Codes and Standards before site plan/plat approval will be granted. 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.

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 July 8, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #17 Coastal Training, LLC
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next item on the consent agenda is Item 17, Coastal Training, LLC, Property Owner CP Roadrunners, LLC. Good afternoon, ma'am. Please state your name for the record.

Ms. Stogner: My name is Kristy Stogner. I'm one of the co-owners of Coastal Training LLC, and I'm the applicant.

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

Ms. Stogner: Yes, they are.

Ms. Byler: Thank you. You may be seated.

(The following dialogue reflects the reading of the agenda item into the record, which may not have directly followed the above discussion in this document)

Ms. Byler: Thank you, Commissioner Camp. And agenda Item 17, I've asked Commissioner Plumlee to please read into the record.

Mr. Plumlee: Thank you, Vice Chair Byler. The applicant, Coastal Training, LLC and Property Owner CP Roadrunners, LLC for the property 209 First Colonial Road, have requested a conditional use permit for an indoor recreational facility for gymnastics and tumbling, and this time it's been an operation for many years, 7,500 feet. It's now going to expand to 10,000 square feet. The applicant has consented to all conditions. Staff has recommended approval, and so the Planning Commission believed it appropriate to place on the consent agenda.

Ms. Byler: Thank you, Commissioner Plumlee.

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

Ms. Byler: Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications and the minutes on the consent agenda: Items 11, 12, 13, 14, 17, 20, 22, and 23.

Mr. Plumlee: I just want to note for the record: Item 14, I must abstain from for reasons set forth in a letter with the City Attorney's Office.

Mr. Camp: Madam Vice Chair, the minutes for the June 2nd hearings are also on the consent agenda.

Ms. Byler: Yes.

Mr. Coston: Thank you. To have a motion to approve by consent these items as read, Vice Chair.

Ms. Hippen: So moved.

Ms. Cuellar: Second.

Mr. Coston: It has been moved by Commissioner Hippen and seconded by Commissioner Cuellar that we approve these items. Are we ready for the vote?

Clerk: Before we open the vote, your iPads will need to be refreshed as we had to update the agenda. The vote is open. By a recorded vote of 11 to 0, with all aforementioned abstentions, the June 10th, 2026, Informal and Formal minutes, and Items 11, 12, 13, 14, 17, 20, 22, and 23 have been recommended for approval by consent.

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

Vote Tally

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

Conditions

1. The Conditional Use Permit for an Indoor Recreational Facility applies solely to 209 First Colonial Road, Suites 107, 108, 109, 110, 111, 112, 113.

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

3. Any outdoor lighting installed shall comply with all applicable provisions of the City's Lighting Ordinance, including, but not limited to, the following:

    a. Shall be shielded to direct light and glare onto the premises; said lighting and glare shall be deflected, shaded, and focused away from all adjoining properties.

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

4. City Ordinances and Standards remain applicable to this property. Any site plan/plat submitted with this application must meet all applicable City Codes and Standards before site plan/plat approval will be granted. 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.

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 July 8, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Items #18 & 19 1036 FP Road LLC
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Clerk: Our next items are Items 18 and 19, 1036 F.P. Road, LLC.

Ms. Murphy: Good afternoon, Chair Coston, Vice Chair Byler, members of the planning commission, and staff. For the record, my name is Lisa Murphy, local zoning attorney, and I'm here today on behalf of the applicant. With regard to Items 18 and 19, and that is 1036 F.P. Road, LLC. They recently acquired the subject property, which is 1036 Ferry Plantation Road. I've got the principal, Neil Katz, with me today. In case you all have any questions that I cannot answer. So, the two applications, 18 is for the mini warehouse use, and 19 is for the bulk storage use. I just wanted to discuss those briefly. What's up on the screen is the subject property. It's just under 1.7 acres. It's the site of the old Haygood skating rink, was operated as a skating rink since, I believe, the 70s, maybe 80s. And only recently closed back in January, So it's a very unique building in the sense that it's very large and open on the inside, has high ceilings.

My client is and his partners in this deal operate two different businesses that would both be brought to this site. The one business is Aresco of Tidewater. They're a property damage restoration business, so they go into homes after their fires, floods, that type of thing. So they would be utilizing about 1,500 square feet of space inside for essentially a contractor's business. The other space, which is 23,500 square feet of the interior, would be used for the mini warehouse use, so for rent storage units, and these would be part of the other business that's a partner in this, which is units moving and storage, also a franchise. Both, both of the businesses have been around for a while. They are able to reutilize this existing building, which is good. They will repaint it.

They'll redo the parking lot, make it look nicer than what's there today. Essentially, if we could go to, I think, the next slide. Yeah, that's the one. So the mini warehouse use, as you saw in your staff report for 18, that's not a concern. Staff recommended approval. The other use, which is the bulk storage yard, is also required for both of these businesses. They both need outside storage area for containers, but also for equipment and supplies for the restoration business.

So when we had originally approached staff and the initial application, which I think somebody mentioned the versions, the initial application showed the entire front parking area. Being enclosed with an 8-foot fence, and that would have been used for bulk storage, as well as that side yard behind the face of the building, back towards where the cell tower is on the site. So, we were showing two areas. Obviously, the vast majority of the space is that parking in the front of the building, which is why we were trying to utilize both spaces as part of that application.

We were proposing an 8-foot fence along Ferry Plantation Road, Category 6 landscaping along Ferry Plantation, which is not there now. In fact, for those of you who went out to the site, visit, in order to get the Category 6 landscaping, And they actually have to pull up some of the parking

lot. So those parking spaces, if you go back to the aerial that you see right along the sidewalk, those are coming out, and there's landscaping that's going in there. And that will be the case regardless of whether you all recommend approval of the front bulk storage or the side bulk storage, or both. So the landscaping goes in regardless.

Looking at that aerial, you'll note that there is mini warehouse to the north of the site, and there's no setback between the property. So the existing buildings are pretty tight to the to the property line, so there's not really a way to get landscaping along there, any additional landscaping. If you look to the south of the property, which is the other area where the bulk storage yard is being proposed, you see there's a business that's there's a daycare center office. It's a little strip center, but it's got some office and some retail.

That business, that building, actually. Is again right up to the property line. So in that section was where staff said, "Yeah, we could support bulk storage there between the two buildings." What we had asked for originally, as I mentioned, was the front and the side. We I went and made a presentation to the Aragona Village Civic League at their June 8 meeting, And what we showed them was the entire front yard fenced in with the additional landscaping, but. just to make sure everybody is aware, I think, Mr. Camp had a question about the changes.

They saw the worst possible case scenario. They had a few questions, but they were generally pretty happy, and I'm not aware of any concerns that were expressed after that meeting. So, after, you know, talking with some of you, talking to the applicant, Because staff was recommending approval of the bulk storage yard on the south of the building. But not anything in the front of the building. You know, we had some conversations with them after the Civic League meeting and said, "Hey, is there any level of storage you can support in the front of the building?" To me, it made sense what was in your application packages because essentially it utilized the building, the self-storage building to the north would have been one side. You would have had the existing building on, the property would have been, you know, a portion of that up to where the windows are in the building. Because I thought that was the concern, would be included, and then that would come down to meet up with the face of the building next door. That was what I thought would be a reasonable amount of front storage. Again, given that they potentially will be expanding, will have future needs, and that just gives them the flexibility.

So that's really, you know, where we ended up with staff. We had, we actually had two plans, but the one that was included in your packet originally was the one showing some front storage and the entire that side area being utilized. There's a cell tower on this property. There are various interesting and different features that make it not necessarily ripe for redevelopment. So they do want to reuse it the way it is. They will make it look better. As I mentioned, they're adding, tearing out that first area of parking right along the sidewalk and adding landscaping, the Category 6 landscaping there.

So last night, where I ended up with Alexis was, you know, if, if staff can support the storage on the side. We'll just move forward at this time with just the bulk storage on the side. Obviously, they'd like to have some storage in the front, but that's where we thought we might end up. Because if you look at the staff report, they suggest that they could support the side storage. So we were hoping to avoid not being on the consent agenda. But I know there, I know there are questions, and that's gives you an idea of how we ended up where we are. So they do need the bulk storage

yard as part of the mini warehouse operation for both of the businesses. We would like the front and the side, but for purposes of moving forward today, if staff can support the side bulk storage, we're happy to move forward that way. I'm happy to answer any questions. I was trying to be brief.

Mr. Coston: Are there any speakers?

Clerk: No speakers.

Mr. Coston: There are no speakers.

Mr. Plumlee: Ms. Murphy, so you're agreeable? For condition that there be no bulk storage in the front side, is that fair?

Ms. Murphy: Simplify it at this point, yeah.

Mr. Plumlee: Okay. You, you may have to come back. You may have to do whatever. But at this point, the client is agreeable to proceed in that fashion.

Ms. Murphy: They are, yeah.

Mr. Plumlee: Okay. I just want to be clear.

Ms. Murphy: And there will be landscaping added if you look at your concept plan in the places where they can possibly add landscaping. Around that, they will.

Mr. Plumlee: So along the neighborhood out front, there will be landscaping.

Ms. Murphy: Yes, that stays, regardless of which plan. Yeah, that's going to stay.

Mr. Coston: Commissioner Camp.

Mr. Camp: Thank you. The reason I asked for the hearing, and I appreciate you taking the time to answer these questions, is to clearly understand what we're voting on. I didn't have a problem with agenda Item 18. I would have supported that. I'll still support that. On 19, I need to understand what it is that we're actually being asked to vote on, because I have a packet in front of me. Has it changed? Are you asking for something different than what is in front of me today?

Ms. Murphy: I believe staff got you the updated, what was in the packet originally showed modest storage in that front, that northern corner of the front parking lot in addition to storage along the side.

Mr. Camp: So you're deleting that in front.

Ms. Murphy: We're deleting the front.

Mr. Camp: Right?

Ms. Murphy: Yes.

Mr. Camp: Okay. So my question then, I guess, transfers to staff in order to approve this in a way that comports with what the applicant is now saying, would we be modifying a condition in the document that's currently in front of us in order to accomplish what she just presented?

Ms. Alcock: So, yes, partly. So condition one, as we recommended it, was that there be no storage in front of the front plane of the building. So I think you could, just, for clarity's sake, if you want to move forward, note the updated exhibit, which only shows the bulk storage to the side of the building and not any further forward than the front plane of the building. Just to clarify that the exhibit that is being moved forward would not include that blue area.

Mr. Camp: So to reduce that in as few words as I can, a motion might be made to approve both 18 and 19 with a substitute exhibit pertaining to 19, as described in our hearing, something like that.

Ms. Alcock: I think that's fine.

Mr. Camp: Okay, then I appreciate you taking the time to walk through that, and I can support that particular motion if somebody wanted to make it.

Mr. Coston: Well, I was thought you were going to make it.

Mr. Camp: So moved.

Ms. Hippen: My understanding is that condition one already says that.

Ms. Murphy: It does because the way the staff report was written, it said, we're recommending denial of the bulk storage as it is. However, if you want to approve the bulk storage, then we're recommending that there not be any storage in the front.

Ms. Hippen: So it all condition number one already says what I think the point.

Ms. Alcock: What I think the condition revision that Commissioner Camp was noting just reflects an updated exhibit to match that. So as condition one is currently written. It is referencing what was presented in the staff report, and staff had added a recommendation that it not include that area in the blue. So this would just make sure the exhibit and the language of condition one matched.

Mr. Plumlee: So if we just simply approved 18 and 19 with all recommended conditions, does that do the same thing?

Ms. Alcock: I still think for clarity, and since we have an updated exhibit that removes that smaller portion of the bulk storage.

Mr. Plumlee: With an updated exhibit to demonstrate what is set forth in Condition 1, so there is no confusion as far as the exhibits that are approved.

Mr. Mauch: So moved as Commissioner Camp had recommended, with Condition 1.

Mr. Cromwell: Second

Mr. Coston: So we have a motion by Commissioner Mauch and a second by Commissioner Cromwell to approve.

Clerk: The vote is open. By a recorded vote of 11 to 0, items 18 and 19, 1036 F.P. Road LLC has been recommended for approval as modified.

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 for Mini-Warehouse

1. The site shall be developed in substantial conformance with the conceptual plan entitled "Proposed Site Plan Haygood CUP" dated April 27, 2026, revised June 3, 2026, revised June 29, 2026, prepared by SISKA AURAND Landscape Architects, Inc. a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development and incorporated herein by this reference.

2. All outdoor lights shall comply with the following:

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

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

3. City Ordinances and Standards remain applicable to this property. Any site plan/plat submitted with this application must meet all applicable City Codes and Standards before site plan/plat approval will be granted. 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.

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.

Conditions for Bulk Storage Yard:

1. The site shall be developed in substantial conformance with the conceptual plan entitled "Proposed Site Plan II Haygood CUP" dated April 27, 2026, revised June 3, 2026, revised June 29, 2026, prepared by SISKA AURAND Landscape Architects, Inc.; however, the Bulk Storage Yard use shall be limited to the area to the south of the existing building and shall not extended beyond the front plane of the existing building on site. A copy of said plan has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development and incorporated herein by this reference.

2. The fencing on the site shall be developed in substantial conformance with the rendering entitled "Fencing Details Haygood CUP" dated April 27, 2026, revised June 29, 2026, prepared by SISKA AURAND Landscape Architects, Inc., a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development and incorporated herein by this reference.

3. Storage containers shall only be moved from 7:00 a.m. to 4:00 p.m., Monday through Friday.

4. The outdoor storage materials shall not be stacked higher than the privacy fence enclosing the bulk storage yard area.

5. All outdoor lights shall comply with the following:

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

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

6. City Ordinances and Standards remain applicable to this property. Any site plan/plat submitted with this application must meet all applicable City Codes and Standards before site plan/plat approval will be granted. 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.

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 July 8, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #20 Steve Merrill Warner and Shari Elaine Warner
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next item on the consent agenda is Item 20, Steve and Shari Warner, property owners. Is there anyone here to speak on this today? Thank you. Please come forward and state your name.

Ms. Warner: Good afternoon. I am Shari Warner. I reside and own at 4317 Ben Gunn Road with my husband, Steve Warner.

Ms. Byler: Are the conditions acceptable to you?

Ms. Warner: Yes.

Ms. Byler: Thank you. You may be seated.

Ms. Warner: Thank you.

Ms. Byler: And I've asked Commissioner Moorjani to read this into the record.

Ms. Moorjani: The applicant, Steve and Shari Warner at 4317 Ben Gunn Road are requesting a conditional use permit to operate a home-based wildlife rehabilitation center within an existing single-family dwelling. The applicant is proposing to rehabilitate small mammals, specifically squirrels, rabbits, and possums. No rabies vector species will be kept on the premises at any given time. The request for a conditional use permit for a home-based wildlife rehabilitation center is acceptable in the eyes of the Planning Commission, as well as staff. Noting the letters that came in about the feeding of the ducks that we can't address within this process, we find it acceptable to place on the consent agenda.

Ms. Byler: Thank you.

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

Ms. Byler: Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications and the minutes on the consent agenda: Items 11, 12, 13, 14, 17, 20, 22, and 23.

Mr. Plumlee: I just want to note for the record: Item 14, I must abstain from for reasons set forth in a letter with the City Attorney's Office.

Mr. Camp: Madam Vice Chair, the minutes for the June 2nd hearings are also on the consent agenda.

Ms. Byler: Yes.

Mr. Coston: Thank you. To have a motion to approve by consent these items as read, Vice Chair.

Ms. Hippen: So moved.

Ms. Cuellar: Second.

Mr. Coston: It has been moved by Commissioner Hippen and seconded by Commissioner Cuellar that we approve these items. Are we ready for the vote?

Clerk: Before we open the vote, your iPads will need to be refreshed as we had to update the agenda. The vote is open. By a recorded vote of 11 to 0, with all aforementioned abstentions, the June 10th, 2026, Informal and Formal minutes, and Items 11, 12, 13, 14, 17, 20, 22, and 23 have been recommended for approval by consent.

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

Vote Tally

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

Conditions

1. This Conditional Use Permit only permits rehabilitation of squirrels, rabbits, and opossums.

2. No wildlife shall be released on the subject property.

3. This application shall comply with all the provisions of Section 242.3 of the City Zoning Ordinance (CZO), as amended, pertaining to a Home-Based Wildlife Rehabilitation Facility.

4. The applicant shall comply with all applicable provisions established for wildlife rehabilitation by the Virginia Department of Wildlife Resources and U.S. Fish and Wildlife Service.

5. No more than 8 animals shall be housed at this property at any given time.

6. Animal waste shall be removed daily and disposed of in a lawful manner.

7. All animals shall be properly and humanely contained within cages within a designated room in the house. Animals shall not be allowed to roam freely outside of the home. If any animal does escape, the City of Virginia Beach Animal Control Department shall be notified immediately.

8. City Ordinances and Standards remain applicable to this property. Any site plan/plat submitted with this application must meet all applicable City Codes and Standards before site plan/plat approval will be granted. 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.

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 July 8, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #21 City of Virginia Beach
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: Thank you. The next item on the consent agenda is Item 21.

Ms. Alcock: Excuse me, Vice Chair. We've had someone sign up to speak in opposition, so that will need to be pulled to the regular agenda.

Ms. Byler: Okay. Thank you.

(The following dialogue reflects the discussion of agenda item 21 during the regular agenda.)

Mr. Coston: Well, we thank everybody for coming today.

Mr. Coston: We have one more.

Clerk: Our final item is Item 21, City of Virginia Beach.

Mr. Plumlee: Somebody.

Ms. Bookholt: And we did have speakers signed up, but I believe they have left. The speaker's in opposition, but you still need to hear this item.

Ms. Byler: There's no speakers in opposition.

Mr. White: Good afternoon. My name is John White. I'm an engineer and project manager on this project for the Facilities Design and Construction Bureau in the Facilities Division Department.

Mr. Plumlee: Mr. Chair, do we have a speaker in opposition to this item?

Ms. Bookholt: There was a speaker signed up in opposition, but they have since left.

Mr. Mauch: Do we know what their opposition was?

Ms. Bookholt: I think there was concern regarding the amount of signage that they would be permitted, so staff can work with that individual for what they would be allowed to have and what maybe alternative options could be to address their signage concerns.

Mr. Coston: Thank you.

Mr. Plumlee: This item was otherwise on consent. If there's not an objection, I'd ask us just to go ahead and consider the motion without additional presentation from the City on this item.

Mr. Mauch: So moved.

Mr. Plumlee: Second.

Mr. Coston: It is moved by Commissioner Mauch and seconded by Commissioner Plumlee that we approve this item.

Clerk: The vote is open. By recorded vote of 11 to 0, Item 21, City of Virginia Beach has been recommended for approval.

Mr. White: Thank you very much.

Mr. Coston: I thank you for everybody coming. Meeting 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 proposed signage shall be developed in substantial conformance with the submitted sign plan package created by Kimley-Horn, entitled "Virginia Beach Wayfinding Interim Improvements" and dated [begin strikethrough]~~May 1, 2026~~[end strikethrough] <u>June 29, 2026</u>, including the shop drawings created by Talley Sign Company and dated January 20, 2026, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning & Community Development.

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

3. City Ordinances and Standards remain applicable to this property. Any site plan/plat submitted with this application must meet all applicable City Codes and Standards before

site plan/plat approval will be granted. 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.

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 July 8, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #22 Atlantic Rental Homes
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: Then the next item on the consent agenda is Item 22. Is there anyone here on behalf of Atlantic Rental Homes, property Owner, Tidewater Asset Group LLC? Thank you, sir. Please come down and tell us your name.

Mr. Davis: Daniel Davis with Atlantic Rental Homes.

Ms. Byler: Hi, Mr. Davis. Are the conditions acceptable to you?

Mr. Davis: Yes.

Ms. Byler: Thank you. You may be seated. Commissioner Schoonover, would you please read this into the record?

Ms. Schoonover: Yes. The applicant, Atlantic Rental Homes, has requested a conditional use permit for 913 Pacific Avenue, Unit B. This is a reasonable request. Has received no objection. Has been placed on the consent agenda.

Ms. Byler: Thank you, Commissioner Schoonover.

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

Ms. Byler: Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications and the minutes on the consent agenda: Items 11, 12, 13, 14, 17, 20, 22, and 23.

Mr. Plumlee: I just want to note for the record: Item 14, I must abstain from for reasons set forth in a letter with the City Attorney's Office.

Mr. Camp: Madam Vice Chair, the minutes for the June 2nd hearings are also on the consent agenda.

Ms. Byler: Yes.

Mr. Coston: Thank you. To have a motion to approve by consent these items as read, Vice Chair.

Ms. Hippen: So moved.

Ms. Cuellar: Second.

Mr. Coston: It has been moved by Commissioner Hippen and seconded by Commissioner Cuellar that we approve these items. Are we ready for the vote?

Clerk: Before we open the vote, your iPads will need to be refreshed as we had to update the agenda. The vote is open. By a recorded vote of 11 to 0, with all aforementioned abstentions, the June 10th, 2026, Informal and Formal minutes, and Items 11, 12, 13, 14, 17, 20, 22, and 23 have been recommended for approval by consent.

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

Vote Tally

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

Conditions

1. The following conditions shall only apply to the dwelling unit addressed as 913 Pacific Avenue, Unit B, and the Short Term Rental use shall only occur in the principal structure.

2. An annual (yearly) STR Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.

3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.

4. All required parking spaces, including off-site spaces, shall be subject to review and approval by the Zoning Administrator and shall be available for use by the Short Term Rental occupants at all times.

5. For properties located within the boundaries of the Residential Parking Permit Program (RPPP), while the Short Term Rental use is active, parking passes issued for the subject dwelling unit(s) through the RPPP shall be limited to two (2) resident passes only. Guest and temporary passes through the RPPP shall not be permitted.

6. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes. It shall be the responsibility of the applicant, their successors, or assigns to initiate renewal of the Conditional Use Permit. The renewal request shall be made in writing to the Zoning Administrator, prior to the established expiration date.

7. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.

8. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.

9. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
    a) A completed Department of Planning and Community Development Short Term Rental Zoning Permit; and
    b) Copies of the Commissioner of Revenue's Office receipt of registration; and
    c) Proof of liability insurance applicable to the rental activity of at least one million dollars.

10. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.

11. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.

12. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.

13. Accessory structures shall not be used or occupied as Short Term Rentals.

14. No signage, except architectural signs naming the structure or other signs as permitted under Sec. 211 shall be permitted on-site, except that each short term rental shall have one (1) four-square

foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a short term rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street. The sign required by this section shall include the owner or property manager's contact information.

15. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.

16. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars ($1,000,000) underwritten by insurers acceptable to the City.

17. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.

18. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, which number shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).

19. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property at any time or times during the permitting process. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in effect at the time of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one smoke alarm installed on every floor of the structure and in the areas adjacent to all sleeping rooms, and when activated, be audible in all sleeping rooms, 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order, and 4) a document showing the required parking approved by the zoning administrator posted in the unit.

    a) A property inspection is required when an operator first applies for a short term rental permit and a subsequent inspection shall occur every five (5) years. In years when an inspection is not required, the property owner or their representative shall submit an attestation to the Department of Planning and Community Development confirming that the short term rental is in compliance with the requirements set forth in this section. If the planning department has good cause to believe that a safety violation exists on the property, it shall conduct an inspection prior to renewing the permit.

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

20. A structural safety inspection report shall be provided to the city every five (5) years indicating all exterior stairways, decks, porches, and balconies with a finished height more than 30 inches above ground level have been inspected by either a licensed design professional, or a licensed and insured Class A, B, or C general contractor qualified to

perform such inspection and are safe for use. The report must confirm the structure has been built to the applicable residential building code standards and are free of observable damage that would render the structure unsafe for use. However, said report shall not be required for an initial period of five (5) years for new construction inspected at the time of completion by the City's Permits and Inspections Division.

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

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

The applicant shall prepare and maintain, to the satisfaction of the City of Virginia Beach's Fire Marshal's Office, a fire safety and evacuation plan in accordance with Chapter 4 of the Virginia Statewide Fire Prevention Code.

Virginia Beach Planning Commission July 8, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #23 Sarah Watkinson
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: And the last item on the consent agenda is item 23, Sarah Watkinson, property owner John and Sarah Watkinson. Is there anyone here to speak on this? Welcome. Please state your name.

Ms. Watkinson: Sarah Watkinson.

Ms. Byler: Ms. Watkinson, are the conditions acceptable to you?

Ms. Watkinson: Yes.

Ms. Byler: Thank you. You may be seated. Commissioner Plumlee, would you please read this into the record?

Mr. Plumlee: Thank you, Vice Chair. Yes. Owners John and Sarah Watkinson, of the location 304 28th Street, Unit 209, have requested a conditional use permit for short-term rental. It meets the requirements of the district. It has been recommended by the staff, and therefore, Planning Commission believed it appropriate for the consent agenda.

Ms. Byler: Thank you, Commissioner Plumlee. Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications and the minutes on the consent agenda: Items 11, 12, 13, 14, 17, 20, 22, and 23.

Mr. Plumlee: I just want to note for the record: Item 14, I must abstain from for reasons set forth in a letter with the City Attorney's Office.

Mr. Camp: Madam Vice Chair, the minutes for the June 2nd hearings are also on the consent agenda.

Ms. Byler: Yes.

Mr. Coston: Thank you. To have a motion to approve by consent these items as read, Vice Chair.

Ms. Hippen: So moved.

Ms. Cuellar: Second.

Mr. Coston: It has been moved by Commissioner Hippen and seconded by Commissioner Cuellar that we approve these items. Are we ready for the vote?

Clerk: Before we open the vote, your iPads will need to be refreshed as we had to update the agenda. The vote is open. By a recorded vote of 11 to 0, with all aforementioned abstentions, the June 10th, 2026, Informal and Formal minutes, and Items 11, 12, 13, 14, 17, 20, 22, and 23 have been recommended for approval by consent.

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

Vote Tally

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

Conditions

1. The following conditions shall only apply to the dwelling unit addressed as 304 28th Street, Unit 209, and the Short Term Rental use shall only occur in the principal structure.

2. An annual (yearly) STR Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.

3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.

4. All required parking spaces, including off-site spaces, shall be subject to review and approval by the Zoning Administrator and shall be available for use by the Short Term Rental occupants at all times.

5. For properties located within the boundaries of the Residential Parking Permit Program (RPPP), while the Short Term Rental use is active, parking passes issued for the subject dwelling unit(s) through the RPPP shall be limited to two (2) resident passes only. Guest and temporary passes through the RPPP shall not be permitted.

6. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning

Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes. It shall be the responsibility of the applicant, their successors, or assigns to initiate renewal of the Conditional Use Permit. The renewal request shall be made in writing to the Zoning Administrator, prior to the established expiration date.

7. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.

8. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.

9. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
   a) A completed Department of Planning and Community Development Short Term Rental Zoning Permit; and
   b) Copies of the Commissioner of Revenue's Office receipt of registration; and
   c) Proof of liability insurance applicable to the rental activity of at least one million dollars.

10. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.

11. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.

12. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.

13. Accessory structures shall not be used or occupied as Short Term Rentals.

14. No signage, except architectural signs naming the structure or other signs as permitted under Sec. 211 shall be permitted on-site, except that each short term rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a short term rental and provides the telephone

numbers for the Short Term Rental Hotlines in text large enough to be read from the public street. The sign required by this section shall include the owner or property manager's contact information.

15. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.

16. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars ($1,000,000) underwritten by insurers acceptable to the City.

17. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.

18. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, which number shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).

19. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property at any time or times during the permitting process. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in effect at the time of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one smoke alarm installed on every floor of the structure and in the areas adjacent to all sleeping rooms, and when activated, be audible in all sleeping rooms, 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order, and 4) a document showing the required parking approved by the zoning administrator posted in the unit.

    a) A property inspection is required when an operator first applies for a short term rental permit and a subsequent inspection shall occur every five (5) years. In years when an inspection is not required, the property owner or their representative shall submit an attestation to the Department of Planning and Community Development confirming that the short term rental is in compliance with the requirements set forth in this section. If the planning department has good cause to believe that a safety violation exists on the property, it shall conduct an inspection prior to renewing the permit.

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

20. A structural safety inspection report shall be provided to the city every five (5) years indicating all exterior stairways, decks, porches, and balconies with a finished height more than 30 inches above ground level have been inspected by either a licensed design professional, or a licensed and insured Class A, B, or C general contractor qualified to perform such inspection and are safe for use. The report must confirm the structure has

been built to the applicable residential building code standards and are free of observable damage that would render the structure unsafe for use. However, said report shall not be required for an initial period of five (5) years for new construction inspected at the time of completion by the City's Permits and Inspections Division.

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

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

The applicant shall prepare and maintain, to the satisfaction of the City of Virginia Beach's Fire Marshal's Office, a fire safety and evacuation plan in accordance with Chapter 4 of the Virginia Statewide Fire Prevention Code.